







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.
1903.

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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 Clause lettered (1) of said Ordinance No. 15 of 1902 is hereby repealed and the following is substituted therefor: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 6
repealed.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 Tenyson 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 expenses 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 ending 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 the purpose for which the same is granted:

For assisting in the assaying and in the development 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.”

“9. ‘Improvements’ extend to and mean all buildings and structures and all machinery and fixtures annexed to any building or structure.” “Improvements.”

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, s. b-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:

"Assessment
of
partnerships."

"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, of 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 pa;

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.

FOR MAYOR
JONES, JOHN
LOW, SAM
PATRICK, JAMES

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.

- Restrictions.** 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.
- Expiry of license.** 6. Every license issued under this Ordinance shall expire on the thirty-first day of December of the year in which it is issued.
- Penalty.** 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.
- Not to apply to municipality.** 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.

**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 words "registering" or "registration" mean 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.

FEEES.

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, how 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.

“(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 1893.

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 Oct. 16th, 1903.

Whereas, it appears by message from Frederick Tennyson Congdon, Commissioner of the Yukon Territory, and in the Supplemental 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 \$280,488.48
granted for
financial year
1902-1903.

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

\$527,323.22
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
accounted 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 traveling 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, Members 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 established 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 Oct. 16th, 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 repealed; new sec. substituted,** 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 Oct. 16th, 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 certificates 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 persons who may be entered 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 Oct. 16th, 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 Chairm

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 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 Oct. 16th, 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 Hezekiah 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 Cresswell, 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 Oct. 16th, 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:

"1. 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. 8. 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.

9. Sub-section 1 of Rule 17 is repealed and the following substituted therefor: Sub-sec. 1, rule 14, repealed and new rule substituted.

“(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 herein-after 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 six¹ 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 sub-
stituted for
rule 363.

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

Goods should
be exhausted
before lands
sold.

"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 in 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 sub-
stituted 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 sub-
stituted.

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 re-
ceiver 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 sub-
stituted.

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

Costs of writ of
attachment 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,
repealed and
new rule sub-
stituted.

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 therefor 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 stenographer's 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.

48. Rule 515 is repealed and the following substituted therefor:

Admit further evidence or draw inferences of fact.

"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.)

Notice of appeal by respondent.

"(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.)

Length of notice by respondent.

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."

Rule 516 amended.

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

Rule 518 amended.

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

Rule 521 repealed and new rule substituted.

"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

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. 88o.)

Rule 557 re-
pealed.

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 sumomns 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...
infor the.....
day of.....next.

.....
Plaintiff's Solicitor.

Dated.....
To the Defendant's Solicitor.

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ORDINANCES
OF THE
Yukon Territory

PASSED BY THE YUKON COUNCIL

IN THE YEAR

1904

**FREDERICK TENNYSON CONGDON,
COMMISSIONER.**



DAWSON.
THE YUKON WORLD PRESS,
1904.

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CHAPTER 1.

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, 1903, TO JUNE 30TH, 1904, AND FOR THE PURPOSES RELATING THERETO.

(Assented to January 7, 1904.)

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 the Schedule 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, 1904. Preamble.

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 one hundred and thirteen thousand, five hundred dollars for defraying the several charges and expenses of the public service, ending June 30th, 1904, as set forth in the Schedule to this ordinance. \$113,500 granted for further expenses of public service.

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

SCHEDULE.

To Ordinance No. 1 of 1904.

For the construction, maintenance and repairs of public buildings in the Yukon Territory, under the management of the Yukon Council and to provide for any clerical assistance that may be required for this purpose.....	\$93,520.00
To re-imburse Messrs. A. B. and Russell H. Palmer for expenditure made for the construction of the Gold Run road, in full of all demands against the Dominion Government and the Government of the Yukon Territory	19,980.00
	\$113,500.00

CHAPTER 2.

AN ORDINANCE TO AMEND CHAPTER 1 OF THE CONSOLIDATED ORDINANCES OF THE YUKON TERRITORY, ENTITLED "AN ORDINANCE RESPECTING THE FORM AND INTERPRETATION OF ORDINANCES."

(Assented to January 7th, 1904.)

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

Section 48 of Chapter 1 of the Consolidated Ordinances of the Yukon Territory, entitled an Ordinance Respecting the Form and Interpretation of Ordinances, is amended by adding thereto the following subsection

Provisions
respecting
convictions.

48a. Whenever any conviction made under the Ordinances of the Yukon Territory adjudges a pecuniary penalty or compensation to be paid, or an order requires the payment of a sum of money whether the Ordinance authorizing such conviction or order does or does not provide the mode of raising or levying the penalty, compensation or sum of money, or of enforcing the payment thereof, the justice by his conviction or order, after adjudging payment of such penalty, compensation or sum of money with or without costs, may order and adjudge mutatis mutandis as if the conviction were under Section 872 of the Criminal Code, 1892.

CHAPTER 3.

AN ORDINANCE TO AMEND CHAPTER 79 OF THE CONSOLIDATED ORDINANCES OF THE YUKON TERRITORY, ENTITLED, "AN ORDINANCE RESPECTING THE LICENSING OF BILLIARD AND OTHER TABLES."

(Assented to August 24th, 1904.)

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 said Ordinance is repealed and the following substituted therefor Sec. 2 repealed

2. To obtain a license the applicant shall, if he applied on or before the thirtieth day of June, pay to the officer issuing the same, according to the following scale

(a) If the license be for a single billiard or pool table, Ten dollars, and for every such additional table, Five dollars. Scale of fees.

(b) For every bagatelle, Mississippi, pigeon-hole or other table, or board with balls, Ten dollars.

(c) For every bowling alley, twenty-five dollars.

CHAPTER 4.**AN ORDINANCE RESPECTING PUBLIC PRINTING.**

(Assented to August 24th, 1904.)

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 Public Printing Ordinance."

King's Printer to be appointed by Commissioner

2. The Commissioner of the Yukon Territory shall appoint a person to be known as the King's Printer to assist in the performance of the duties required by the Ordinance. He shall perform under the direction and supervision of the Commissioner all such duties as from time to time are assigned to him by law or by order of the Commissioner, and shall be paid such salary as the Commissioner shall determine.

Duties of King's Printer

3. It shall be the duty of the King's Printer to be caused to be printed and published for the Government of the Yukon Territory under his superintendence the official gazette of the Territory, to be known as "The Yukon Gazette," the Ordinances of the Yukon Territory, the Proceedings of the Yukon Council, and all such official and departmental and other reports, books, forms, documents, and other papers as are required to be printed at the expense of the Territory, and shall perform all such other duties as are from time to time assigned to him by the Commissioner, and whatever is printed under his superintendence by authority of this Ordinance shall be held to be printed by the King's Printer.

Printing to be done under contract.

4. The printing, binding and other like work to be done under the superintendence of the King's Printer shall be done and furnished under contracts entered into under the authority of the Commissioner in such form and for such time as the Commissioner appoints and deems advisable.

Commissioner to direct style of printing,

5. The Ordinances and Proceedings of the Yukon Council shall be printed and published in such form and style as the Commissioner directs.

Distribution of ordinances.

6. The King's Printer shall immediately after the close of each session of the Yukon Council, or so soon after as is practicable, deliver or transmit by post or otherwise in the most economical mode the proper number of printed copies of the Ordinances of the Council to such persons as may be designated by the Commissioner.

7. The King's Printer shall print and publish or cause to be printed and published for the Government under his superintendence the official gazette of the Territory, which shall be known as "The Yukon Gazette." **The Yukon Gazette.**

8. Proclamations, official and other notices, and all such matter whatsoever as the Commissioner requires to be published, shall be published in The Yukon Gazette; and all advertisements, notices or publications which by any ordinance or law in force in the Territory are required to be published by the Territorial Government or any department thereof, or by the Sheriff or other officer, or by any officer or person whomsoever, shall be published in such Yukon Gazette, unless some other mode of publishing the same is directed by law. **Contents of Gazette.**

9. The Commissioner may from time to time prescribe the form, mode and conditions of the publication of The Yukon Gazette and designate the public bodies, officers and persons to whom it shall be sent without charge, and regulate the publication of notices, advertisements and documents for persons other than the Government; and all sums payable for subscriptions and charges shall be paid in advance to the King's Printer. **Form of Gazette, etc.,**

10. The King's Printer shall make quarterly returns under oath of all moneys received by him for subscriptions to The Yukon Gazette and for advertising therein, and shall pay over all sums so received to the Comptroller of the Territory, and such said sums shall form part of the Local Revenue Fund of the territory. **Quarterly returns.**

11. The King's Printer shall assist the Commissioner in preparing advertisements, specifications and contracts in connection with public printing, examine all work done under any contract, and require contractors to carry out fully the terms and provisions of the same. **King's Printer to assist in preparation of contracts, etc.**

(2) He shall check and audit all accounts for advertising rendered to the Commissioner or any department or officer thereof. **To audit accounts.**

12. No money for printing, binding or other such work shall be paid out of the Local Revenue Fund without a certificate from the King's Printer that the work has been properly done, and that the person who did the same is lawfully entitled to receive the amount certified to. **To certify to accounts.**

(2) If the King's Printer signs any false or fraudulent certificate under this section, he shall, in addition to any other penalty to which he is liable, forfeit and pay a sum equal to the amount so falsely or fraudulently certified. **Penalty for fraudulent certificate.**

Record of work to be kept.

13. The King's Printer shall keep an accurate record of all transactions of his office, and furnish a report of the same annually to the Commissioner, by whom the same shall be submitted to the council.

Annual estimate to be prepared.

14. The King's Printer shall prepare annually an estimate of the sums which will probably be required to provide for all public printing during the financial year, which estimate shall be submitted to the Commissioner for his approval, and shall be laid before the Yukon Council with the other estimates for the year.

Commissioner to make rules for King's Printer.

15. The Commissioner may make all such rules and regulations not inconsistent with this ordinance as are deemed advisable for the direction of the King's Printer.

Expenses—how provided.

16. The expenses to be incurred under the foregoing provisions of this ordinance shall be paid out of such moneys as are appropriated for the purpose by the Commissioner in council, and accounted for in like manner as other moneys expended for the public service.

Chap. 16 Con. Ord. repealed.

17. Chapter 16 of the Consolidated Ordinances entitled "An Ordinance Establishing 'A Yukon Official Gazette'" is hereby repealed.

CHAPTER 5.

AN ORDINANCE RESPECTING WITNESSES AND EVIDENCE.

(Assented to August 24th, 1904.)

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 Evidence Ordinance." Title.

2. In this Ordinance unless the context otherwise requires, Interpretation
 - (a) The expression "witnesses" includes parties to an action when entitled or compellable to be examined ; "Witnesses."
 - (b) The expression "Commissioner" includes a commissioner appointed for taking affidavits, and also a commissioner and any other person specially authorized under this Ordinance or "The Judicature Ordinance" or the rules of the Territorial Court to take examinations, depositions, affirmations or answers ; "Commissioner."
 - (c) The expression "Court" includes any person having by law or consent of parties authority to receive evidence. "Court."

3. Evidence of any statute of the Imperial Parliament, of the Parliament of Canada, or of any province, colony or territory forming part of Canada or of any ordinances of this territory or of any territory of Canada, may be given in any court by the reproduction of a copy of such statute or ordinance purporting to be printed and published by the King's Printer or the Government Printer for Great Britain or Canada, or for such province, colony or territory. Evidence of any British or Colonial statute given by production of copy printed by King's Printer.

PUBLIC DOCUMENTS.

4. Imperial proclamations, orders in council, treaties, orders, warrants, licenses, certificates, rules, regulations, or other Imperial official records, acts, or documents, may be proved Imperial proclamations, orders in council, etc., proved in same manner
 - (a) In the same manner as the same are from time to time provable in any Court in England ; or, As in courts in England.
 - (b) By the production of a copy of the Canada Gazette, or a volume of the Acts of the Parliament of Canada purporting to contain a copy of the same, or a notice thereof ; or By production of Canada Gazette or volume of Acts of Canada

By production of copy printed by King's Printer

(c) By the production of a copy thereof, purporting to be printed by the King's Printer for Canada or for the Yukon Territory.

Evidence of any proclamation, order, etc., made by Governor General may be given.

5. Evidence of any proclamation, order, regulation, or appointment made or issued by the Governor General or by the Governor General in Council, or by or under the authority of any minister or head of any department of the Government of Canada, may be given in any Court of justice in the Yukon Territory and in all or any legal proceedings of any kind in the Yukon Territory, in any one of the modes hereinafter mentioned, that is to say

By production of Canada Gazette or volume of Act.

(a) By the production of a copy of the Canada Gazette or of a volume of the Acts of Parliament of Canada, purporting to contain a copy of such proclamation, order, regulation or appointment, or a notice thereof ;

By production of a copy printed by King's Printer

(b) By the production, in case of any proclamation, order, regulation or appointment, of a copy thereof purporting to be printed by the King's Printer of Canada ; or

By production of a copy certified by clerk of King's Privy Council.

(c) By the production in case of any proclamation, order, regulation or appointment, made or issued by the Governor General or by the Governor General in Council, of a copy or extract purporting to be a true copy thereof by the clerk or assistant, or acting clerk of the King's Privy Council for Canada ; and in the case of any order, regulation or appointment made or issued by or under the authority of any minister or head of a department by the production of a copy thereof, or extract therefrom, purporting to be certified as true by such minister or by his deputy or acting deputy, or by the secretary, or acting secretary of the department over which he presides.

Evidence of any proclamation, order, etc., made by a Lieutenant Governor may be given.

6. Evidence of any proclamation, order, regulation or appointment made or issued by the Lieutenant Governor or Lieutenant Governor in Council of any of the provinces or territories of Canada, or by or under the authority of any member of the executive council, being the head of any department of the Government of such province or territory or by the Commissioner of the Yukon Territory, may be given in any Court of justice in the Yukon Territory and in all or any legal proceedings of any kind in the Yukon Territory, in any one of the modes hereinafter mentioned, that is to say :

By production of copy printed by King's Printer

(a) By the production of a copy of such proclamation, order, regulation or appointment, purporting to be printed by the King's

Printer of the Yukon Territory, or by the Government Printer for the province or territory ;

(b) By the production of a copy of the Official Gazette for the province or territory, purporting to contain a copy of such proclamation, order, regulation or appointment or a notice thereof ;

By production of Official Gazette.

(c) By the production of a copy or extract of such proclamation, order, regulation or appointment certified to be a true copy by the clerk or assistant clerk or acting clerk of the executive council or by the head of any department of any such provincial or territorial government or by his deputy or acting deputy as the case may be.

By production of copy certified by clerk of executive council.

7. Any order in writing signed by the Secretary of State of Canada, and purporting to be written by command of the Governor General, shall be received in evidence as the order of the Governor General.

Any order signed by Secretary of State received in evidence.

8. Any order in writing signed by the Territorial Secretary of the Yukon Territory and purporting to be written by command of the Commissioner of the Yukon Territory shall be received in evidence as the order of the Commissioner.

Any order signed by the Territorial Secretary received in evidence.

9. Proclamations, treaties and other acts of state of any foreign state, or of any British colony may be proved by the production of a copy purporting to be sealed with the seal of the foreign state or British colony to which the original document belongs.

Proclamations etc., of foreign states proved by production of copy sealed.

OFFICIAL DOCUMENTS.

10. All copies of official and other notices, advertisements and documents printed in the Canada Gazette or in the Yukon Gazette shall be prima facie evidence of the original and of the contents thereof.

Production of Gazette containing notices, etc., prima facie evidence.

11. In every case in which the original record could be received in evidence,

When original record can be received in evidence.

(a) A copy of any grant, map, plan, report, letter, or official or public document, belonging to or deposited in any department of the Government of Canada, of this territory, or of any province or territory of Canada, purporting to be certified under the hand of any officer or person in whose custody such grant, map, plan, report, letter, or official or public document is placed, and

Copy certified to by officer shall be received.

(b) A copy of a document by law, rule, regulation or proceeding or of any entry in any register or other book of any municipal or other corporation created by charter or statute of Canada or of this territory, or of any province or territory of Canada, pur-

porting to be certified under the seal of the corporation and the hand of the presiding officer, clerk, or secretary thereof,

shall be received in evidence in any Court without proof of the seal of the corporation or of the signature, or of the official character of the person or persons appearing to have signed the same, and without further proof thereof.

Certificate granted by Treasury Board under Sec. 14, Ch. 31 s. c. 53 Vic., to be received as evidence.

12. Every certificate granted by the Treasury Board under the fourteenth section of Chapter thirty-one of the Acts of Canada for the fifty-third year of Her Majesty's reign, 1890, entitled, "An Act Respecting Banks and Banking," shall, on proof of the signature subscribed thereto, be received as evidence of the contents of such certificate, and that the same was granted by such Treasury Board.

Copy of entry in any departmental book proved by oath of officer to be received in evidence.

13. A copy of any entry in any book kept in any department of the Government of Canada, or of this territory, shall be received as evidence in any Court of such entry, and of the matters, transactions, and accounts therein recorded, if it is proved by the oath or affidavit of an officer of such department that such book was, at the time of the making of the entry, one of the ordinary books kept in such department, that the entry was made in the usual and ordinary course of business of such department, and that such copy is a true copy thereof.

Contents of books, etc., of public nature may be proved by certificate of officer.

14. Where a book or other document is of so public a nature as to be admissible in evidence on its mere production from the proper custody, and no other statute exists which renders its contents provable by means of a copy, a copy thereof or extract therefrom shall be received in evidence in any Court, provided it is proved that it is a copy or extract purporting to be certified to be true by the officer to whose custody the original has been entrusted.

DOCUMENTS IN COURTS.

Copy of Court documents, etc., certified by officer received in evidence.

15. (1) A copy of any document, writing, or proceeding, filed in any Court in this territory, shall be received as evidence to the same extent as the original, if it is certified under the seal of the Court, or by the proper officer under his hand.

Copy of judgments, certified by officer, sufficient proof thereof.

(2) A copy of any order for judgment, or of the entry of the judgment in the docket of judgments, certified under the hand of the proper officer, shall be sufficient proof of the judgment in any Court without the production of any record or other proceeding in the action.

16. Evidence of any proceeding or record whatsoever of, in, or before any Court in the United Kingdom, or the Supreme or Exchequer Courts of Canada, or any Court, or before any justice of the peace, or any coroner, in any province or territory of Canada, or any Court in any British colony or possession, or any Court of record of the United States of America, or of any state of the United States of America, or of any other foreign country, may be given in any action or proceeding by a certified copy thereof, purporting to be under the seal of such Court, or under the hand or seal of such justice or coroner, as the case may be, without any proof of the authenticity of such seal, or of the signature of such justice or coroner, or other proof whatever; and if any such Court, justice, or coroner has no seal, or so certifies, then by a copy purporting to be certified under the signature of a judge or presiding magistrate of such Court, or of such justice or coroner, without any proof of the authenticity of such signature, or other proof whatsoever.

Evidence of proceeding in any court may be given by production of certified copy thereof.

SHIPS' TITLES.

17. (1) Every register of, or declaration made in respect to, any British ship, in pursuance of any of the Acts relating to the registry of British ships, may be proved in any Court, either by the production of the original, or by a copy thereof, purporting to be certified under the hand of the person having the custody of the original.

Registration of a ship proved by copy certified to by custodian of original.

(2) Every register, or copy of register, and every certificate of registry granted under any of the Acts relating to the registry of British vessels, and purporting to be signed as required by law, shall be received in evidence in any Court as presumptive proof of all the matters contained or recited in such register, when the register, or such copy thereof as aforesaid, is produced, and of all the matters contained or recited in, or indorsed upon, such certificate of registry when such certificate is produced.

Register or copy and certificate of registry granted and signed as required, shall be received in evidence as presumptive proof thereof.

DOCUMENTS ADMISSIBLE IN ENGLAND.

18. Every document which is admissible in evidence of any particular in any Court of justice in England, or Ireland, without proof of the seal, or stamp, or signature, authenticating the same, or of the judicial or official character of the person appearing to have signed the same, shall be received in evidence to the same extent, and for the same purposes, in any Court without proof of the seal, or stamp, or signature authenticating the same, or of the judicial or official character of the person appearing to have signed the same.

Documents received in courts of England and Ireland without proof of signature, etc., to be received in same manner in any Court.

TOWNSITES AND GRANTS.

Plans of townsites or of partition of land may be proved by production of

19. (1) The plan of any townsite, or the plan of partition, allotment or location of any Crown grant of land in this territory, may be proved in any Court by the production,

Copy certified by Crown Timber and Land Agent.

(a) Of a copy of any such plan, certified by the Crown Timber and Land Agent to be a copy of the original plan, or of the duplicate original plan, or the certified copy of the plan on file in his department; or

Copy certified by Registrar of Registration District.

(b) Of a copy of any such plan on file in the Land Titles' Office for any of the Yukon Land Registration Districts in which such townsite or land granted is, in whole or in part, situated, provided such copy is certified by the Registrar of any of such Land Registration Districts to be a true copy of the original plan (or of such duplicate or certified copy) on file in his department.

Plans on file in registry office certified to by Land Agent, Assistant Gold Commissioner or Director of Surveys presumptive evidence.

(2) Every such plan on file in such registry office which bears the certificate of the Crown Timber and Land Agent or of the Assistant Gold Commissioner or of the Director of Surveys or of any former Crown Timber and Land Agent, Assistant Gold Commissioner or Director of Surveys, to the effect that such plan is an original plan returned to the said respective offices, shall be presumptive evidence that the same is the original plan so returned.

Plans accepted without proof of report in respect thereof.

(3) Every such plan or copy shall be received in evidence without proof of the report or other proceedings taken in respect to the partition, location or allotment of such townsite or grant.

Any document in respect to townsite or land proved by copy certified to by custodian thereof.

(4) The report, allotment, or other document in respect to any townsite, or in respect to the partition, allotment, or location of any grant of land, may be proved in any Court by the production of a copy, certified by the proper officer having custody of the same, to be a true copy of the original document on file in his department.

Five days notice to be given.

(5) If there is comprised in any such plan or document more than one lot of the original lots, it shall be sufficient to produce in evidence an extract, representing or having reference to the lot in question, certified to be a true extract, provided that the party intending to produce the same has, five days before the trial, given to the party against whom it is intended to be produced notice of such intention.

Duplicate original deposited in Crown Timber office certified by agent to be received in evidence.

20. (1) A copy of any duplicate original of a grant or patent from the Crown deposited in the Crown Timber and Land Office, or in the Land Titles' Office, certified by the agent or Registrar at said office, shall be received in evidence in any Court to the same extent as the original grant or patent.

(2) If any such duplicate original contains a reference to any plan, and there is on file in such office a plan corresponding to the description in, or meeting the requirements of, the said duplicate original, such plan shall be deemed to be the plan referred to in such duplicate original, notwithstanding the same is not annexed to such duplicate original.

Plan filed in said offices and referred to in duplicate original deemed to be plan referred to.

DEEDS, WILLS, AND OTHER DOCUMENTS.

21. A copy of any deed, or any document on file in the Land Titles' Office certified under the hand of the Registrar or proved to be a true copy taken therefrom shall be taken in evidence in place of the original.

Copy of deeds, etc., in Land Titles Office certified by Registrar accepted in evidence.

22. (1) The probate of a will, or a copy thereof, certified under the hand of the clerk of the Territorial Court, or proved to be a true copy of the original will, when such will shall have been probated, shall be received as evidence of the original will; but the Court may, upon due cause shown upon affidavit, order the original will to be produced in evidence, or may direct such other proof of the original will as under the circumstances appears necessary or reasonable for testing the authenticity of the alleged original will and its unaltered condition, and the correctness of the prepared copy.

Copy of probate of will certified by Territorial Clerk accepted in evidence.

(2) This section shall apply to wills and the probate and copies of wills proved elsewhere than in this territory, provided that the original wills have been deposited, and the probate and copies granted in Courts having jurisdiction over the proof of wills and administration of intestate estates, or the custody of wills.

Section shall apply to wills, etc., proved outside the territory.

23. A party intending to avail himself of the next two preceding sections shall give notice, in writing, of such intention to the opposite party at least five days before the trial, with a schedule of the deeds, documents or wills so intended to be given in evidence, and the books wherein the same are registered; but the judge may dispense with such notice if he is satisfied that no injustice has been done by the want thereof.

Five days notice to be given.

24. Every bill of sale or other document filed in the office of the Gold Commissioner, may be proved in any Court by the production of a copy thereof certified under the hand of the Gold Commissioner or Assistant Gold Commissioner.

Bill of sale, etc., in Gold Commissioner's office proved by copy certified by Gold Commissioner.

25. The registration of any deed, or other document registered in the Land Titles Office, may be proved in any Court by the production of the certificate of registry signed by the Registrar, indorsed on such deed or document, or upon any certified copy of such deed or document.

Registration of any deed, etc., in Land Titles Office, etc., proved by certificate of Registrar endorsed on deed.

Registration of any deed, etc., in G. C.'s office proved by certificate of G. C. endorsed on deed.

26. The registration of any bill of sale or other document registered in the Gold Commissioner's Office, may be proved in any Court by the production of the certificate of registry signed by the Gold Commissioner or any person authorized to sign on his behalf, indorsed on such bill of sale or document, or upon any certified copy of such bill of sale or document.

Any document executed outside Territory received in evidence if accompanied by certificate required by Land Titles Office.

27. A deed, bill of sale or other document executed out of the territory, as well in foreign countries as in British dominions, shall be received in evidence in any Court, if such deed, bill of sale or other document, is accompanied by such certificate of execution as is required to obtain registration thereof in the Land Titles' Office within the Territory.

Production of protest by notary public of bill of exchange, etc., prima facie evidence.

28. The production in any Court of any protest, wherever made, under the hand or seal of one or more Notaries Public, of a bill of exchange or promissory note, shall be prima facie evidence of the making of such protest, and of the statements therein contained.

Any note, etc., made by notary prima facie evidence of non-acceptance, etc., of bill of exchange, etc.

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

Five days' notice.

30. In any action or other proceeding where a party intends to prove a telegraphic message, he may give notice to the opposite party, at least five days before the trial or other proceeding, that he intends, at such trial or proceeding, to give in evidence as proof of the contents of the original telegraphic message the message received by him from the telegraph office, and such message, so received, shall be received as such proof in any Court, provided the party so receiving the same proves that it was received at the telegraph office of the place to which it purports to be addressed.

MODE OF PROVING.

No proof of handwriting or official position of person certifying to any proclamation, etc., required.

31. No proof shall be required of the handwriting or official position of any person certifying, in pursuance of this ordinance, to the truth of any copy of or extract from any proclamation, order, regulation, appointment, book, grant, map, plan, will, deed or other document; and any such copy or extract may be in print or in writing, or partly in print and partly in writing.

32. It shall not be necessary to prove by the attesting witness, any instrument to the validity of which attestation is not requisite; and such instrument may be proved by admission or otherwise, as if there had been no attesting witness thereto.

Not necessary to prove by attesting witness an instrument where attestation is not necessary.

33. Comparison of a disputed writing with any writing proved to the satisfaction of the judge to be genuine, shall be permitted to be made by witnesses, and such writing, and the evidence of witnesses respecting the same, may be submitted to the Court and jury as evidence of the genuineness or otherwise of the writing in dispute.

Comparison of disputed writing with genuine permitted.

COMPETENCY OF WITNESSES.

34. No person shall be an incompetent witness by reason of incapacity from crime or from interest.

No person incompetent witness through crime or interest.

35. On the trial of any action, matter, or proceeding in any Court, the parties thereto, and the persons in whose behalf any such action, matter, or proceeding is brought, or instituted, or opposed, or defended, and the husbands and wives of such parties and persons, shall, except as hereinafter excepted, be competent and compellable to give evidence, according to the practice of the Court, on behalf of either or any of the parties to the action, matter or proceeding. Provided, that in any action, or proceeding in any Court, by or against the heirs, executors, administrators, or assigns of a deceased person, an opposite or interested party to the action shall not obtain a verdict, judgment, award, or decision therein on his own testimony, or that of his wife, or both of them, in respect to any dealing, transaction, or agreement with the deceased, or in respect to any act, statement, acknowledgement, or admission of the deceased, unless such testimony is corroborated by other material evidence.

Parties to an action and their wives or husbands are competent and compellable witnesses.

Corroboration required in case representation of deceased persons.

36. Nothing in the next preceding section shall apply to any action, suit, or proceeding in any Court instituted by the husband or wife in consequence of adultery.

Preceding section not to apply to action in consequence of adultery.

37. (1) Nothing in this Ordinance contained shall render any person compellable to answer any question tending to subject him to criminal proceedings, or to prosecution for any penalty.

Witness not obliged to answer self-incriminating questions, etc.

(2) Nothing in this Ordinance contained shall render any person who, in any criminal proceeding, is charged with the commission of any offence under the Ordinances of the Territory, or the wife or husband of the person so charged, compellable to give evidence against the person so charged.

No person charged with offense, or husband or wife a compellable witness.

Husband and wife not compelled to disclose communications between one another during marriage.

38. No husband shall be compellable to disclose any communication made to him by his wife during the marriage; and no wife shall be compellable to disclose any communication made to her by her husband during the marriage.

ATTENDANCE OF WITNESSES.

Witnesses not obliged to attend court if fees are not paid.

39. No person shall be obliged to attend or give evidence in any action, before any Court, unless he is tendered his legal fees for such attendance and necessary travel.

EXAMINATION OF WITNESSES.

Party not allowed to impeach credibility of his own witness.

40. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character; but he may, in case the witness, in the opinion of the judge, proves adverse, contradict him by other evidence, or, by leave of the judge, prove that he has made at other times a statement inconsistent with his present testimony; but before such last mentioned proof can be given the circumstances of the supposed statement, sufficient to designate the particular occasion, shall be mentioned to the witness, and he shall be asked whether or not he made such statement.

If witness on cross-examination denies having made a certain statement, proof may be given that he did make it.

41. If a witness, upon cross-examination as to a former statement made by him relative to the subject-matter of a cause, and inconsistent with his present testimony, does not distinctly admit that he made such statement, proof may be given that he did in fact make it; but before such proof can be given the circumstances of the supposed statement, sufficient to designate the particular occasion, shall be mentioned to the witness, and he shall be asked whether or not he made such statement.

Witness may be cross-examined as to previous statement in writing, but if it is intended to contradict witness, the writing must be first shown him.

42. A witness may be cross-examined as to previous statements made by him in writing, or reduced into writing, relative to the subject matter of the cause, without such writing being shown to him, but if it is intended to contradict such witness by the writing, his attention shall, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him. Provided always that it shall be competent for the judge, at any time during the trial, to require the production of the writing for his inspection; and he may thereupon make such use of it for the purposes of the trial as he thinks fit.

Witness may be questioned as to whether he has been convicted of any crime.

43. A witness in any cause may be questioned as to whether he has been convicted of any crime; and upon being so questioned, if he either denies the fact or refuses to answer, the opposite party may prove such conviction; and a certificate, containing the substance and effect only

(omitting the formal part) of the indictment and conviction for the offence, purporting to be signed by the Clerk of the Court or other officer having custody of the records of the Court in which the witness was convicted, or by the deputy of such clerk or officer shall, upon proof of the identity of the person, be sufficient evidence of the conviction, without proof of the signature or official character of the person appearing to have signed the same.

ADMINISTERING OATHS AND AFFIRMATIONS.

44. (1) Every person, upon objecting to being sworn and stating, as the ground of such objections, either that he has no religious belief, or that the taking of an oath is contrary to his religious belief, shall be permitted to make his solemn affirmation instead of taking an oath, in all places and for all purposes where an oath is or shall be required by law, which affirmation shall be of the same force and effect as if he had taken the oath.

If witness objects to taking oath he may affirm.

(2) Every such affirmation shall be as follows "I, A.B., do solemnly, sincerely and truly declare and affirm," and then proceed with the words of the oath prescribed by law, omitting any words of imprecation or calling to witness.

Form of affirmation.

45. Every Court, judge, justice, officer, commissioner, arbitrator, or other person now or hereafter having, by law or by consent of parties, authority to hear, receive, and examine evidence, may administer an oath to any witness legally called before such Court, judge, justice, officer, commissioner, arbitrator, or other person respectively, and administer an affirmation to any witness who is exempted from taking an oath.

Who may administer oath.

OATHS, AFFIDAVITS, ETC., ABROAD.

46. Oaths, affidavits, affirmations or declarations administered, sworn, affirmed or made out of the territory before some one of the following persons :

By whom oaths, etc., may be administered outside of the Territory.

(a) A commissioner authorized by the laws of the Yukon Territory to take affidavits in and for any of the courts of this Territory ;

(b) A commissioner authorized to administer oaths in the Supreme Court of Judicature in England or Ireland ;

(c) A judge of the Supreme Court of Judicature in England or Ireland ;

(d) A judge of the Court of Sessions or the Justiciary Court in Scotland ;

WITNESSES AND EVIDENCE.

(e) A judge of any of the county Courts of Great Britain or Ireland ;

(f) A judge of any Court of record or of supreme jurisdiction in any colony or possession belonging to the Crown of Great Britain, or any dependency thereof, or in any foreign country ;

(g) The mayor or chief magistrate of any city, borough, or town corporate, in Great Britain or Ireland, or in any colony of His Majesty, or in any foreign country, and certified under the common seal of such city, borough, or town corporate ;

(h) If made in the British possessions of India, any magistrate or collector certified to be such under the hand of the Governor of any such possession ;

(i) If made in Quebec, a judge or prothonotary of the Superior Court or clerk of the Circuit Court, or a Judge of Sessions ;

(j) A notary public, and certified under his hand and official seal wherever made ;

(k) Consul General, Consul, Vice-Consul, Pro-Consul, or Consular Agent of His Majesty exercising this function in any foreign place or any person acting as such ;

shall, for the purposes of, and in or concerning any cause, matter or thing depending or to be had in any Court in the Territory, be as valid and effectual, and shall be of like force and effect to all intents and purposes, as if such oath, affidavit, affirmation, or declaration, had been administered, sworn, affirmed or made in this Territory before a Commissioner for taking affidavits therein, or other competent authority of the like nature.

Any document affixed by signature of commissioner, etc., to be received in evidence without proof of signature.

(2) Any document purporting to have affixed, impressed, or subscribed thereon, or thereto,

(a) The signature of any such commissioner ;

(b) The signature of such judge, and the seal of the Court of which he is a member ;

(c) The seal of the corporation and the signature of such mayor ;

(d) The signature of such chief magistrate or governor as aforesaid ;

(e) The official seal and signature of such prothonotary, clerk, Consul General, Consul, Vice-Consul, Pro-Consul, Consular Agent, or any person acting as such, or notary public, the testimony of such oath, affidavit, affirmation, or declaration having been administered, sworn, affirmed, or made by or before him, or for any other purpose authorized by this Ordinance,

shall be admitted in evidence without proof of such signature, or seal and signature, being the signature or the seal and signature which they respectively purport to be, or of the official character of such person.

DECLARATIONS AND ACKNOWLEDGMENTS IN HIS MAJESTY'S
DOMINIONS.

47. Declarations made in conformity with, and which have legal effect and operation in the place where the same are made under and by virtue of, an Act of the Imperial Parliament, passed in the fifth and sixth years of the reign of his late Majesty King William the Fourth, Chapter sixty-two, relating to the abolition of oaths in certain cases, and of any Act in amendment thereof, shall have the same operation and effect in this Territory as if authenticated under oath before the same officers before whom the declaration had been made, and as if these officers had been authorized to administer such oaths.

Declarations made under Imperial Act, Chap. 62 of 5-6 William IV. effective in Territory.

48. Acts, deeds, evidence, acknowledgments, and declarations, now or hereafter done, made, taken, or proved in Great Britain or Ireland, or in any of His Majesty's possessions, with those forms of proof and authentication which are the legal mode of proof and authentication in those places, shall have the same force and effect in this Territory as if sworn to before the same persons or officers by and before whom the proof and authentication may be made, and as if those persons or officers had power to administer an oath.

Acts, deeds, etc., done, made or proved in British possessions with form of proof required where made, to have same force in this Territory.

49. Where a Court or tribunal of competent jurisdiction in any part of His Majesty's dominions, or in any foreign country, in some proceeding before it, issues or authorises a commission or order for obtaining the testimony of some person being within this Territory, or the production of papers therein, it shall be lawful for the Territorial Court, or a judge, if satisfied of the authenticity of the commission or order, and the propriety of the examination or production, by order to direct the examination of the persons whom it is desired to examine, and the production of papers, when required, in the manner prescribed in the commission or order for examination, or in such other manner, and before such person, and with such notice, as the Court or a judge directs.

If any competent tribunal issues a commission to take evidence in Territory, a judge may order the presence of witnesses and production of documents.

50. Section 297 of Chap. 17 of "The Consolidated Ordinances of the Yukon Territory, 1902," is hereby repealed.

Sec. 297 of Chap. 17 Consolidated Ordinances repealed.

CHAPTER 6.

AN ORDINANCE RESPECTING THE COLLECTION OF DEBTS.

(Assented to August 24th, 1904.)

- Title.** 1. This Ordinance may be cited as "The Collection Ordinance."
- Interpretation** 2. In this Ordinance, unless the context otherwise requires,
- "Judge."** (a) The expression "Judge" means a Judge of the Territorial Court of the Yukon Territory.
- "Clerk."** (b) The expression "Clerk" means the Clerk of the said Court and includes any Deputy of said Clerk.
- "Judgment."** (c) The expression "judgment" means any adjudication or order directing the payment of money, whether debt, damages or costs, and includes judgments obtained in any court in the Territory, or before any stipendiary magistrate or justice of the peace ;
- "Amount due on the judgment."** (d) The expression "amount due on the judgment" includes the costs incurred subsequently to those forming part of the judgment, and which may be recovered by an execution issued upon the judgment ;
- "Creditor."** (e) The expression "creditor" means the person or corporation entitled to receive the amount due on the judgment ;
- "Debtor."** (f) The expression "debtor" means the person liable to pay the amount due on the judgment ;
- "Debt."** (g) The expression "debt" includes any item or part of the debt forming the subject of the judgment ;
- "Liability."** (h) The expression "liability" includes part of a liability forming the subject of the judgment ;
- Judgment summons.** 3. Any party having an unsatisfied judgment may procure from the Clerk a judgment summons in the Form No. 1 in the Schedule to this Ordinance or to the like effect requiring the debtor to appear at the time and place therein expressed to be examined upon oath touching his estate and effects and the manner and circumstances under which he contracted the debt or incurred the damages or liability forming the subject of the judgment and as to the means and expectations he then had and as to the property and means he still has of discharging the said debt, damages or liability and as to the disposal he has made of any property ; and such judgment summons shall be served in the same manner as a writ of summons.

Provided that in case the judgment is against two or more debtors such debtors may be examined touching their joint or partnership property, estate and effects as well as the separate property, estate and effects of each of them.

Two or more debtors may be examined as to joint or partnership property.

And provided that if upon such examination it appears to the satisfaction of the Judge that the debt upon which the judgment was obtained was incurred elsewhere than in the Yukon Territory no order shall be made against the judgment debtor.

If debt incurred outside Yukon Territory no order to be made.

4. The person obtaining such summons and all witnesses whom the Judge thinks requisite may be examined upon oath touching the enquiries authorized to be made as aforesaid.

All witnesses required may be examined.

5. The examination shall be held in the Judge's Chambers, unless the Judge otherwise orders.

Examination in Judge's Chambers.

6. The Judge may adjourn the examination from time to time.

Judge may adjourn examination.

(2) The Judge may commit the debtor to jail until the time fixed for the adjourned hearing, unless the debtor enters into a bond in favour of the creditor with securities to the satisfaction of the Judge to attend at the time and place to which such examination is adjourned.

May commit debtor to jail.

7. The costs of and incidental to such judgment summons shall be costs in the cause, unless the Judge otherwise directs.

Costs in cause unless otherwise directed.

8. If the party so summoned

If party summoned does not attend, etc.

(a) Does not attend as required by the summons or show a sufficient reason for not attending ; or

(b) If he attends and refuses to be sworn, or to declare any of the things aforesaid ; or

(c) If it appears to the Judge either by examination of the party or other evidence

(i) That the debt which forms the subject of the judgment was fraudulently contracted ; or

(ii) That the credit was obtained under false pretences ; or

(iii) That the debtor contracted such debt without having at the time any reasonable expectation of being able to pay the same ; or

(iv) That any other fraudulent circumstances have occurred in connection with the contracting of such debt ; or

(v) That the debtor has made any fraudulent gift, delivery, transfer or disposition of his property real and personal or mixed, or any portion thereof ; or

(vi) In cases of tort, including libel and slander ;

**Judge may
commit to jail.**

The Judge may, if he thinks fit, order such party to be committed to a common jail for any period not exceeding one year.

**Judge may
order payment
by instal-
ments.**

9. If upon such examination it appears to the satisfaction of the Judge that the debtor is possessed of means or income sufficient therefor he may make an order requiring the debtor to pay the amount due on the judgment by instalments.

**Order to state
amount of
instalments
and time and
place of
payment.**

(2) Such order shall state the amount of such instalments, and the time when and the place at which the same shall be paid.

**Judge may
order payment
of costs of
judgment
summons.**

(3) The Judge may also, in his discretion, direct that the debtor shall pay the costs of and incidental to the judgment summons and proceedings thereon with the first or any other instalment, and it shall be sufficient to indicate the amount of such costs upon the order without further taxation.

**If debtor fails
to pay
instalment
Judge may
order
commitment.**

(4) If the debtor fails to pay any of the instalments so ordered the creditor may, upon his own affidavit or the affidavit of his solicitor, agent or some other person on his behalf having a full knowledge of the matter proving such default, obtain ex parte from a Judge an order committing the debtor to a common jail for a period not exceeding one year.

**Order for
commitment
to be delivered
to the sheriff,
who shall
arrest debtor
and convey
him to
common jail.**

(5) Whenever any order for commitment as aforesaid has been made, such order shall be delivered to the Sheriff of the Yukon Territory, and such Sheriff or the Deputy of such Sheriff or any bailiff, constable or peace officer to whom the said Sheriff may hand the said order for execution shall arrest the person against whom such order has issued and convey him to a common jail, and every gaoler or keeper of such jail shall receive and keep the person so arrested until discharged under the provisions of this Ordinance or otherwise by due course of law.

**Person
imprisoned
who satisfies
debt to be
discharged
from custody.**

(6) Any person imprisoned under this Ordinance who has satisfied the debt, demand and liability and the amount due on the judgment, shall upon the certificate of such satisfaction signed by the Clerk, be discharged from custody.

**Judge may
order
discharge of
debtor from
custody.**

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

**Imprisonment
not to extin-
guish debt.**

10. No imprisonment under this Ordinance shall impair the judgment or extinguish the debt or cause of action on which a judgment has been obtained or deprive the creditor of any right to take out execution against the debtor.

11. Notwithstanding the provisions of this Ordinance in the case of a judgment obtained in the Territorial Court of the Yukon Territory for a sum exceeding \$100 no judgment summons shall issue before an execution against the goods and chattels of the debtor has been returned nulla bona.

No judgment summons to issue until writ of execution against goods is returned nulla bona.

12. Upon the issuing of a judgment summons the action or proceeding in which the judgment was obtained shall for the purposes of this Ordinance become a cause, action or matter in the Territorial Court of the Yukon Territory, and subject to the provisions of this Ordinance the practice and procedure and the costs and fees payable in connection therewith shall be those now in force in the said Territorial Court under the lowest scale of costs and fees.

Upon the issuing of judgment summons the action or proceeding shall be proceeding in Territorial Court.

13. No counsel fee shall be allowed on any judgment summons or on any proceedings thereon.

No counsel fee allowed.

14. The Police Magistrate at Whitehorse may in respect to judgments entered at Whitehorse perform all the duties and exercise all the powers and jurisdiction of a Judge under this Ordinance.

Police Magistrate at Whitehorse to have jurisdiction of Judge.

SCHEDULE.

FORM NO. 1.—JUDGMENT SUMMONS.

(Style of cause)
To (name of debtor)

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

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

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

Dated at in the Yukon Territory this day of A.D. 190.....

Clerk of the Territorial Court.

CHAPTER 7.

AN ORDINANCE TO AMEND CHAPTER 74, CONSOLIDATED ORDINANCES OF THE YUKON TERRITORY, ENTITLED "AN ORDINANCE FOR THE PREVENTION OF PRAIRIE AND FOREST FIRES."

(Assented to August 24th, 1904.)

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

Sec. 4, Chap 74
Con. Ord,
amended.

1. Section 4 of Chapter 74 of the Consolidated Ordinances of the Yukon Territory, entitled "An Ordinance for the Prevention of Prairie and Forest Fires," is amended by adding after the words "clearing land" in the fourth line thereof the words "or for the purpose of burning the limbs of trees to be used for fire wood or timber."

CHAPTER 8.

AN ORDINANCE TO AMEND THE ORDINANCE RESPECTING INTOXICATING LIQUORS.

(Assented to August 24th, 1904.)

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

1. Section 52 of the Ordinance Respecting Intoxicating Liquors, Chapter 76 of the Consolidated Ordinances of the Yukon Territory, is hereby amended by inserting the word "steamboat" between the words "any" and "house" in the first line of said section. Sec. 52 Ch. 76
of Con. Ord.
amended.

2. Section 56 is hereby amended by adding thereto the following subsection : Sec. 56
amended.

2a. Every licensed saloon shall have at least one window facing a public street which window shall be of clear transparent glass, with panes of a size not less than twelve inches by fifteen inches, and such window shall be not less than four feet long by three feet wide and shall be so placed that the bottom thereof shall not be lower than the sidewalk or more than three feet above it. Front window
to admit view
of interior of
saloon.

During prohibited hours, no blind, screen, counter, box or other obstruction of any kind shall be allowed in any saloon or in connection with such window so as to conceal any part of the interior of the bar-room from the view of persons on the street without.

3. Section 58 is hereby repealed and the following substituted therefor Sec. 58
repealed and
substituted.

58. No person shall keep a music hall in connection with premises licensed to sell liquor under this ordinance without first obtaining a license therefor from the Board of License Commissioners.

(1). An application for a license under the provisions of this section shall be made by petition to the Chief License Inspector and shall be accompanied by a sketch plan of the premises to which the license shall apply. Music halls to
be licensed.

(2). A license granted under the provisions of this section, shall be in form similar to licenses issued under the provisions of Section 31, Form C. Form of
license.

Sec. 59
repealed, and
substituted.

4. Section 59 is hereby repealed and the following substituted therefor

License good
for one year.

59. A music hall license shall be in force for one year from the date of issue thereof and no longer.

Fee.

(2) The fee for such license shall be the sum of \$100 and shall be paid into the Territorial Treasury and shall form part of the general revenue fund of the Territory.

Penalty for
conducting
without
license.

(3) Any person keeping a music hall in connection with premises licensed to sell liquor without having a license therefor shall incur for every day of contravention a penalty of not less than \$20.00 and costs, and in default of payment forthwith after conviction, imprisonment for a period not exceeding three months.

Definition of
music hall.

(4) For the purposes of this ordinance any place to which the public is admitted to a theatrical or concert performance of any kind, or to dance, whether an admission fee is charged or not, shall be deemed a music hall.

No sleeping
apartments to
be in
connection
with licensed
premises.

(5) No sleeping apartments or stairway or hall or passage leading to any sleeping apartment shall open off any premises licensed as a music hall.

License may
be canceled.

(6) The Board of License Commissioners upon recommendation of the License Inspector, shall have power to cancel any music hall license in any case in which, in their opinion, the provisions of this Ordinance respecting music halls are not being complied with.

Sec. 82
amended.

5. Section 82 is hereby amended by adding thereto the following subsection :

Costs of
prosecution
paid out of
general
revenue.

(1) All costs of any proceedings or prosecution laid by the Chief License Inspector or by his authority with the approval of the Commissioner shall be paid out of the general revenue of the Yukon Territory.

Witness fees.

(2) Witness fees shall be taxed in all cases under this ordinance at the rate of \$3.00 per day while in attendance in connection with the case, and shall be costs in the cause.

Ordinance
amended by
adding Sec.
82a.

6. Said Ordinance is hereby amended by inserting between Section 82 and Section 83 of the said Ordinance the following section :

82a. Every person, firm or corporation, in this section hereinafter called "agent," who as agent of, or for or on behalf of any other person, firm or corporation, in this section hereinafter called "principal," sells, or attempts to sell, or solicits orders for, or disposes of or attempts to dispose of, or delivers, any liquor, without such agent or principal being the holder of a wholesale liquor license, shall be liable to a penalty not ex-

ceeding \$500 and costs, and in default of payment to imprisonment for a period not exceeding six months. Any liquor so sold, or attempted to be sold, or for which orders are solicited, or which is disposed of or attempted to be disposed of, may be seized by the Chief License Inspector, or by any person appointed by him and shall be destroyed immediately after conviction of the agent or principal. This section shall equally apply, whether the principal resides within or without the Yukon Territory.

CHAPTER 9.

AN ORDINANCE TO VALIDATE THE ASSESSMENT AND TAX ROLL, FOR THE YEAR 1904, OF THE UNINCORPORATED TOWN OF BONANZA.

(Asserted to August 11th, 1904.)

Preamble.

Whereas doubts have arisen as to the validity of the assessment and tax roll for the year 1904, of the unincorporated town of Bonanza, by reason of certain irregularities in the transaction of business at the annual business meeting and at a special meeting of voters of the town of Bonanza, held on or about the tenth day of May, 1904 ;

And whereas it is deemed advisable to remove all doubts as to the validity of said assessment and tax roll ;

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

Assessment of unincorporated town of Bonanza on certificate of June 6, 1904 declared valid.

1. The assessment and tax roll for the year nineteen hundred and four, of the unincorporated town of Bonanza, made by Peter Coutts, Overseer of the said town of Bonanza, and certified by him by certificate dated at the town of Bonanza, the sixth day of June, A.D. nineteen hundred and four, as altered by the Court of Appeals for the said town, is hereby declared legal and valid in all respects.

Ordinance not to affect litigation begun.

2. This ordinance shall not affect any litigation already begun and pending.

CHAPTER 10.

AN ORDINANCE TO AMEND THE JUDICATURE ORDINANCE AND RULES.

(Assented to August 24th, 1904.)

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

1. The rules of Court under Chapter 17 of the Consolidated Ordinances of the Yukon Territory entitled "An Ordinance Respecting the Administration of Civil Justice" are hereby amended by inserting the following rule between Rule 329 and Rule 330.

Rules of Court under Ch. 17 Con. Ord. amended by adding Sec. 329A.

329A. And in any action for tort including libel and slander the judge before whom such action is tried may at the time of rendering judgment or at any subsequent time direct payment of the amount due on such judgment including costs forthwith or at such later time as the judge deems proper and may direct unless such order is complied with that the defendant be imprisoned for such time as he directs not exceeding one year unless the amount so due is sooner paid.

2. Sub-section 1 of Rule 383 is hereby repealed and the following substituted therefor

Sub Sec. 1 of Rule 383 repealed and substituted.

383. Service of such summons on the Garnishee shall bind any debt due or accruing due from the garnishee to the defendant or judgment debtor whether such debt is payable in money or otherwise to the extent of the claim of the plaintiff or judgment creditor and costs, which said costs shall be fixed by a Judge or Clerk of the Court at the time such summons is issued.

3. Sub-section 1 of Rule 384 is hereby repealed and the following substituted therefor :

Sub Sec. 1 of Rule 384 repealed and substituted.

384. No order shall be made for payment out of any money paid into Court by the garnishee until at least ten days after the service of the said summons on the defendant or judgment debtor and on the garnishee, nor when a garnishee summons issues prior to judgment until the plaintiff has recovered a judgment against the defendant.

4. Rule 386 of said Rules and section 31 of Ordinance No. 22 of 1903, entitled "An Ordinance to Amend the Judicature Ordinance and Rules," are hereby repealed and the following substituted therefor

Rule 386 and Sec. 31, Ch. 22 1903, repealed and substituted.

386. The Commissioner of the Yukon Territory may direct that such proportion as seems proper of any monies due from the Government of the Yukon Territory to any person employed by such government may be paid to the creditors of such person and may cause payment to be made direct to such creditors, and any such payment shall be deemed payment pro tanto to the debtor.

Rule 387
repealed and
substituted.

5. Rule 387 is hereby repealed and the following substituted therefor:

387. If the garnishee does not pay into Court the amount due from him to the judgment debtor or an amount equal to the claim or judgment and costs fixed as aforesaid and does not dispute the debt due or claimed to be due from him to such debtor, then the Judge may after judgment has been entered against the judgment debtor or at once when the garnishee summons is founded on a judgment already recovered order that judgment be entered up against the garnishee for the amount due to the plaintiff or judgment creditor from the defendant or judgment debtor for principal, interest and costs and that execution issue thereon and it may issue accordingly.

(2) If the garnishee fails to file any statement or files a statement admitting a debt due to the defendant or judgment debtor but does not pay the amount claimed or admitted into Court with such statement, the plaintiff, judgment creditor or any interested party (notwithstanding that judgment has not been recovered in the action) may apply ex parte to a Judge for an order that such garnishee pay the amount claimed or so admitted into Court forthwith.

Rule 388
amended by
adding
sub sections.

6. Rule 388 is amended by adding thereto the following sub-sections

(2) If upon any trial under said rule whether summary or otherwise it is determined that there is a debt due from the garnishee to the defendant or judgment debtor an order may be made that the garnishee forthwith pay the amount so found to be due from him to the defendant or judgment debtor to the credit of the cause notwithstanding judgment may not have been recovered in the action.

(3) At any time after the filing of a statement by a garnishee such garnishee may be compelled to attend for examination in the same manner as a party might be under the provision of Order XXI, and the provisions or the said order shall apply to the same examination and to the use of the evidence taken thereon.

Rules
amended by
adding Rule
452A.

7. The said Rules are further amended by inserting the following rule between Rule 452 and Rule 453

452A. In case a sheriff or other officer applies to the Court or a judge for relief by interpleader proceedings and any creditor under writ

of attachment or execution after receiving two days notice of such application does not join in the contesting of the claim of the adverse claimant, the Court or a judge may direct that such creditor shall be excluded from any benefit which may be derived from the contestation of such claim. Such notice may be served upon the solicitor issuing the writ.

8. The said Rules are further amended by inserting the following rules between Rule 456 and Rule 457

**Rules
amended by
adding Rule
456a, 456b, and
456c.**

456a. Where an issue is directed to be tried, the costs of the sheriff incurred in consequence of the adverse claim shall be a first lien or charge upon the moneys or goods which may be found in the issue to be applicable upon the execution.

456b. In case an issue is directed to be tried for the determination of an adverse claim in respect of property seized or taken under an order for writ of attachment or writ of execution, the sheriff (or other officer) to whom such order is delivered or such writ is directed, may have the costs incurred by him in consequence of such adverse claim, taxed and may, when so taxed, serve a copy of the certificate of the costs taxed upon each of the parties to the issue, and the attaching or execution creditor shall forthwith pay the same to the said sheriff (in default of which payment a writ of execution may issue to enforce the same) and if such creditor is successful upon the issue such costs shall be costs in the cause. (O. R. 1158) and (M. R. 915).

456c. When the proceedings are compromised between the parties thereto, the costs of the sheriff shall be paid by the party by whom the writ of attachment or execution was issued.

9. Form C is amended by striking out the word "costs" and inserting in lieu thereof the sign and word "\$ costs."

**Form "C"
amended.**

CHAPTER 11.

AN ORDINANCE TO AMEND THE ASSESSMENT ORDINANCE.

(Assented to August 24th, 1904.)

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

Sec. 2, Ch. 64 of
Consol. Ord.
repealed and
substituted.

1. Section 2 of the Assessment Ordinance, Chapter 64 of the Consolidated Ordinances Yukon Territory, as amended is hereby further amended by adding after sub-section 9, the following sub-sections :

"Poll Tax."

(10) "Poll tax" means an annual tax imposed without regard to property or income on certain persons resident in the city of Dawson.

"Resident."

(11) "Resident" means any person who has been living in or carrying on business in the city of Dawson for a period of two months or longer.

Ordinance
amended by
adding
subsec. to Sec. 3
Poll tax to be
levied in
Dawson.

2. The said Ordinance is hereby amended by adding the following sub-sections to section 3

(2) Every adult male person resident in the city of Dawson shall pay a poll tax of \$5.00 ; Provided, however, that any such person who has paid or is liable to pay a tax upon property or income or both, in an amount equal to or exceeding \$5.00 shall be entitled to a credit or rebate of \$5.00 upon his taxes ; and, any such person liable to pay a tax upon property or income or both in an amount less than \$5.00 shall be entitled to a rebate or credit of an amount equal to such tax.

Persons
neglecting to
pay may be
distrained or
sued.

(3) Any person liable to pay the poll tax named in the next preceding sub-section shall pay the same to the City Collector within two days after demand therefor, and in case of neglect or refusal to pay the same the Collector may levy the same by distress of the goods and chattels of the defaulter with costs of distress. Such poll tax may be sued for and the provisions of the Collection Ordinance shall apply to any judgments recovered therefor.

When
collected.

(4) The poll tax for the year 1904 may be collected by the City Collector at any time after the passing of this Ordinance, and in any subsequent year such tax may be collected at any time after the commencement of such year.

Sec. j of
Subsec. 4
repealed and
substituted,

3. Section (j) of sub-section 4 and amendments thereto are hereby repealed and the following substituted therefor :

(j) Income to the extent of \$1,800.00.

4. Section 6 and amendments thereto are hereby repealed and the following substituted therefor :

Sec. 6 and amendments repealed and substituted.

6. The Assessor having ascertained as nearly as may be the names of all adult male persons resident in the city of Dawson, and the particulars of the land improvements and personal property and income to be assessed, shall prepare an assessment roll in which he shall set down in separate columns the names and description of every person liable to be rated, designating every such person by a number on the roll and by a statement of the occupation and residence of such person, distinguishing the resident from the non-resident and showing whether such person is assessed as owner, occupant or tenant, or on account of income or is liable to pay a poll tax. The Assessor shall also set down a description of and the value of the land and improvements and personal property and income, showing thereunder as far as possible the various particulars enumerated in form "A" in the second schedule of the said ordinance hereby amended and shall note whether the person assessed or liable to pay a poll tax is a British subject or an alien, and also set down the amount of the poll tax and note any other facts that may aid in securing the proper and correct assessment.

Assessor to set down particulars in assessment roll.

(2) The said form "A" in addition to the particulars therein contained shall show the amount of the poll tax chargeable against each person assessed and shall in addition thereto contain a column with the heading "Poll Tax" and a column with the heading showing whether the person assessed or liable to pay a poll tax is a British subject or an alien and shall enter thereunder, opposite each name the letters "B.S." to indicate that such person is a British subject, or the letter "A" to indicate that such person is an alien.

Amount of poll tax to be shown and nationality of person liable.

(3) The assessment roll shall be, as nearly as possible, in said form "A" except, that the columns under the heading "taxes on land" and "taxes on improvements, personal property, income and poll tax" shall form part of the rate book and not of the assessment roll.

Roll to be similar to Form "A."

(4) The City Assessor in addition to any other books to be kept by him, shall keep a book to be known as the "Poll Tax Book" in which he shall enter the names of all persons liable to pay a poll tax but not assessed on property or income.

Poll Tax Book.

5. Rule 10, section 7, is hereby repealed and the following substituted therefor:

Rule 10, Sec. 7, repealed and substituted.

Rule 10. The Assessor shall on or before the 30th day of September in each year complete the roll.

Roll—when to be completed.

(2) The Assessor shall forthwith thereafter sign the said roll, first attaching thereto a certificate in form "B" in the schedule to this Or-

Assessor to sign roll and poll tax book.

dinance (which form is substituted for form "B" in the second schedule to the Ordinance hereby amended) and shall in like manner sign the Poll Tax Book, and attach thereto a certificate in form "H" in the said schedule.

Sec. 16
amended by
adding
subsection.

6. Section 16 is hereby amended by adding the following sub-section:

Appeal Court
where held.

(2) The Court for the hearing of appeals for the city of Dawson shall be held at the City Hall.

Subsec 1 of
Sec. 37
repealed and
substituted.

7. Sub-section 1 of Section 37 is repealed and the following substituted therefor :

Headings of
rate book.

37. The Assessor shall make a rate book by carrying out in form "A" under the several headings "Taxes on Land" and "Taxes on Improvements, Personal Property, Income and Poll Tax" opposite the name of each person, firm, company and corporation, the rate of mills on the dollar, the arrears of taxes, taxes for the year 190... and the total amount of taxes due.

Subsec. 3 of
Sec. 40
amended.

8. Sub-section 3 of Section 40 is hereby amended by inserting after the word "person" in the first line the words "fails to pay the poll tax when due or if any person."

9. The said Ordinance is hereby amended by adding the following section :

Ordinance
applies to
Dawson only.

61. This Ordinance and the repealing, amending and other provisions thereof shall apply to the city of Dawson only, and shall not apply to any district or assessment outside the city of Dawson.

SCHEDULE.

"FORM "B."

I certify I have set down in the foregoing assessment roll with the names numbered from No. 1 to No. —, both inclusive, the land and improvements liable to taxation situated in the city of Dawson and the true and actual cash value thereof in each case, according to the best of my information and judgment; and also that the said assessment roll contains a true statement of the aggregate amount of the personal property and improvements of the said taxable income and of the poll tax of every person named on the said roll and that I have estimated and set down the same according to the best of my information and belief; and I further certify that I have entered therein the names of the several persons owning property or receiving incomes and I have not entered the name of any person whom I did not truly believe to be liable to be assessed in respect to the property and income and to pay the poll tax assessed or entered against him therein to the extent such person is so assessed or liable, and to the best of my

ASSESSMENT.

39

knowledge and belief I have noted on the said roll whether the person assessed or liable is a British subject or an alien.

Dated at the city of Dawson this.....day of
A.D. 190.....

FORM "H."

I certify that I have set down in the foregoing list all the names of the adult residents in the city of Dawson, numbered consecutively from No. 1 to No..... both inclusive, liable to pay a poll tax according to the best of my information and belief, and I have not entered the name of any person whom I did not believe to be liable to pay a poll tax.

Dated at the city of Dawson, this..... day of
A.D. 190.....

CHAPTER 12.

AN ORDINANCE TO AMEND THE DAWSON CITY CHARTER.

(Assented to August 24th, 1904.)

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

Clause (c) sub
sec. 1 Sec 6 of
Ord 45, 1901,
repealed and
substituted

1. Clause (c) sub-section 1 of section 6 of Ordinance No. 45 of 1901, entitled "An Ordinance to Incorporate the City of Dawson," is hereby repealed and the following substituted therefor

(c) Is rated upon real property assessed at not less than two thousand dollars or on real or personal property or income either separately or together at not less than \$3,000.00 on the assessment roll prepared by the City Assessor on or before the 30th day of September yearly as finally revised by the Assessment Court of Appeal.

Clause (a) sub
Sec. 2. Sec 6
repealed and
substituted.

2. Clause (a) of sub-section 2 section 6 of said ordinance is hereby repealed and the following substituted therefor

(a) Is rated upon real property assessed at not less than one thousand dollars or upon real or personal property or income either separately or together at not less than \$1,000.00 on the assessment roll prepared by the City Assessor on or before the 30th day of September as finally revised by the Assessment Court of Appeal

Sec. 6
amended by
adding
subsection.
Additional
assessment
under Sec. 10,
Ch. 64 of
Consol. Ord.
not to be
included in
property
assessed in
Subsec. 1 (1)
and 2 (a) Sec. 6.
Sec. 14
repealed and
substituted.

3. Section 6 is hereby amended by adding the following sub-section

(5) No additional assessment made by the City Assessor under the provisions of section 10 of Chapter 64 of the Consolidated Ordinances of the Yukon Territory entitled "The Assessment Ordinance" shall be included in the real or personal property or income assessed and mentioned in sub-section 1 (c) and 2 (a) of section 6 of the Dawson City Ordinance.

4. Section 14 and amendments thereto are hereby repealed and the following substituted therefor

14. Every person resident within the city of Dawson who is a British subject of the full age of 21 years shall be qualified to vote at an election of Mayor and Aldermen,

Rated on roll
and has paid
taxes, or if

(a) If he has been rated upon the last revised assessment roll in respect of property or income and has fully paid his rates and taxes of all kinds on or before the day for nominating candidates, or

(b) If he has not been assessed in respect to property or income but has paid his poll tax on or before the 30th day of September for the year 1904 or on or before the 31st day of August in any year thereafter and has been a resident of the city for at least six months prior to the day of the election.

Not rated but has paid poll tax.

5. Section 25 and amendments thereto are repealed and the following substituted therefor

Sec 25 repealed and substituted.

25. The City Clerk shall on or before the first day of November in each year prepare for each polling sub-division in alphabetical order a list of electors which shall comprise the names of those persons who are British subjects rated on the last issued assessment roll of the city with a short description of the property or other qualification on which they are assessed and shall post one copy of the same in each of the following places within the city, namely The office of the City Clerk, the Postoffice, the Administration Building, the Court House, the City Station of the Royal Northwest Mounted Police and the Public Library Building.

City Clerk shall prepare list of electors.

A copy of said list shall be kept in the City Clerk's office, open to the inspection of the public at all times during office hours.

Copy of list kept in City Clerk's office for inspection.

6. Section 27 is amended by inserting immediately after the word "income" in the second line thereof the words "or by payment of poll tax."

Sec, 27 amended.

7. Section 33 of the said ordinance is amended by adding the following sub-sections :

Sec. 33 amended by adding subsections.

(4) Every candidate for the office of Mayor shall at the time of delivering his nomination paper to the City Clerk deposit in the hands of the City Clerk the sum of one hundred dollars (\$100.00) in legal tender or in the bills of any chartered bank doing business in Canada which sum shall be forfeited to the city if such candidate fails to receive one-half of the total number of votes received by the candidate elected.

Candidate for Mayor to deposit \$100.00.

(5) Every candidate for the office of Alderman shall at the time of delivering his nomination paper to the City Clerk deposit in the hands of the City Clerk the sum of fifty dollars (\$50.00) in legal tender or in the bills of any chartered bank doing business in Canada which sum shall be forfeited to the City if such candidate for Alderman fails to receive one-half of the total number of the votes received by the candidate elected polling the lowest number of votes.

Candidate for Alderman to deposit \$50.00.

(6) The receipt of the City Clerk shall in every case be sufficient evidence of the delivery of the nomination paper and of the payment of the deposit mentioned in the foregoing sub-sections 4 and 5.

Receipt of City Clerk evidence of delivery of nomination and payment of deposit.

Deposit by candidate for Mayor returned if he receives one-half the votes of successful candidate, and for Alderman if he receives one-half the votes of lowest successful candidate.

(7) The sum so deposited by any candidate for Mayor shall be returned to him if he is elected or receives one-half of the total number of votes received by the candidate elected for Mayor, and the sum so deposited by any candidate for Alderman shall be returned to him if he is elected or receives one-half of the total number of votes received by the candidate elected for Alderman polling the lowest number of votes.

Sec. 54 amended by adding subsections.

8. Section 54 of the said Ordinance is hereby amended by adding thereto the following sub-sections

Voter must take oath if required by agent of candidate.

(2) Every voter qualified to vote by reason of payment of a poll tax and not otherwise shall before voting if required by any candidate or agent take the oath in form "I" in the schedule to this Ordinance which shall be administered by the Deputy Returning Officer, and any such voter refusing to take such oath shall not thereafter be permitted to vote.

Subsec (a) Sec. 118 amended.

9. Sub-section (a) of the first section numbered 118 of said Ordinance as amended is hereby amended by adding thereto the following words

Salary of Mayor not to exceed \$1500.00 and of Aldermen \$500.00.

1. "But the salary for Mayor shall not exceed \$1500.00 for any year subsequent to the present, and the salary for Alderman shall not exceed \$500.00 for any year subsequent to the present."

Subsec 3 Sec. 118 amended.

10. Sub-section 3 of the second section numbered 118 of said Ordinance is hereby amended by striking out the figures "75" and substituting the figures "50" therefor, and by striking out the words "levied during the preceding year," and substituting therefor the words "collected on the assessment for the next preceding year."

Sec. 158 amended by V 10, 1903, amended Sec. 15 of Ord.

11. Section 158 of said Ordinance as amended by section 15 of Ordinance No. 10 of 1903 is hereby amended by adding thereto the following sub-section :

Only one member of City Council to be on Court of Appeal.

(4) It shall not be necessary that any member of the Court of Appeal in the city of Dawson be a member of the City Council and not more than one member of such Court shall be a member of the City Council.

Form "B" amended.

12. Form "B" of the said Ordinance is hereby amended by inserting immediately after the word "have" in the eighth line the words "before the day for nominating candidates."

SCHEDULE.

FORM I

Oath of poll tax voter

I do swear that I am the person named or purporting to be named by the name of _____ on the voters' list and that I have not before voted at this election and that I have not received or been promised any consideration whatsoever for voting at this election and that I have paid every poll tax and other taxes due by me (on or before the 30th day of September, 1904, if the election is held on or before the month of January, 1905, or on or before the 31st of August last, if the election is held subsequent to the month of January, 1905) to the City of Dawson, and that I am a British subject of the full age of twenty-one years and have been a resident of the City of Dawson for a period of six months prior to the day of election. So help me God.

CHAPTER 13.

AN ORDINANCE FOR THE PROTECTION OF SHEEP AND OTHER ANIMALS FROM DOGS.

(Assented to August 24, 1904.)

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

Dog may be killed when in act of worrying cattle, etc.

1. Any person may kill any dog in the act of worrying or destroying cattle, horses, sheep, pigs or poultry elsewhere than on the enclosed land occupied by the owner of such dog.

On complaint that dog has worried cattle, etc., justice of peace may order dog to be killed.

2. On complaint made on oath before a justice of the peace that any person owns or has in his possession a dog which has within three months previous, worried, injured or destroyed any cattle, horses, sheep, pigs or poultry outside of the inclosed land occupied by the owner of such dog, such justice of the peace may issue his summons directed to such person stating shortly the matter of such complaint and requiring such person to appear before him at a certain time and place therein stated to answer to such complaint ; and upon conviction of having such dog in his possession, the justice of the peace may make an order for the killing of such dog within three days and in default thereof may in his discretion impose a fine upon such person not exceeding \$50 with costs.

CHAPTER 14.

AN ORDINANCE TO AMEND CHAPTER 66 OF THE CONSOLIDATED ORDINANCES OF THE YUKON TERRITORY, ENTITLED "AN ORDINANCE RESPECTING SCHOOLS."

(Assented to August 24, 1904.)

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

1. Section 3 of Chapter 66 of the Consolidated Ordinances of the Yukon Territory, entitled "An Ordinance Respecting Schools," is hereby amended by striking out the word "the" at the beginning of said section and substituting therefor the word "three" and by inserting after the word "Territory" in the first line of said section the words "named by the Commissioner." Sec. 3, Ch. 66 of
Consol. Ord.
amended.

2. The said Ordinance is further amended by adding to said Section 3 the following sub-section Sec. 3 further
amended.

(2) The Commissioner shall be "ex officio" a member of the Council of Public Instruction.

CHAPTER 16.

AN ORDINANCE TO PROVIDE FOR A PLEBISCITE RESPECTING THE DAWSON CITY CHARTER.

(Assented to August 24, 1904.)

Preamble.

Whereas in the opinion of very many of the ratepayers of the city of Dawson the necessities of the said city impose too great a burden upon the ratepayers, and

Whereas it is deemed advisable that a vote of the said ratepayers should be taken to determine the advisability of revoking the city charter ;

Therefore, be it enacted by the Commissioner of the Yukon territory, by and with the advice and consent of the Council of said territory, as follows :

Commissioner to appoint polling day by proclamation.

1. The Commissioner shall, by proclamation, appoint a day upon which a vote of the ratepayers shall be taken to determine whether a majority of such ratepayers are for or against the revocation of said charter.

Proclamation to name Returning Officer.

2. The said proclamation shall name a Returning Officer to hold a plebiscite of the ratepayers.

Returning Officer to give notice.

3. The said Returning Officer shall give not less than seven days public notice of the time and place for voting at such plebiscite.

Returning Officer to provide polling places and Deputy Returning Officers.

4. The Returning Officer shall estimate the number of ratepayers entitled to vote at such plebiscite, and shall provide at least one polling place for every two hundred ratepayers, and for each polling place shall name a Deputy Returning Officer and Poll Clerk.

Franchise.

5. Every person who is a British subject and who was assessed upon the last revised assessment roll of the city of Dawson shall, upon production to the deputy returning officer at the poll, of a certificate from the city collector of Dawson that all his taxes have been paid in full, be entitled to vote at such election, and no other person shall be so entitled.

The Deputy Returning Officer shall retain such certificate when so produced, until the close of the poll, and then deliver them to the Returning Officer.

6. It shall be the duty of the said city collector to issue said certificate to every person who has paid his taxes and who applies for such certificate during office hours between ten o'clock in the forenoon and four o'clock in the afternoon on any day, Sunday excepted, preceding the day before the day of election.

City Collector to issue certificates.

7. The Returning Officer, Deputy Returning Officers and Poll Clerks shall, before entering upon their respective duties, take the oath in Form "A" in the Schedule to this Ordinance, to the proper and faithful discharge of the same. Such oath may be taken before a justice of the peace, or a commissioner for taking affidavits.

All officers to take oath before performing duties.

8. Upon the day fixed by the Commissioner the Deputy Returning Officers shall open the poll at nine o'clock in the forenoon and shall keep the same open until five o'clock in the afternoon. The Returning Officer shall provide a ballot box, a sufficient number of ballot papers and the necessary material to mark the ballots for each Deputy Returning Officer.

Poll open from 9 a.m. to 5 p.m.

9. The Poll Clerks shall write in the poll books the name of each voter when he offers to vote.

Poll Clerk to write name of each voter in poll book.

10. No person shall be permitted to vote who refuses when required to take the oath set out in Form "B" in the Schedule to this Ordinance.

Every voter to take oath if required.

11. The ballot papers for the purpose of voting under this Ordinance shall be in the following form

Form of ballot paper.

SHALL THE DAWSON CITY CHARTER BE REVOKED ?	YES.	NO.

12. The ballot papers shall be prepared by the Returning Officer.

Ballot papers prepared by Returning Officer.

13. The Returning Officer shall, by writing under his hand appoint from the applicants for such appointment, or on behalf of persons applying to have such appointment made, two agents to attend at each polling station during voting hours and at the final summing up of the votes on behalf of those desirous of an affirmative answer to the question, and

Returning Officer to appoint two agents for each polling station for each side.

two agents so to attend on behalf of those desirous of obtaining a negative answer to the question.

How to vote.

14. An affirmative vote on the question shall be made by writing the letter "X" under the word "Yes," and a negative vote shall be made by writing the letter "X" under the word "No" opposite such question.

Deputy
Returning
Officer to sum
up number of
votes.

15. After summing up the votes the Deputy Returning Officer shall disclose the number of votes given for and against the question submitted, and then place all ballots, poll books and oaths in the ballot box, seal up the same in the presence of the agents and return to the Returning Officer together with a written statement of the votes for and against revocation.

Returning
Officer to sum
up result of
returns.

16. The Returning Officer shall, as soon as possible, sum up the result of the returns of all the Deputy Returning Officers and make a return to the Commissioner of the result of the plebiscite.

Commissioner
may publish
Proclamation
of result.

17. If the majority of the votes polled are in the affirmative the Commissioner of the Yukon territory may publish a proclamation setting forth the result of such plebiscite, and thereupon and thereafter all streets, real and personal property, assets, rights, duties, jurisdiction, powers and privileges now vested in, imposed upon, possessed or exercised by the mayor and council of the city of Dawson, or by any and all committees of said council shall vest in, be imposed upon, possessed and exercised by the Commissioner of the Yukon territory, provided that in regard to any of such matters the Commissioner shall not act, or exercise any of such functions without the advice and consent of the Yukon Council where the same would be required were the act or function one relating to the Yukon territory beyond the limits of the city of Dawson.

After
Proclamation
all money due
city to be paid
to the
Comptroller.

18. After the publication of said proclamation all sums of money belonging to, or now or hereafter due, or accruing due to the city of Dawson from any source whatsoever, or which would have accrued due to the city of Dawson but for the issue of such proclamation, shall be paid to the Comptroller of the Yukon territory and shall form part of the general revenue of the territory.

All debts due
by city to be
paid from such
funds.

19. All debts due or accruing due by the city of Dawson, and the expenses and all necessary services incurred which may be continued after such proclamation within the territory, within the present boundaries of said city, shall be paid for out of such fund.

Commissioner
may authorize
rebate from
taxes due.

20. After such publication the commissioner shall have power to authorize a rebate of thirty-three and one-third per centum from the amount of

the taxes due by any person, firm, or corporation upon the assessment made during the year 1904 on all such taxes as are paid to the tax collector before January the 1st, 1905.

SCHEDULE.—FORM A.

Oath of Returning Officer, Deputy Returning Officer, and Poll Clerk.

I, _____ do swear that I have not received any sum of money, office, employment or gratuity, or any bond, bill or note, or any promise of gratuity by myself or another, to my use or advantage, for making any return at this election; that I will return to the Returning Officer or Commissioner, as the case may require, a true and faithful account of the votes polled in this election, and that I will faithfully discharge my duty at the election to the best of my knowledge and judgment.

FORM B.

I do solemnly swear that I am the person named, or purporting to be named, by the name of _____ in the certificate now shown to me; that I have not before voted at this election, and that I have not received or been promised any consideration whatsoever for voting at this election, and that I have paid all taxes in arrears due by me to the city of Dawson, and that I am a British subject of the full age of twenty-one years. So help me God.

CHAPTER 17.

AN ORDINANCE TO AMEND CHAPTER 2, OF THE CONSOLIDATED ORDINANCES OF THE YUKON TERRITORY, ENTITLED "AN ORDINANCE RESPECTING THE COUNCIL OF THE YUKON TERRITORY."

(Assented to August 24th, 1904.)

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

**Sec. 1 of Ch. 2
of Consol. Ord.
amended.**

1. Section 1 of Chapter 2 of the Consolidated Ordinances of the Yukon Territory is amended by adding thereto the following subsections :

(2) The general election of representatives to the Territorial Council of the Yukon Territory may be held before the expiration of two years from the date when the representatives elected at the then next preceding general election were returned as elected, but the representatives elected before the expiration of the term of office of any previously elected representatives shall not enter upon their offices as such representatives until such two years have expired.

**Secs. 7, 8 and 9
repealed and
amended.**

2. Sections 7, 8 and 9 of Chapter 2 of the Consolidated Ordinances of the Yukon Territory are hereby repealed, and the following substituted therefor :

**Members'
indemnity.**

7. The Commissioner shall pay to each elected member of the Yukon Council an indemnity of six hundred dollars for each year of service after election, provided always that a deduction at the rate of fifteen dollars per day shall be made from such indemnity to any member for every day for which the council has been summoned or to which it is adjourned, and for every meeting of any committee of such council, of which notice has been given on which such member does not attend.

How paid.

8. Such indemnity may be paid from time to time as any member becomes entitled to the same, to the extent of twenty-five dollars for each day's attendance, but three hundred dollars less the amount already paid may be paid at the end of each six months of any fiscal year.

**Traveling
expenses.**

9. There shall also be paid to each member of the Council 50 cents per mile for each mile of the distance between the place of residence of such member at the time of his election and the place at which the ses-

sion of the Council is held, reckoning such distance going and coming according to the ordinary mail route, which distance shall be determined and certified by the Commissioner.

3. The Schedule to Chapter 2 of the Consolidated Ordinances Yukon Territory is hereby struck out and the Schedule to this Ordinance is substituted therefor, and the Schedule to this Ordinance shall be deemed to be Schedule 1 to said Chapter 2.

Schedule
struck out and
substituted.

4. This Ordinance shall not affect any elected member now holding his seat in the Yukon Council, but every such member shall be, until his term of office expires, a representative of the electoral district for which he was elected.

Ordinance not
to effect pres-
ent members.

SCHEDULE 1.

1. The Electoral District of North Dawson shall consist of all that portion of the Yukon Territory commencing at the point of intersection of the eastern limit of the Yukon Territory with the watershed dividing Peel River and its tributaries from the Stewart River and its tributaries; thence westerly along said watershed to the head of the Klondike River; thence southerly and westerly along the centre of the main channel of the Klondike River to its intersection with the eastern boundary of the City of Dawson; thence northerly along the eastern boundary line of the City of Dawson to its intersection with the prolongation of the centre line of King street; thence southerly along the centre line of King street and its prolongation to the centre of the Yukon River; thence along the centre of the main channel of the Yukon River to the mouth of Dawson Creek; thence up Dawson Creek to the watershed dividing the Fortymile River and tributaries from the Sixtymile River and tributaries; thence westerly along said watershed to its intersection with meridian 141 degrees west; thence north along said meridian to the northern limit of the Yukon Territory; thence easterly and southerly along the northern and eastern limits of the Yukon Territory to the point of commencement, and such electoral district shall return one member.

2. The Electoral District of South Dawson shall consist of all that portion of the Yukon Territory commencing at the junction of the Klondike River with the eastern boundary of the City of Dawson; thence northerly along the eastern city limit of Dawson to its intersection with the prolongation of the centre line of King street; thence southerly along the centre line of King street and a prolongation thereof to the centre of the Yukon River; thence along the centre of the Yukon River to the mouth of Dawson Creek; thence up Dawson Creek to the watershed dividing the Fortymile River and tributaries from the Sixtymile River and tributaries; thence along said watershed to its intersection with meridian

141 degrees west ; thence south along said meridian to its intersection with the main channel of the White River ; thence down stream along the centre of the main channel of the White River and Yukon River to the mouth of the Klondike River ; thence up-stream along the centre of the main channel of the Klondike River to the point of commencement, and such electoral district shall return one member.

3. The Electoral District of Klondike shall consist of all that portion of the Yukon Territory commencing at a point in the centre of the Klondike River at the old Bonanza Upper Ferry Crossing ; thence along the centre of the old Bonanza trail with its junction with the Ridge Road so called ; thence along the centre line of the Ridge Road, and the watershed between Bonanza and Hunker Creeks to King Solomon's Dome ; thence along the watershed dividing Sulphur and Quartz Creeks to the centre of the Indian River at the mouth of Australia Creek ; thence up the centre of Indian River to its intersection with the Whitehorse Overland Trail ; thence along said Whitehorse Overland Trail to its intersection with the watershed dividing the Stewart River and its tributaries from the Pelly River and its tributaries ; thence easterly along the said watershed to the eastern limit of said Territory ; thence northwesterly along the eastern limit of the said Territory to its intersection with the watershed dividing the Peel River and its tributaries from the Stewart River and its tributaries ; thence westerly along the said watershed to the head of the Klondike River ; thence southerly and westerly along the centre of the main channel of the Klondike River to the point of commencement, and such electoral district shall return one member.

4. The Electoral District of Bonanza shall consist of all that portion of the Yukon Territory commencing at a point in the centre of the Klondike River at the crossing of the old Bonanza Upper Ferry ; thence along the centre of the old Bonanza trail to its junction with the Ridge Road ; thence along the centre line of the Ridge Road along the watershed dividing Hunker and Bonanza Creeks to King Solomon's Dome ; thence down the watershed dividing Sulphur from Quartz Creeks to the centre of Indian River at the mouth of Australia Creek ; thence up the centre of Indian River to its intersection with the Whitehorse Overland Trail ; thence along said Overland Trail to its intersection with the watershed dividing Stewart River and its tributaries from the Pelly River and its tributaries ; thence along said watershed to the eastern limit of said Territory ; thence southeasterly and westerly along the eastern and southern limits of the Yukon Territory to the intersection of the southern boundary line of said Territory with the watershed dividing the Pelly River and tributaries from the Yukon River and tributaries ; thence northwesterly along said watershed to the confluence of the Yukon and Pelly Rivers thence down the centre of the main channel of the Yukon River to the

mouth of the Klondike River ; thence up the centre of the Klondike River to the point of commencement, and such electoral district shall return one member.

5. The Electoral District of Whitehorse shall consist of all those portions of the Yukon Territory not included in Electoral Districts Numbers 1, 2, 3, and 4 hereinbefore described, and such electoral district shall return one member.

CHAPTER 18.

AN ORDINANCE TO PROVIDE FOR VOTERS' LISTS FOR ELECTIONS TO THE YUKON COUNCIL.

(Assented to August 24th, 1904.)

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

Commissioner to divide electoral districts into polling divisions and appoint assessors.

1. The Commissioner may divide each electoral district into as many polling divisions as may be necessary and may appoint such number of revisors as may be necessary to prepare a list of persons entitled to vote at elections of a member for the Yukon Council for each such polling division.

Revisors may vote where his duties are exercised.

2. Every revisor shall be qualified to vote and a resident within the electoral district within which his duties are to be exercised and shall before acting as such take the oath of office in form "A" in the schedule to this Act.

Duties of revisor.

3. Every revisor after taking said oath shall post up at three of the most public places within the polling division to which the list relates a notice that he has been appointed revisor for the polling division and that he will proceed forthwith to compile, and within thirty days will complete, the voters' list for the polling division, and designating the office or place where he may be found and the time during which he will attend at such office for the purposes of revision.

(2) Such time shall be not less than eight hours per day for not less than five days, which days and hours shall be specified in such notice.

Revisor to compile list.

4. Every revisor shall, immediately after taking the oath of office compile a list of the persons qualified to vote in each polling district at such election, and he shall make three plainly written copies thereof, with the names of the voters alphabetically arranged, giving the occupation and residence of each voter in the form "B" in the schedule to this Act.

Revisor to use as basis of his list the list compiled for election to House of Commons.

5. In the compilation of such list the revisor may use as a basis the lists of voters prepared for the last election of a member of the House of Commons of Canada for the Yukon Territory, taking therefrom the names of such persons as he believes to be duly qualified, and shall enter

on such list the name of every person whether on such lists or not who proves to him that he is qualified to vote.

6. Every revisor shall complete, date at his place of residence and sign the voters' list for each polling division within his district, and he shall forthwith post up in two of the most public places within such polling division copies of such list and shall retain one copy for revision.

Revisor to post two copies of completed list.

7. If any revisor at any time after posting up any voters' list, and seven days before the polling day, is fully satisfied from representations made to him by any credible person that the name of any qualified voter has been omitted from the voters' list of the polling division to which such voter belongs, he shall add such name to the copy of the list in his possession below his own signature, and shall mark such addition by his initials; if the revisor in like manner is fully satisfied that there is on the list the name of any person who is not qualified as a voter in such polling division he may draw erasing lines through such name, and write his own initials opposite thereto in the column for "remarks" and if the revisor finds the occupation, addition or residence of any voter to be inaccurately stated in the list he may make the necessary alteration and affix his initials thereto in like manner.

Revisor may add to or strike from list to within seven days of polling day.

2. Notice of the time and place of making such additions and of making such erasures or alterations shall be given by posting such notice in the revisor's office and in two public places for at least two days before such time and any person affected by any such change shall be entitled to attend at such time and place by himself or his agent and oppose such change.

Notice of time and place where alterations are made to be given.

8. Every revisor, having revised and corrected such retained copy of each voters' list compiled by him, if he deem such correction necessary, as provided in the next preceding section, shall write at the foot of such copy and close to the last name thereon, at least two days before the polling day, a certificate in the form of the second certificate contained in form "B" in the schedule to this Act.

Certificate to be added to revised and corrected list by revisor.

9. The revisor shall deliver a copy of the voters' list so certified forthwith to the Deputy Returning Officer for the polling division to which such list relates and shall forthwith cause to be delivered the voters' list so certified to the Commissioner, and every such list as received by such Deputy Returning Officer shall be the voters' list for the polling division to which it relates.

Certified list to be delivered to the Deputy Returning Officer.

2. Any candidate or his agent duly appointed in writing shall be entitled to receive a copy of such voters' list from the revisor as soon as

Candidate entitled to copy of list.

the same is revised, upon paying therefor at the rate of two cents per voter named on such list.

Subsec. 2, Sec. 8, Sec. 49, Secs. 61 to 74, both inclusive; Secs. 80, 81, 84 and 90 to 99, both inclusive of Ch. 3, Consol. Ord. repealed.

10. The following portions of Chapter 3 of the Consolidated Ordinances of the Yukon Territory, entitled "An Ordinance Respecting Elections" are hereby repealed, that is to say :

Sub-section 2 of Section 8 ;

Sections 49 ; 61 to 74 both inclusive ; 80 ; 81 ; 84 ; 90 to 99 both inclusive.

Sec. 9 amended.

11. Section 9 of said Chapter is amended by striking out the words "fourteen" in the first line thereof and substituting the word "seven" in lieu thereof.

Sec. 24 amended

12. Section 24 of said Chapter is amended by inserting the words "a copy of the list of voters for the polling division" between the word "day" and the words "the books" in the third line of said section.

Sec. 35 repealed and substituted,

13. Section 35 is hereby repealed and the following substituted therefor

Persons whose names on list entitled to vote.

35. Subject to the provisions of Chapter 3 of the Consolidated Ordinances of the Yukon Territory, entitled "An Ordinance Respecting Elections," all persons whose names are registered on the list of voters for any polling division in any electoral district in force on the day of the polling at any election for any electoral district, shall be entitled to vote at any such election for such electoral district and no other persons shall be entitled to vote thereat.

Sec. 36 amended.

14. Section 36 of the said Chapter 3 is amended by adding thereto :
"If required so to do by the Deputy Returning Officer."

Sec. 89 amended.

15. Section 89 of said Chapter is amended by striking out the words "and the number still the subject of appeal" at the end of the first paragraph of said section.

Sec. 100 amended.

16. Section 100 is amended by striking out the words "after having disposed of any appeal regarding the validity of ballots that may come before him" in the first paragraph of said section and the words from the words "if no appeals," &c., to the end of paragraph 2 of said section.

Form H in Schedule 1 amended

17. Form "H" in schedule 1 of said Chapter 3 is amended by inserting before the words "the voter" in the first line thereof the following words "Every natural born or naturalized male British subject in the Territory who has attained the full age of twenty-one years and con-

tinuously resided in such Territory for a period of not less than twelve months shall be entitled to vote in the polling division of the electoral district for which his name is entered upon the list of voters and not elsewhere."

18. Forms O and S in schedule 1 of said Chapter are hereby struck out. **Forms O and S in Schedule 1 struck out.**

19. Schedule 1, Tariff C, Chapter 3, Consolidated Ordinances of the Yukon Territory, entitled "An Ordinance Respecting Elections" is hereby repealed, and the following Tariff substituted therefor, that is to say **Schedule 1. Tariff C, repealed and substituted,**

TARIFF "C."

Fees for Election Services, Sect. 112, Chap. 3, C.O.Y.T.

- 1. The Returning Officer, where no poll is held\$100.00
 - 2. Election Clerk, where no poll is held 25.00
 - 3. Returning Officer, where poll is held 250.00
 - 4. Election Clerk, where poll is held 75.00
 - 5. Deputy Returning Officer 15.00
 - 6. Poll Clerk 10.00
 - 7. Deputy Returning Officer and Justice of the Peace sitting as Court of Revision, per day, each 10.00
 - 8. Each Officer, for every mile necessarily traveled in discharge of his duties .25
 - 9. *Rent of house for Nomination.....
 - 10. *Rent of house for Polling Station
 - 11. *Rent of house for Court of Revision
 - 12. *Rent of house for count by Returning Officer
- *Actual cash not to exceed ten dollars for any one item.

FORM A.

I, the undersigned appointed revisor for the polling district No. (or as the case may be) of the electoral district of the Yukon Territory, solemnly swear (or, being one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully in my said capacity of revisor without partiality, fear, favor or affection; so help me God.

(Signature)

CERTIFICATE OF A REVISOR HAVING TAKEN THE OATH OF OFFICE.

I, the undersigned, hereby certify that on the day of the month of revisor for the polling district No. 1 (or as the case may be) of the electoral district of took and subscribed the oath (or affirmation) of office, required in such case of revisor, by "The Yukon Territory Representation Act, 1902."

VOTERS' LISTS.

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature) C. D.,
Justice of the Peace.
Or A. B.,
Returning Officer.

FORM B.

LIST OF VOTERS.

Electoral District of the Yukon Territory, Polling Division No. 1 (or as the case may be.)

No.	Name.	Occupation or addition.	Residence.	Remarks.

I certify that the foregoing is a true copy of the voters' list in polling division No. 1 (or as the case may be) of the electoral district of the Yukon Territory, as prepared by me for use in the election of a member (or members, as the case may be) for the Yukon Council for the said electoral district now pending.

(Signature) I. J.,
Revisor.

(Here the revisor shall make any addition to the list which he finds necessary.)

I certify that the foregoing is a correct list of the voters in polling division No. 1 (or as the case may be) of the electoral district of the Yukon Territory as revised (or if no correction is made, as finally approved) by me this day of 190.....

(Signature) I. J.,
Revisor.

CHAPTER 19.

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, 1903, TO JUNE 30TH, 1904, 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, 1904, TO JUNE 30TH, 1905, AND FOR PURPOSES RELATING THERETO.

(Assented to August 24th, 1904.)

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, 1904 ;

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, 1905 ;

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 sixty-nine thousand and forty-six dollars and thirty-one cents for defraying the several charges and expenses of the public service, ending June 30th, 1904, as set forth in Schedule "A" to this Ordinance.

Further appropriation of \$69,046.31 for public service ending June 30th 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 five hundred and twenty-eight thousand, five hundred dollars, for defraying

Appropriatio of \$528,500 00 for public service endin June 30, 1905.

the several charges and expenses of the Public Service for the twelve months ending June 30th, 1905, as set forth in Schedule "B" to this Ordinance.

Application of
moneys
expended to
be accounted
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, 1904, 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, 1904, as follows

Roads, bridges and public works\$68,353.23
Schools	693.08
	<hr/>
	\$69,046.31

SCHEDULE "B."

Sums granted to the Commissioner by this Ordinance for the twelve months ending June 30th, 1905, 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, 1905, as follows :

To provide for the election of five members of the Yukon Council\$ 10,000.00
Indemnity to members of the Yukon Council	6,700.00
Maintenance and repairs of Public Buildings, not including schools	65,420.00
Preventive Service, including a gratuity to the widow of the late Hugh McKinnon	14,050.00
Salaries and travelling expenses	37,958.00
Schools	68,460.00
Contingencies, including costs and expenses of operating and enforcing any ordinance of the Territory, and of any persons employed for any such purpose, and a grant to the Dawson Rifle Association of \$200.....	10,000.00
Printing and stationery, including an amount to reimburse the Dominion Government for sums expended in printing and freight on Yukon Ordinances \$3,325.45	19,000.00
Bonus to assist and encourage the development of quartz and other mining in the Yukon Territory and to provide for assay offices at Dawson and Whitehorse	25,500.00
Grant to Whitehorse Reading Room.....	900.00
Grant to Dawson Free Library	2,700.00

TO DEFRAY EXPENSES.

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Grant to Dawson Free Library to purchase books	1,000.00	
Fire Department, Whitehorse		3,000.00
Hospitals, Charity and Quarantine—		
Bonus to Good Samaritan Hospital	5,800.00	
Bonus to St. Mary's Hospital	5,800.00	
Bonus to Whitehorse General Hospital	1,500.00	
And amounts to be paid hospitals in the Yukon Territory in lieu of payments under Ordinance No. 10 of the Consolidated Ordinances of the Yukon Territory, entitled "An Ordinance to Regulate Public Aid to Hospitals"—		
St. Mary's, 12 months at \$1,500.....	18,000.00	
Good Samaritan, 12 months at \$1,500	18,000.00	
Whitehorse General Hospital, 12 months at \$200...	2,400.00	
To provide for other charities and expenses of quarantine	5,500.00	
	<hr/>	57,000.00
Estimated amount required to pay the city of Dawson 60 per cent of the retail liquor licenses issued in the city		15,120.00
Estimated amount required to pay the Town of Bonanza 60 per cent of the retail liquor licenses issued in the town		1,800.00
To provide for the construction of public buildings in the Yukon Territory		11,000.00
To pay certain claims recommended by the Special Committee of the Yukon Council, including a claim of the estate of the late Dr. R. R. Macfarlane		8,600.00
Roads, bridges and public works, construction	70,292.00	
Roads, bridges and public works, maintenance and repairs	100,000.00
	<hr/>	170,292.00
		<hr/>
		\$528,500.00

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ORDINANCES
OF THE
Yukon Territory

PASSED BY THE YUKON COUNCIL

IN THE YEAR

1905

**WILLIAM WALLACE BURNS McINNES,
COMMISSIONER.**



*Printed and Published for the Government of the Yukon Territory
Under the Superintendence of the King's Printer.*

BY AUTHORITY

*Of Chapter 4 of the Ordinances of 1904, Entitled "An Ordinance
Respecting Public Printing."*

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CHAPTER 1.

AN ORDINANCE RESPECTING JURIES.

(Assented to September 9th, 1905.)

1. This chapter may be cited as "The Juries Ordinance."

Short title

QUALIFICATIONS.

2. Every British subject who has resided for twelve months within the Yukon Territory shall be qualified and liable to serve as a juror in said Territory.

Qualifications

3. The following persons shall be exempted from serving as jurors, that is to say :—

EXEMPTIONS AND DISQUALIFICATIONS.

(1) Members of the Privy Council or of the Senate or House of Commons of Canada.

Exemptions from service as jurors

(2) Members of the Yukon Council.

(3) Members of the Royal North-West Mounted Police.

(4) Barristers and solicitors.

(5) The Superintendent of Schools, and teachers employed by the Commissioner of the Territory.

(6) Clergymen and Ministers of the Gospel.

(7) Medical Practitioners.

(8) Mail Carriers.

(9) Persons actually engaged in the operating of railway trains and steamboats.

(10) Telegraph and Telephone operators in actual employment as such.

(11) Persons actually in charge of a steam engine, and firemen while working on a mining claim.

(12) Officers and clerks of the Dominion or Territorial Government.

(13) Judges, magistrates and officers of any Court of Justice actually exercising the duties of their office.

(14) Persons who are affected with blindness, deafness or with mental or physical infirmity incompatible with the discharge of the duties of jurors.

(15) Persons under twenty-one and above sixty years of age.

(16) Persons residing more than fifteen miles from the Court House at Dawson.

4. (1) No person shall be liable to serve as a juror more than twice in one year except in case of his being summoned in obedience to a venire facias issued under the provisions of this Chapter for the return of jurors when sufficient number of jurors have not attended.

(2) No person shall serve as a juror who has been convicted of any criminal offense for which he was sentenced to death or any term of imprisonment with hard labour for a period exceeding three months.

PREPARATION OF LISTS.

Lists to be prepared

5. (1) The Territorial Court shall, when, and as often as it is deemed necessary, cause to be prepared a list of not less than two hundred persons qualified and liable to serve as jurors.

In Form "A"

(2) Such list shall be in form "A" in the schedule to this Ordinance, and shall contain in alphabetical order the surnames of each person qualified and liable to serve as a juror, with his christian name or one or more of the initials thereof, and shall state his place of residence, his occupation or addition and any appellation by which he is known for the purpose of distinction.

Judges to direct preparation

(3) The list shall be prepared in accordance with such direction as the judges or a majority of them may give and shall be subject to such amendment by adding or striking off names as the judges or a majority of them may decide.

List not open to inspection

(4) The said list as so signed shall be kept in the office of the clerk and shall not be open to inspection.

(5) The Court may, at any time, and from time to time order the names of any persons to be struck off or the names of any persons to be added to said list.

DRAWING JURORS.

Method of drawing Jury

6. (1) When a jury is required, the clerk of the Court shall prepare a jury box and tickets for use in drawing jurors.

Tickets to be placed in box

(2) The tickets, on which shall be written, as in the jury list, the names with the residences and occupations or additions of all persons on the jury list, each ticket having one name thereon shall be placed in the jury box.

Tickets to be folded

(3) Every ticket shall be so folded as to conceal the name written thereon.

Number to be written on ticket

(4) The Clerk, instead of writing the name, residence and occupation or addition of each person on the ticket, may write thereon a number corresponding to a distinguishing number to be placed opposite the name of the person in the jury list.

(5) The names of the jurors may be drawn in open Court or by the order of the Court they may be drawn in the presence of such persons as the Court directs.

Names to be drawn in open Court or otherwise

(6) The tickets shall be placed promiscuously in the jury box.

To be placed promiscuously in box

7. (1) When the panel of jurors is drawn for service the clerk shall enter on the jury list opposite the name of each person so drawn, the date of drawing.

Clerk to enter date

(2) If any person who is liable to serve as a juror has been drawn, but for any cause has not been summoned to attend, or has not attended, the entry of drawing in the jury list shall be cancelled.

Entry to be cancelled in certain cases

PANEL OF JURORS.

8. The panel of jurors to be drawn for the trial of jury causes shall be composed of such number as the court or judge directs and shall consist of the persons qualified and liable to serve whose names correspond to such number of tickets first drawn.

Composition of Panel

9. At the close of the drawing the clerk shall make a list containing the names, residences and occupations or additions of the persons drawn and such list shall be signed by the judge presiding in court at the time of drawing or the person so ordered by the court to attend such drawing and shall constitute the panel of jurors to serve for the then next ensuing month.

Clerk to make list

10. The clerk, when any such panel is required, shall issue and deliver to the sheriff a writ of venire facias for the summoning of the persons constituting such panel to attend during the sittings for which it is drawn.

Writ to issue

SUMMONING JURORS.

11. The clerk may issue a writ of venire facias without any fiat or order therefor.

Summons

12. The sheriff shall summon each person named in the panel by delivering to him a notice in writing under the hand of the sheriff, containing the substance of such writ of venire facias.

Sheriff to notify by hand

13. The writ of venire facias and the summons may be in the forms B. and C. in the schedule to this Ordinance or to the like effect.

Forms

14. The sheriff, at least twelve hours before the time appointed for their attendance, shall summon such jurors provided that such twelve hours' service shall not be necessary when a judge otherwise orders.

Twelve hours notice

15. (1) The sheriff shall in his return to the writ of venire facias, report his proceedings as to the summoning or attempting to summon the persons whose names appear in such panel.

Sheriff to report

To annex
affidavit

(2) He shall annex thereto any affidavit made by any such person showing that such person is exempted from serving.

ATTENDANCE AND ORGANIZATION OF JURIES.

Drawing

16. The clerk shall, on each day on which the jurors are required to stand, call,—

(a) Upon the opening of the Court, the names of all jurors, and

(b) Upon any jury cause being called for trial, the names of the jurors required to compose the jury, and shall make an entry of the fact if any juror does not answer to his name.

Six to
constitute
Jury

17. Every jury for the trial of a civil or criminal cause shall consist of six persons selected from the said panel.

Challenging

18. In civil causes the plaintiff or plaintiffs on one side and the defendant or defendants on the other side may on each side, except in the case of a special jury, peremptorily challenge three jurors including talesmen.

Names to be
written on
tickets

19. The clerk shall write the names of the jurors on tickets, each ticket having one name thereon, and having folded such tickets so as to conceal the name, shall place them promiscuously in a box.

Requisite
number to be
drawn from
box

20. (1) When any cause to be tried with a jury is called, he shall draw from such box the names of jurors to the prescribed number, exclusive of the names of those who are not in attendance, and if any of the jurors whose names are so drawn are challenged and set aside, he shall draw from the names until the prescribed number is obtained.

Jurors first
drawn

(2) The jurors who are first drawn and who are in attendance and are not challenged and set aside, shall be sworn or permitted to affirm in the usual manner and shall be the jury to try the cause.

Names to be
returned to
box

(3) The names of the jurors so drawn who were not in attendance or who were challenged and set aside, shall then be returned to the box.

But not before
other names
have been
drawn

(4) The names of the persons so sworn shall not be returned to the box to be drawn again until all the names in the box have been drawn in obtaining juries for subsequent trials.

When number
insufficient

21. When a number of jurors in attendance—

(a) Is insufficient, or

Talesmen

(b) Is so reduced by challenge or by other causes as to be insufficient, to constitute a jury, a tales de circumstantibus may, in a civil cause, at the instance of either party, and in a criminal cause, on application on behalf of the Crown or of the defendant, be ordered and summoned, and returned immediately for service.

Judge may
discharge
Jurors

22. The presiding judge at any trial may excuse the jurors from at-

tendance during any part of the sittings and may at any time discharge them from further attendance.

SPECIAL JURIES.

23. (1) The Court or a judge may, upon sufficient cause therefor being shown by affidavit, order that a special jury be drawn for the trial of any civil cause. Special jury

(2) When a special jury is required for the trial of a cause the clerk shall, at a time of which due notice has been given to both parties to the cause, draw (omitting the names of any persons then serving as jurors), one hundred names of persons on the jury list.

(3) The number having been reduced to twenty-four by the respective parties, the solicitors or agents alternately objecting to a name, commencing with the party who required the special jury, a panel and a venire facias shall be delivered by the clerk to the Sheriff and such special jurors shall be summoned at least two days before the time appointed for their attendance. Each party shall have the right to object to twenty-five names and no more. Panel to be delivered by the Clerk to the Sheriff

(4) If the number is not so reduced through the parties not objecting to names, the required number shall be taken from these names first drawn, and which have not been objected to. If no objections names first drawn to be used

(5) The names of the special jurors so summoned shall be written on tickets, each ticket having one name thereon, and such ticket shall be folded so as to conceal the name, and shall be placed promiscuously in a box. Names to be written on separate tickets

(6) The clerk, when the cause is called, shall draw from the box the names of jurors to the prescribed number, and the jurors whose names are first drawn and who are in attendance, shall be the jury for the trial of the cause. Jurors first drawn to try cause

FEES AND PAYMENT OF JURORS.

24. The fees for travel and attendance of jurors in civil and criminal causes, shall be as follows:— Fees

For each mile necessarily travelled, going and coming from residence to Court House—per mile.....\$.25
For every day's attendance	5.00

25. The party requiring an ordinary jury in a civil cause shall, before the panel for such jury is drawn, deposit with the clerk of the court the sum of one hundred dollars and shall before the commencement of the trial of such cause on each day subsequent to the first day, deposit with such clerk the further sum of thirty dollars. Deposit required for Jury

26. No special jury shall be ordered unless the party who has ap- Deposit for special Jury

plied therefor has first deposited with the clerk of the court the sum of two hundred dollars, such party shall before the commencement of the trial of such cause on each day subsequent to the first day, deposit with the said clerk the further sum of thirty dollars.

How sums
applied

27. The sums deposited with the clerk of the court under the next two preceding sections shall be applied so far as required, to the payment of the fees of the jurors and any balances shall be paid to the persons respectively by whom they were deposited.

APPORTIONMENT OF COST OF JURY.

Expenses of
Jury trials to
be borne by
Crown and
litigants
proportion-
ately

28. (1) If criminal and civil trials with jury are held at the same sittings the cost of summoning the panel and of the travel of the jurors shall be apportioned between the Crown and the civil litigants, in proportion to the number of causes for trial with a jury and the portion assigned to the civil litigants shall be equally apportioned among the several causes.

Fees to be
apportioned

(2) The jury fees for daily attendance shall be apportioned among the several criminal and civil causes tried in the proportion of the respective times occupied in the trial of such causes.

PAYMENT PREPARING FOR JURY LIST

Clerk to be
paid

29. The clerk shall be paid a sum not exceeding fifty dollars for every jury list prepared by him in pursuance of the order of the Court.

SITTINGS OF THE COURT WITH JURY.

Sittings of
Territorial
Court

30. There shall, if necessary, be a sitting of the Territorial Court for the trial of criminal causes with a jury, beginning on the first Monday of every month.

NOTICE TO BE GIVEN BY CROWN PROSECUTOR.

Crown
Prosecutor to
notify Clerk
of Jury being
required

31. The Crown Prosecutor shall, six clear days before the first Monday of every month, notify the clerk of the Court if a jury is required for trial of criminal causes.

TRIAL OF CIVIL CAUSES WITH JURY

Civil causes
to be tried
after criminal

32. All civil causes for trial with a jury shall be tried immediately after the criminal causes, or if no criminal causes, then on the first Monday of every month and on the days following required for trial of such causes.

FINES FOR NON-ATTENDANCE.

Jurors absent
may be fined

33. Any juror who does not answer to his name when called in Court in any civil or criminal cause, may be fined.

Fine

34. The fine payable by a juror shall be five dollars for the first day,

and for every subsequent day such sum not exceeding twenty dollars, as the Court directs.

35. (1) All fines for non-attendance of jurors may be recovered by warrant of distress in the form "D" in the Schedule to this Ordinance or to the like effect to be made out and delivered by the clerk to the Sheriff immediately after the calling of the jurors each day or at such other time as the Court orders.

How recovered

(2) The Sheriff shall forthwith enforce the warrant and return to the clerk a statement of all fines received by him, and the reasons why any fines which have been imposed have not been collected, and shall pay over to the Comptroller of the Territory the full amount by him recovered, deducting ten per centum for his services.

Sheriff to make return of fines

(3) The clerk shall immediately lay such statement before the judge who presided at the sitting.

GENERAL PROVISIONS.

36. No omission to observe the directions in this Ordinance contained, or any of them, as respects—

Verdict not to be impeached on account of errors

- (a) The qualifications, exemptions or disqualifications of jurors;
 - (b) The preparation of the list of jurors, or the form of the lists or requirements in respect to the list;
 - (c) The drawing or summoning of juries; or
 - (d) The striking of a special jury;
- shall be ground for impeaching the verdict in any cause.

37. (1) No jury shall be kept without meat, drink or any other comfort while it is considering its verdict.

Meat and drink to be supplied Jury

(2) If during the trial of a cause, civil or criminal, the jurors are not allowed to separate, the sheriff may provide such lodging and refreshment as is necessary and proper for them, and the cost thereof certified by the sheriff, shall be paid in the same manner and from the same funds as jury fees.

Lodging and refreshment to be provided

38. Every person who—

Penalties for failure to act &c

- (a) Knowingly puts the name of any person upon the jury list who is not qualified or liable to serve, or
- (b) Wilfully fails to perform any duty imposed upon him by this Ordinance, shall be liable to a penalty of not less than fifty dollars, nor more than two hundred dollars.

39. Chapter 26 of the Consolidated Ordinances of the Yukon Territory, being an Ordinance Respecting the Summoning of Juries is hereby repealed.

Chapter 26 repealed

JURIES.

SCHEDULE.

Form A.

(Section 5.)

LIST OF JURORS.

THE YUKON TERRITORY—

The return of the Clerk of the Territorial Court of certain persons residing within the Yukon Territory liable to serve as jurors:—

Surname and Christian name at full length	Residence.	Occupation or Addition.
---	------------	-------------------------

Form B.

(Section 13)

VENIRE FOR JURY.

YUKON TERRITORY, L. S.—

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Etc.,

To.....Esquire,
(Seal.) Sheriff of our said Territory.

GREETING:

We command you that you cause to come before our Justices of the Territorial Court at the Court House at Dawson in said Territory, on the day of 19 at o'clock, in the noon, the (insert number) jurors, whose names are contained in the panel hereunto annexed, then and there to attend the said Territorial Court as jurors for the trial of all such causes as may be then and there pending between ourselves and party from time to time as they shall put themselves upon that jury by virtue of any issue formed during the sitting of said Courts, and have you then and there the panel, with the names of the jurors so annexed as aforesaid, and this writ, and make due return of your doings thereon.

Witness: The Honourable

Senior Justice of our said Court at Dawson in the Yukon Territory thisday of.....A.D. 19.....

Clerk of the Territorial Court.

N.B. To this writ must be attached a panel, containing the name, residence and occupation or addition of each juror, and which will be entitled as follows:

Panel of jurors drawn in open Court (or before the person named by the Court), to attend the sittings of the Territorial Court at Dawson aforesaid on the.....day of19.....

Names. Residences. Occupations or Additions.

Form C. (Section 13.)

SUMMONS TO JUROR.

Dawson.....19.....

Sheriff's Office.

Sir,—

You are hereby required to attend His Majesty's Territorial Court at the Court House at Dawson, -Y.T., on the.....day of.....19..... ato'clock in thenoon, and following days of the sitting as a juror.

Any application for exemption from service as above must be made in Court, upon oath or upon affidavit, on the first day of the sitting.

Fine for non-attendance per day as the Court directs.

Sheriff of the Yukon Territory.

FORM D. (Section 35.)

WARRANT FOR COLLECTION OF FINE IMPOSED ON A JUROR.

The Yukon Territory.

L. S.

Edward the Seventh by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Etc.:

To.....

Sheriff of our Yukon Territory :

GREETING

Whereas(name of juror) of..... (residence and occupation) was duly summoned to attend before a Justice of Our Territorial Court at Dawson in said Territory on the..... day of19.....to serve as juror ;

AND WHEREAS the said.....failed to attend such Court and serve as such juror thereat for the period ofdays, and for such non-attendance he, the said was by such Court fined and ordered to pay the sum ofdollars.

JURIES.

We command you, therefore, forthwith to levy of the goods and chattels of the said.....the said sum ofdollars, and make due return to our Supreme Court at Dawson aforesaid what you shall do in the premises and have you there this writ.

WITNESS the Honourable..... Senior Justice of our Territorial Court at Dawson aforesaid this.....day of A D., 19.....

.....
Clerk of the said Court.

CHAPTER 2.

AN ORDINANCE TO AMEND THE JUDICATURE ORDINANCE AND RULES.

(Assented to September 9th, 1905.)

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

The Rules of Court made under Chapter 17 of the Consolidated Ordinances of the Yukon Territory, entitled, "An Ordinance Respecting the Administration of Civil Justice," are hereby amended by inserting the following Rules between Rules 403 and 404:—

Rules of Court amended

"403a. If any person who is about to leave the Yukon Territory gives written notice to any person at whose instance he is liable to arrest under the provisions of Rule 396 of the Rules of Court made under the Judicature Ordinance, that he proposes to leave the said Territory on a day named in said notice, such day being not less than ten days after the date of the service of said notice, such person may be arrested under such Rules at any time before the day named in said notice, but not afterwards at the instance of the person to whom such notice was given."

Notice by person leaving country

"403b. If any person has been arrested under the provisions of said Rule, he shall be discharged from custody at the end of twenty-one days from the day of his arrest unless he has in the meantime been brought before a judge of the Territorial Court and ordered to be detained for a longer period."

Discharge from custody

CHAPTER 3.

AN ORDINANCE PROHIBITING THE DISCHARGE OF FIRE ARMS WITHIN THE LIMITS OF UNINCORPORATED TOWNS.

(Assented to September 9th, 1905.)

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

**Discharge of
fire arms
prohibited** No person shall discharge any fire arms within the limits of any un-
incorporated town under a penalty of not more than twenty and not less
than five dollars.

CHAPTER 4.

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND CHAPTER
6 OF THE CONSOLIDATED ORDINANCES OF THE YUKON
TERRITORY ENTITLED "AN ORDINANCE RESPECTING THE
REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS."

(Assented to September 9th, 1905.)

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

Section 8 of Chapter 6 of the Consolidated Ordinances of the Yukon
Territory, entitled "An Ordinance Respecting the Registration of Births,
Marriages and Deaths," is amended by inserting after the word "birth"
in the 6th line of said Section and before the word "shall" in the 7th
line of said Section, the following words "and the physician in attend-
ance at the birth of such child."

Sec. 8
amended

CHAPTER 5.

AN ORDINANCE TO AMEND CHAPTER 72 OF THE CONSOLIDATED ORDINANCES OF THE YUKON TERRITORY, ENTITLED, "AN ORDINANCE RESPECTING THE PRESERVATION OF GAME IN THE YUKON TERRITORY."

(Assented to September 9th, 1905.)

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

Chapter 72
amended

1. Chapter 72 of the Consolidated Ordinances of the Yukon Territory is hereby amended by inserting the following sub-section between section 8 and section 9 of said chapter

No poison to
be used

"8. (2) It shall be unlawful for any person to use poison or poisonous substances for the purpose of taking or killing any birds or beasts of any kind whatsoever, and the fact that any person places any poison or poisonous substances in such a position that it may be reached or taken by any bird or beast, shall be proof that it was used for such purpose and shall be deemed an offense against the provisions of said Chapter.

Penalty for
having game
in possession

2. Every person who has in his possession without lawful excuse, during the closed season, any beast, bird, or eggs, killed or taken during such close season, shall be liable on summary conviction to a penalty not exceeding \$500.00 and in default of payment to imprisonment for a period not exceeding three months.

Close season
changed

3. Chapter 72 of the Consolidated Ordinances of the Yukon Territory is hereby amended by substituting for the word "June" in sub-section 3 of section 8, the word "April" and for the words "the first day of September" in said sub-section, the words "the 25th day of August." "

CHAPTER 6.

AN ORDINANCE RESPECTING THE BYE-LAWS OF THE CITY OF DAWSON.

(Assented to September 9th, 1905.)

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

1. The Bye-Laws of the City of Dawson which were in force on the 16th day of September, 1904, are hereby declared to have continued in force and effect after the publication, on the 17th day of September, A. D., 1904, by the Commissioner of the Yukon Territory, of the Proclamation mentioned in Section 17 of Chapter 16 of the Ordinances of the Yukon Territory for the year 1904, to the same extent and in the same manner as they severally were in force and effect previously to the said publication save only as varied and altered by the provisions of said Ordinance or of any subsequent Ordinance of the Yukon Territory.

By-Laws of old City of Dawson ratified

2. The Bye-Laws set out in the Schedule to this Ordinance, are hereby repealed.

Schedule repealed

3. Bye-Law No. 17, Section 35, of the said City of Dawson, respecting the appointment of an Inspector of Licenses and the issue of licenses in certain cases, is hereby amended as follows'—

(a) By striking out in sub-section 2 of said Section the figures "\$100.00" and substituting therefor the figures "\$25.00."

License fee reduced

(b) Sub-section (7) of said Section by adding thereto the following words "but if sold in a grocery shop or grocery store \$25.00."

(c) Sub-section (9) of said section by striking out said sub-section and substituting therefor the following

"(9) For a license to keep one billiard or pool table an annual fee of \$25.00 and for every additional table upon the same premises, an annual fee of \$15.00."

Billiard tables

(d) Sub-sections (10) and (11) by striking out "\$50.00" in both sections, and substituting therefor "\$25.00."

(e) Sub-section (22) of said section by striking out said sub-section and substituting therefor the following, that is to say

"(22) For every license to keep a boot black stand on the street, an annual fee of \$15.00, and for every chair over the first, an additional fee of \$5.00."

Boot blacks

(f) Sub-section (25) by striking out "\$50.00" and substituting therefor "\$25.00."

Bond of
Collector
reduced

4. By-Law No. 41 of the said City of Dawson, respecting the Treasurer and Tax Collector of the City of Dawson and his Assistants, is hereby amended by striking out the words and figures "Ten thousand dollars (\$10,000.00)" in sub-section (5) and in sub-section (6) of Section (1) of said By-Law, and substituting therefor "Five thousand dollars (\$5,000.00.)"

SCHEDULE.

By-Law No. 2 of the City of Dawson Relating to Tenure of Office.

By-Law No. 3 of the City of Dawson Respecting the Office of City Solicitor.

By-Law No. 4 of the City of Dawson to Regulate the Proceedings of the Council of the City of Dawson.

By-Law No. 7 of the City of Dawson Relating to the Police Force.

By-Law No. 12 to Authorize the Mayor and Treasurer of the City of Dawson to Borrow certain Sums to meet the now current Expenditures.

By-Law No. 13 to Amend By-Law No. 4 of the City of Dawson.

CHAPTER 7.

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, 1904, TO JUNE 30TH, 1905, 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, 1905, TO JUNE 30TH, 1906, AND FOR PURPOSES RELATING THERETO.

(Assented to September 9th, 1905.)

Whereas, it appears by message from William Wallace Burns McInnes, 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, 1905;

Preamble

And whereas, it appears by message from William Wallace Burns McInnes, the Commissioner of the Yukon Territory, and the estimates accompanying the same, that the sums hereinafter mentioned in Schedules "B" and "C" 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, 1906;

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, twenty-nine thousand, seven hundred and eight dollars and ten cents for defraying the several charges and expenses of the public service, ending June 30th, 1905, as set forth in Schedule "A" to this Ordinance.

Further appropriation of \$29,708.10 for public service ending June 30th 1905

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 sixty-five thousand, two hundred and eighty-nine dollars and sixty-three cents for defraying the several charges and expenses of the public service for the twelve months ending June 30th, 1906, as set forth in Schedules "B" and "C" to this Ordinance.

Appropriation of \$365,289.63 for public service ending June 30th 1906

Application of
moneys ex-
pended to be
accounted 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, 1905, 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, 1905, as follows

Expenses of election of five members of the Yukon Council.....	\$ 2,470.85
Whitehorse Fire Department	2,120.38
Roads, Bridges and Public Works	25,116.87
	<hr/>
	\$ 29,708.10

SCHEDULE "B."

Sums granted to the Commissioner by this Ordinance for the twelve months ending June 30th, 1906, 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, 1906, as follows :

Indemnity and travelling expenses to members of the Yukon Council\$ 5,000.00
Preventive Service	1,500.00
Salaries and Travelling expenses	20,520.00
Schools	52,615.00
Printing and Stationery	10,600.00
Grant to Whitehorse Reading Room.....	900.00
Grant to Dawson Free Library	3,700.00
Whitehorse Fire Department 6,000.00
Estimated amount required to pay the City of Dawson 60 per cent. of the retail liquor licenses issued in the city	16,620.00
Estimated amount required to pay the Town of Bonanza 60 per cent. of the retail liquor licenses issued in the town and \$300.00 short voted last year	2,400.00
Hospitals, Charities and Quarantine.....	43,000.00
Bonus to assist and encourage the development of quartz and other mining in the Yukon Territory, and to provide for Assay Offices at Whitehorse and Dawson	17,042.81
Contingencies\$ 5,000.00
Miscellaneous Expenditure; including \$1,500.00 payable to the	
Carried forward	<hr/>\$184,297.81

TO DEFRAY EXPENSES.

23

Brought forward\$184,297.81
Board of License Commissioners; \$800, Grant to the Dawson Rifle Association; \$2,000 for the entertainment of the Members of the Institute of American Mining Engineers; \$5,000.00 to provide for meteorological experiments at or near the Dome during the summer of 1906	12,000.00
Roads, Bridges and Public Works.....	94,171.82
	<hr/>
	\$290,469.63

SCHEDULE "C."

Sums granted to the Commissioner by this Ordinance for the twelve months ending June 30th, 1906, 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, 1906, as follows

Streets, Sewers, Drains, Ditches and Bridges in the city of Dawson\$ 7,000.00
Street Lighting in the City of Dawson	4,500.00
Printing and Stationery do.	850.00
Maintenance of dog-pound do.	350.00
Grant to Dawson Free Library do.	2,100.00
Salaries do.	8,020.00
Contingencies do.	2,000.00
For the maintenance of a Fire Service City of Dawson	50,000.00
	<hr/>
	\$74,820.00

CHAPTER 8.

AN ORDINANCE RESPECTING LIENS IN FAVOUR OF WOODMEN AND OTHERS.

(Assented to September 9th, 1905.)

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

Short title

1. This Ordinance may be cited as the "Woodman's Lien for Wages Ordinance."

2. Where the words following occur in this Ordinance, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :—

Logs or timber

(1) The words "logs or timber" shall mean and include logs, timber, piles, posts, telegraph and telephone poles, ties, mining props, shingle bolts, staves, fire wood or any of them ;

Labor &c

(2) The words "labour," "service," or "services" shall mean and include cutting, skidding, felling, hauling, scaling, banking, piling, driving, running, rafting or booming any logs or timber, and any work done by cooks, blacksmiths, artisans, and others usually employed in connection therewith ;

(3) The word "person" in section 3 of this Ordinance shall be interpreted to include cooks, blacksmiths, artisans and all others usually employed in connection with such labour and services.

Laborer to have lien on logs

3. Any person performing any labour, service or services in connection with any logs or timber in the Yukon Territory shall have a lien thereon for the amount due for such labour, service or services, and the same shall be deemed a first lien or charge on such logs or timber, and shall have precedence of all other claims or liens thereon, except any lien or claim which the Crown may have upon such logs or timber for or in respect of any dues or charges, or which any timber slide company, or owner of slides and booms, may have thereon for or in respect of tolls.

Statement in writing must be filed

4. The lien provided for in section 3 shall not attach or remain a charge on the logs or timber unless and until a statement thereof in writing, verified upon oath by the person claiming such lien or some one authorized on his behalf, shall be filed in the office of the clerk of the Territorial Court of the Yukon Territory.

What to contain

5. Such statement shall set out briefly the nature of the debt, de-

mand or claim, the amount due to the claimant, as near as may be, over and above all legal claims by way of set-offs or counter claims, and a description of the logs or timber upon or against which the lien is claimed, and shall be in the form set out in the schedule to this Ordinance or to the like effect.

6. Such statement shall be filed within thirty days after the last day such labour or services were performed ; provided that no sale or transfer of the logs or timber upon which a lien is claimed under this Ordinance during the time limited for the filing of such statement of claim, and previous to the filing thereof, or after filing thereof and during the time limited for the enforcement thereof, shall in anywise affect such lien, but such lien shall remain and be in force against such logs or timber in whosoever possession the same shall be found, except sawn timber sold in the ordinary course of business.

7. (1) Any person or persons having a lien upon or against any logs or timber may enforce the same by suit in the Territorial Court of the Yukon Territory and such lien claim shall cease to be a lien upon the property named in such statement unless the proceedings to enforce the same be commenced within thirty days after the filing of the statement of claim or after the expiry of the period of credit. In all such suits the person, company or corporation liable for the payment of such debt or claim shall be made the party defendant.

Time within which lien claim shall be made

(2) There shall be attached to or indorsed upon such writ of summons a copy of the statement of claim filed as hereinbefore provided ; and no other statement of claim shall be necessary unless ordered by the Court or Judge, and no pleadings or notice of dispute or defence, other than such as are required in a suit or proceeding in the said court, shall be necessary. In case no defence is filed, judgment may be signed and execution issued, according to the practice of the said Court.

Copy of lien claim on writ

8. The Court or Judge may order any particulars to be given or any proper or necessary amendments to be made, or may add or strike out the names of parties at any time, and may set aside judgment and permit a defence to be entered or filed, on such terms as to the Court or Judge shall appear proper. The writ shall be in the form as near as may be, of that in use in the Territorial Court of the Yukon Territory and the practice thereafter shall follow as nearly as may be that of the said Court. Writs may be served anywhere in the Territory in the same manner as in other cases, and the judgments shall declare that the same is for wages, the amount thereof and costs, and that the plaintiff has a lien therefor on the property described when such is the case.

Particulars may be ordered

9. Where an execution has issued and has been placed in the Sheriff's hands for execution, and no attachment has been issued, the proceedings for the enforcement of the lien shall be by sale under the execution ; and

Execution sale

the proceedings relating to proof of other claims, and the payment of money into court and the distribution of the moneys and otherwise, shall, as far as practicable, be the same as is hereinafter provided for proceedings upon and subsequent to an attachment.

Statement of claim and defence

10. Where an attachment issues in the first instance, the statement of claim and defence, and proceedings to judgment, may be the same, as hereinbefore provided; where a suit has been begun by writ of summons, and where an attachment issues after proceedings have been begun by writ of summons, the proceedings shall continue and be carried to judgment under the writ of summons, except such as are necessary to be taken under the attachment.

Form of attachment same as in use in Territorial Court

11. The form of writ of attachment shall be as nearly as may be, the same as is in use in the Territorial Court of the Yukon Territory. The Judges of the Territorial Court of the Yukon Territory, or a majority of such Judges, may jointly prepare and adopt rules and forms not inconsistent with the provisions of this ordinance for the more convenient carrying out in the said Court the provisions of this Ordinance.

Judge may dispose of summarily

12. (1) Any Judge may direct that any case shall be disposed of summarily by him or any of the Judges present in chambers without waiting for the regular sittings of the Court, upon such terms as to notice and otherwise as the order shall provide, and the same may be so heard and disposed of;

Judge may decide motion to set aside seizure

(2) Any Judge may also entertain in chambers any application to set aside a writ of summons or of an attachment or seizure, or to release logs or timber that have been seized, and may summarily dispose of the same.

Under what circumstances shall issue

13. (1) Upon the production and filing of a copy of such claim and affidavit, and upon the filing of an affidavit made and sworn by the claimant of the amount of the claim due and owing, and showing that the same has been filed as aforesaid, and stating that:—

(a) He has good reason to believe, and does believe, that the logs or timber are about being removed out of the Yukon Territory; or

(b) That the person indebted for the amount of such lien has absconded or is about to abscond from the said Territory with intent to defraud or defeat his creditors; or

(c) That the logs or timber are about being cut into lumber or timber or otherwise dealt with so that the same cannot be identified;

(d) And that he is in danger of losing his claim if an attachment do not issue, and if affidavits corroborating the affidavit of the plaintiff in

respect of paragraphs (a) (b) or (c) be also filed, then the Clerk of the Territorial Court of the Yukon Territory shall issue a writ of attachment directed to the Sheriff of the Yukon Territory, commanding him to attach, seize and take and safely keep the said logs or timber, or such portion of them as may be necessary to satisfy the amount claimed and the costs of the suit, and of the proceedings to enforce the lien.

(2) Where additional claims are made, or the amount of claim is increased, or a sufficient seizure has not been made, a second or subsequent seizure may be made either under execution or attachment.

Second seizure may be made

14. The plaintiff may, at any time within six months from the date of the original writ of attachment, issue from the office whence the original writ issued one or more concurrent writ or writs of attachment, to bear test on the same day as the original writ, and to be marked by the officer issuing the same with the word "Concurrent" in the margin, which concurrent writ or writs of attachment shall be directed to the Sheriff of the Yukon Territory, and need not be sued out in duplicate, or be served on the defendant but shall operate merely for the attachment of the said logs or timber in aid of the original writ.

Concurrent writ

15. (1) The writ of attachment shall, if no writ or summons has issued, summon the defendant to appear before the Court out of which the writ of attachment has issued, and a copy of the writ of attachment shall be served upon the defendant and if the defendant in such attachment is not the owner of the logs or timber described in the writ, then a copy of the writ shall also be served upon the owner of said logs or timber or upon the person or agent in whose possession, custody or control they may be found, for him ;

Defendant to appear to writ

(2) In case the defendant or owner cannot be found within the Territory, or the owner cannot be ascertained, and no agent or person is in possession for the owner, the writ may be served in such manner as the Judge shall by order direct, but when the writ is served upon an agent or other person in possession as aforesaid, the order of the Judge allowing the said service shall be necessary

Judge to direct method of service if owner cannot be found

(3) Where the service has not been personal upon either the defendant or owner, and where a proper defence has not been made, the judge may, in his discretion, admit them or either of them, to make full defence, and may make such order in the premises as may be reasonable and just to all parties.

Where no personal service Judge may permit defense

16. No Sheriff or his agent shall seize or detain any logs or timber under the provisions of this Ordinance when in transit from the place where cut to the place of destination when such place of destination is within the Yukon Territory, but in case such logs or timber are so in transit or are in the possession of any booming company or other

No seizure when in transit

Service to be made on person holding logs

person or corporation, for the purpose of being driven or sorted or delivered to the owners, or to satisfy any statutory lien, then attachment of said logs or timber may be made by serving a copy of said attachment upon the person or corporation driving or holding the same, who shall from the time of such service, be deemed to hold the same, both on their own behalf and for the said Sheriff to the extent of the lien, until the logs or timber can be driven and sorted out, and when driven or sorted out, the Sheriff may receive the said logs or timber from such person or corporation, and the statutory lien of such person or corporation shall not be released by the holding of such Sheriff or his agents.

If bond furnished logs to be released

17. In case of an attachment, if the owner of said logs or timber, or any person in his behalf, shall execute and file with the Clerk of the Court out of which the attachment has issued, a good and sufficient bond to the person claiming the lien, executed by two sureties and approved by the said clerk, and conditioned for the payment of all claims, damages, costs, charges, disbursements and expenses that may be recovered by the claimant in such proceedings, together with the amount for which a lien is claimed in any other suit, by the same or other party, if any, the Clerk shall issue an order to the Sheriff having in charge the logs or timber, directing their release, and upon service of such order upon the Sheriff, he shall release the same.

18. Any person who shall have been served with a copy of the Writ of attachment under the preceding sections, and who may desire to dispute the same, shall within fourteen days after such service, file in the Court in which proceedings are pending, a notice that he or they dispute the claim upon the lien in whole or part.

If no dispute judgment by default

19. If no notice of dispute be filed under the preceding section, judgment may be entered as in the case of default, and the practice or procedure shall be the same as in a suit begun by writ of summons.

If amount of lien paid into court logs to be released

20. The defendant may at any time after service of the writ of summons or attachment, and before the sale of the logs or timber, pay into court the amount for which a lien is claimed in the suit, together with the amount for which a lien is claimed in any other suit, if any, together with costs of the proceedings thereon to the date of such payment, taxed by the Clerk of the Court if so required, and the person making such payment shall thereupon be entitled to a certificate vacating the said lien, and upon said certificate being filed with the Clerk of the Court in which the original statement of claim was filed, the said lien shall be vacated and all further proceedings thereon shall cease, and the person making such payment shall further be entitled to an order directing the delivery up of the logs or timber seized under the attachment and the cancellation of any bond given under section 17 of this Ordinance.

21. (1) After the expiration of the time hereinbefore named within which notice of dispute may be filed, the Judge may, upon application of the claimant, issue an appointment naming a day upon which all persons claiming a lien on the logs or timber shall appear before the Judge in person, or by their solicitor, or agent, for the adjustment of their claims and the settlement of accounts, and the said appointment shall be served upon the defendant and upon the owner, if the Judge so directs, and shall also, if the Judge so directs, be published once a week for two weeks, before the day named in said appointment, in a newspaper published in the Yukon Territory.

Judge to
summon all
persons
interested

(2) Provided, further, that a copy of such appointment shall be mailed by registered letter to every holder of a claim known to the plaintiff as such holder at least two weeks before the day named in the appointment, directed to the post office address of such claimant where the same is known, and if not known, then to his last known address.

Copy to be
mailed to
every holder
of claim

22. (1) Upon the day named in said appointment and advertisement, the persons served with a copy thereof, and all other persons claiming a lien on said logs or timber, who have prior to the said date filed with the Clerk of the proper Court a notice claiming such lien on said logs or timber and stating the nature and amount of such claim, shall attend before the Judge named in the appointment and advertisement.

All claimants
to attend

(2) Where claims are brought in pursuant to notice they may be established prima facie by affidavit, but any party interested shall be at liberty to cross-examine the deponents, and the Judge may require that the claim be established in open Court as in other cases.

Claims may be
established by
affidavit

23. The Judge shall hear all parties and take all accounts necessary to determine the amounts, if any, due to them or any of them, or to any other holders of liens who may be called by the Judge to prove their lien, and shall tax to them their costs, and determine by whom the same shall be payable, and settle their priorities and generally determine all such matters as may be necessary for the adjustment of the rights of the several parties.

Judge to
decide all
claims, costs,
priorities &c

24. At the conclusion of the inquiry the Judge may allow time not exceeding ten days for the payment into the Court in which proceedings are pending of the amounts, if any so found due, and the costs, and shall direct that in default of such payment, the logs or timber shall be sold by the Sheriff for the satisfaction of the amounts found due to the several parties upon the inquiry and costs.

Judge to make
Report and
order payment
into Court

25 (1) In default of payment into Court under the next preceding section within the time named in the order therefor, the said logs or timber shall, within twenty days thereafter, be sold by the Sheriff holding the

In default of
payment logs
to be sold and
proceeds paid
into Court and
paid out pro
rata

same, in the same manner and subject to the same provisions of law as goods seized or taken in execution, unless the Judge shall direct that additional publicity shall be given to the sale, and the amount realized by such sale shall after deducting the expenses thereof payable to the Sheriff be paid into the Court in which the proceedings are pending, and shall upon the application of the several parties found to be entitled thereto under the order of the Judge, be paid forthwith out to them by the Clerk of the said Court.

(2) Provided, where the amount realized upon the sale is not sufficient to pay the claims in full and costs, the Judge shall apportion the amount realized pro rata among the different claimants.

If balance still
due Execution
may issue

26. If, after such sale and the distribution of the proceeds thereof under the next preceding section, any balance shall remain due to any person under the said order of the Judge, the Clerk of the Court shall, upon application of such person, give to him a certificate that such amount remains due, which certificate may be entered as a judgment in any court having jurisdiction against the person or persons by whom the claim was directed to be paid, and execution may be issued thereupon as in the case of other judgments in said Court.

Lien may be
discharged
when nothing
found due

27. Where nothing shall be found due upon the several claims filed in any proceedings under this Ordinance, or upon the lien or liens with respect to which proceedings have been taken, the Judge may direct that the lien or liens be discharged and the logs or timber released, or security given therefor, delivered up and cancelled, and shall also by such order, direct payment forthwith of any costs which may be found due to the defendant or the owner of the said logs or timber.

28. The costs to be taxed to any party shall, as far as possible, be according to the tariff of costs in force as to other proceedings in the Territorial Court of the Yukon Territory.

Surplus of sale
to be paid to
party entitled

29. Where more money shall be paid into Court as the proceeds of the sale of logs or timber than shall be required to satisfy the liens which shall be proved, and interest and costs, the Judge may order the payment out of Court of any remaining moneys to the party entitled to the same.

Application to
dismiss may
be made to
Judge

30. (1) Any person affected by proceedings taken under this Ordinance may apply to the Judge to dismiss the same for want of due prosecution, and the Judge may make such order upon the application as to costs or otherwise as may be just.

Other parties
may be added

(2) The Judge may at any stage of any proceedings, on the application of any party, or as he may see fit, order that any person who may be deemed a necessary party to any such proceedings be added as a party thereto or be served with any process or notice provided for by this Or-

dinance, and the Judge may make such order as to the costs of adding such person or corporation or as to such service, as may be just.

31. Nothing in this Ordinance contained shall be deemed to disentitle any person to any other remedy than that afforded by this Ordinance for the recovery of any amount due in respect of labor or services performed upon or in connection with any logs or timber, and where a suit is brought to enforce a lien but no lien shall be found due, judgment may be directed for the amount found due as in an ordinary case.

Other remedies not barred

32. Any number of lien holders may join in taking proceedings under this Ordinance, or may assign their claims to any one or more persons, but the statement of claim to be filed under this ordinance shall include particular statements of the several claims of persons so joining, and shall be verified by the affidavits of such persons so joining, or separate statements of claim may be filed and verified as by this Ordinance provided, and on writ of attachment issued on behalf of all the persons so joining.

Lien holders may join in action

33. If more than one suit be commenced under the provisions of this Ordinance in respect of the same logs, the said defendants, or any of them, may apply to have the suits consolidated, and failing to do so, he or they shall pay the costs of such additional suit or suits as may be decided against them.

Defendant may have suits consolidated

34. The procedure regulating the practice in actions brought in the Territorial Court of the Yukon Territory, shall so far as it is not inconsistent with this Ordinance, regulate proceedings under this Ordinance.

Procedure of Territorial Court to apply

35. Affidavits and affirmations under this Ordinance may be sworn before any Judge, Police Magistrate, Stipendiary Magistrate, Notary Public, or Justice of the Peace, or before any Commissioner authorized to take affidavits to be read in the Territorial Court.

Affidavits &c may be sworn before Police Magistrate, Notary, commissioner, &c

AFFIDAVIT TO BE ATTACHED TO STATEMENT OF CLAIM.

.....I,make oath and say that I have read (or have heard read) the foregoing statement of claim and I say that the facts therein set forth are, to the best of my knowledge and belief, true and the amount claimed to be due to me in respect to my lien is the just and true amount due and owing to me in giving credit for all sums of money for goods or merchandise to which the said (naming the debtor) is entitled to as credit against me.

Sworn to at
in the Yukon Territory, theday ofA.D.
before me...

A Commissioner for taking affidavits in and for the Yukon Territory.

SCHEDULE.

(Section 5.)

STATEMENT OF CLAIM OF LIEN.

A. B. (name of claimant) of (here state residence of claimant) (if so), as assignee of (here state name and address of assignor) under the "Woodman's Lien for Wages Ordinance," claims a lien upon certain logs or timber of (here state the name and residence of the owner of the logs or timber upon which the lien is claimed, if known), upon the logs and timber composed of (state the kinds of logs and timber such as fir, saw logs, cedar or other posts, or railway ties, shingle bolts or staves, or fire wood, etc., also where situate at time of filing of statement) in respect of the following work, that is to say (here give a short description of the work done for which lien is claimed), which work was done for (here state the name and residence of the person upon whose credit the work was done) between the.....day ofand theday of, at (per month or day as the case may be). The amount claimed as due (or to become due) is the sum of (when credit has been given) the said work was done on credit, and the period of credit will expire on the..... day of). Dated at.....thisday ofA. D.....

Signature of Claimant.

CHAPTER 9.

AN ORDINANCE RESPECTING THE TOWN OF BONANZA.

(Assented to September 9th, 1905.)

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

1. The Commissioner may, at such time as he deems fit, issue a proclamation declaring the Town of Bonanza no longer a town under the provisions and within the meaning of Chapter 65 of the Consolidated Ordinances of the Yukon Territory, and from and after the day named in said proclamation, the said Town of Bonanza shall cease to be a town under such provisions and within such meaning.

Commissioner
may issue
proclamation

2. Notwithstanding the issue of such proclamation the area of land described in the proclamation of the Commissioner of the Yukon Territory bearing date the 19th day of November, A. D., 1901, establishing the unincorporated town of Bonanza, shall be deemed to be a town within the meaning of that word in Chapter 64 of the Consolidated Ordinances of the Yukon Territory, entitled "The Assessment Ordinance" and the property and income of the inhabitants of such territory shall be liable to taxation under said Ordinance.

Property still
liable to
taxation

CHAPTER 10.

AN ORDINANCE TO AMEND THE RULES OF COURT MADE UNDER THE JUDICATURE ORDINANCE.

(Assented to September 9th, 1905.)

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

Rules of Court
amended

Rule 557 of the Rules of Court made under the Judicature Ordinance is hereby amended by striking out the word "December" and substituting therefor the word "November," and by striking out the word "first" in the second line of said section and substituting therefor the word "last."

a ORDINANCES
OF THE
Yukon Territory

PASSED BY THE
YUKON COUNCIL

IN THE YEAR

1906

WILLIAM WALLACE BURNS McINNES
COMMISSIONER



Printed and Published for the Government of the Yukon Territory Under the
Superintendence of the King's Printer.

BY AUTHORITY

Of Chapter 4 of the Ordinances of 1904, Entitled "An Ordinance
Respecting Public Printing.

Library of Parliament

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MINERS' LIENS

AN ORDINANCE RESPECTING LIENS IN FAVOR OF MINERS.

AT THE GOVERNMENT HOUSE AT OTTAWA

Saturday, the 26th day of May, 1906

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

THE Governor General by and with the advice and consent of His Majesty's Privy Council for Canada, enacts as follows:—

1. This Ordinance may be cited as "The Miners' Lien Ordinance."

Short title.

2. In this Ordinance:

(a) 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 or wood in respect of which a lien is claimed is done or furnished, and all persons claiming under him whose rights are acquired after such work is begun or such wood is commenced to be furnished.

Interpretation, owner.

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

Layman.

(c) The words "registering" or "registration" mean the filing or depositing of an instrument with the Gold Commissioner or Mining Recorder.

Registering.

- Miner. (d) The word "miner" means any person working upon a mining claim or in connection therewith.
- Court or Judge. (e) The words "Court" or "Judge" mean the Territorial Court of the Yukon Territory or a Judge thereof.

LIEN FOR WORK OR WOOD.

- Who shall have lien. 3. Any person who performs any work or service upon or in respect to, or furnishes any wood to be used in the working of any placer or quartz mining claim, shall by virtue thereof have a lien for the price of such work or services or wood upon the said mining claim with the appurtenances thereto, the minerals or ore produced therefrom, the lands occupied thereby, or enjoyed therewith, or upon or in respect to which such work or service is performed or for, or upon which such wood is furnished as well as upon the machinery and chattels upon such lands, limited, however, in amount to the sum justly due to the person entitled to the lien.
- Effect of lien. 4. 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 encumbrancers whose mortgages or encumbrances are registered subsequent to the performance of such work or the furnishing of such wood.
- To what property lien attaches. 5. 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, the lands occupied thereby or enjoyed therewith and the machinery and chattels upon such lands.
- Lien, as to half interest, takes priority over mortgage, etc. 6. Any lien registered under the provisions of this Ordinance shall, as to an undivided one-half interest in said mining claim, the appurtenances thereto, the lands occupied thereby or enjoyed therewith and the machinery and chattels upon such lands and as to one-half of the output from said mining claim, take priority over all mortgages and encumbrances against the same; Provided that a lien registered under this Ordinance shall not have priority over mortgages or encumbrances registered prior to the passing thereof.

REGISTRATION OF LIEN.

7. A claim of lien may be deposited in the office of the Mining Recorder for the district in which the mine is situated and the office of the Gold Commissioner, and shall state:—

Claim deposited with Mining Recorder and Gold Commissioner.

(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 was done or wood furnished, and the time or period within which the same was or was to be done or furnished;

What to state.

(b) The work done 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 claimant for payment for his work or wood.

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

Verified by affidavit.

8. A claim may include the claims of any number of claimants aforesaid who may choose to unite therein; each claimant shall verify his claim by his affidavit but need not repeat the facts set out in the claim.

Claims may be joined.

9. 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 within thirty days after the said thirtieth day of April.

Claim may be registered within 30 days.

10. The Mining Recorder, or his agent, in whose office the claim is deposited, shall forthwith forward to the Gold Commissioner a copy of such claim certified by him to be a true copy, and the Gold Commissioner shall enter a mem-

Mining Recorder to forward copy to Gold Commr.

orandum thereof against the mining claim described therein.

Lien ceases after expiration of time for registration where claim not deposited.

11. Every lien in respect of which a claim 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.

PROCEEDINGS TO REALIZE LIEN.

Lien ceases after 60 days from registration, where claim deposited.

12. Every lien in respect of which a claim has been duly deposited under the provisions of this Ordinance shall absolutely cease to exist upon the expiration of sixty days from 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.

Liens enforced by originating summons.

13. Liens may be enforced by originating summons in which shall be set forth the grounds upon which such lien is claimed. Such summons shall be granted upon affidavit of the facts set forth therein, and the court or judge may, either ex parte or after notice, appoint a receiver for such time and upon such terms as are just and proper, upon proof to his satisfaction that the lien holder is in danger of losing his claim unless such receiver is appointed.

Court may summarily determine liability.

14. Upon such summons being granted the court or judge may, after notice given to the various parties interested, including the workmen on the mining claim, which notice shall be given in such manner as the court or judge directs, summarily determine and fix the liability of the owner or layman for wages due to the claimant and other workmen who have filed claims and also his liability to any other person in respect of wood furnished.

Lien holders may join in action.

15. 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 intitled in or referring to the said action.

(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;

In event of death, etc., others may prosecute claim.

(3) If the minerals or ore produced from said mining claim 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;

Estate may be sold when claim not satisfied.

(4) The Court or judge may also direct the sale of any wood, machinery and chattels charged with the lien.

Machinery, etc., may be sold.

(5) When judgment is given in favour of the 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;

Costs may be added.

(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;

Security may be given.

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

Registration may be annulled.

(8) In any case the court or judge may proceed to hear and determine the matter of the lien and make such order as is just, and in case the person claiming the lien has wrongfully refused to give a discharge thereof, or has no just cause for his claim or claims a larger sum than is found by the court or judge to be due, the court or judge may order and adjudge him to pay the costs of the other party.

Court to determine whole matter.

DEVOLUTION AND ASSIGNMENT.

16. In the event of the death of a lien holder his right of lien shall pass to his personal representatives.

Lien passes on death of holder.

Lien may be assigned.

17. The right of a lien holder may be assigned by instrument in writing.

DISCHARGE OF LIEN.

Discharge of lien.

18. A lien may be discharged by a receipt signed by the claimant or his agent and verified by affidavit and filed in the offices mentioned in Section 7 of this Ordinance; such receipt shall be numbered and entered like other instruments.

FEEs.

Registration fee.

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

ENCUMBERED MINES.

Mortgagee, etc., to be notified by owner or layman.

20. Every owner or layman, or if any owner or layman is an incorporated company, or is absent from the territory, the manager or agent of such owner or layman, who hires, or contracts with, any person to perform any work or service upon or in respect to or to furnish any wood to be used in the working of any mining claim, against which any mortgage or encumbrance was registered prior to the passing of this Ordinance, shall, immediately upon such hiring or contract, give notice in writing to every person holding any such mortgage or encumbrance of the fact of such hiring or contract. Such notice may be in form A in the schedule to this Ordinance.

Penalty for failure to notify.

21. Any person failing to give such notice who fails to pay any such person hired by him, or by whom wood has been furnished as in the next preceding section mentioned the full amount 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 amount so due, to imprisonment for a term not exceeding three months unless he sooner pay such penalty and amount.

After lien registered no gold to be removed.

22. After a lien has been registered by any person so hired, or who has furnished wood, as aforesaid for money due him in respect of such hiring, or for such wood, against any placer mining claim, it shall not be lawful for the owner or layman to remove any gold from such mining claim if a lien holder who has registered his lien gives to such own-

er or layman a written notice in form B in the schedule to this Ordinance. After such notice is given any person interested in such mining claim either on account of wages or for wood, or as owner, layman, mortgagee or encumbrancer, may notify the mining inspector residing nearest to such mining claim that a lien has been registered against such mining claim and that a lien holder has forbidden the removal of any gold therefrom, and upon receipt of such notice the mining inspector shall forthwith by himself or his agent take possession of every dump and sluice box upon and all gold dust produced from, such mining claim, and make provision for obtaining the gold therefrom at the expense of the owner or layman, and in the event of there being a prior mortgage or encumbrance against said mining claim shall pay or apportion pro rata not exceeding one-half of such gold and gold dust to and among all persons to whom amounts are due for wages or for wood furnished in connection with said mining claim and the balance to the owner of the mine or the mortgage or encumbrance. If there is no prior encumbrance on said mining claim the full amount of such gold and gold dust and so much thereof as may be required for the purpose shall be applied and so apportioned in payment of the amounts due to such persons for wages or for wood and any balance shall be paid to the owner of the mine.

Mining Inspector to take charge of dumps, and pay pro rata.

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

In case of dispute, dust to be deposited in Court.

23. At every clean-up on any placer mining claim the men hired, or who have furnished wood, shall be entitled to have a representative present, as well as at the weighing of the gold dust obtained thereby, and it shall be the duty of the 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 such mining claim.

Claimants to be represented at clean up.

24. Any owner or layman who violates any of the provisions of the next two preceding sections and fails to pay to any such person so hired, or who has furnished wood, the amount due to such person in respect of such hiring or for such wood, shall be liable to a penalty not exceeding two hundred and fifty dollars and in default of payment of such penalty and the amounts due by him for wages or for

Penalty for violation of.

wood 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 or for wood.

Ordinance to come into force on July 1st, 1906.

25. This Ordinance shall come into force on the first day of July, 1906.

Schedule—Form A.

Schedule "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 subject to the provisions of "The Miners' Lien Ordinance" and to pay such men in accordance therewith and any other man who may be hired to work the same, whose name will be furnished by me when he is hired.

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

Form B.

Schedule "B."

To Take notice that..... (name of workman who has filed 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 I, the undersigned, being a lien holder on said claim, forbid the removal from such mining claim of any gold or gold dust until the amount due for wages or for wood on said claim, is paid.

RODOLPHE BOUDREAU,
Assistant Clerk of the Privy Council.



CHAPTER 1.

An Ordinance entitled an Ordinance to amend Chapter 64
of the Consolidated Ordinances of the Yukon
Territory entitled "The Assessment
Ordinance."

[Assented to July 6th, 1906.]

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 5, Section 50, of Chapter 64 of the Con-
solidated Ordinances of the Yukon Territory, entitled
"The Assessment Ordinance," is hereby repealed, and the
following substituted therefor:

C. O. Y. T.
Chap. 64,
sec. 50, S. S.
5, repealed.

"(5) Upon the sale of such property to such bidder the
Assessor shall deliver to the purchaser a receipt for the
price paid therefor, in form G, in the Schedule to this
Ordinance, which form is hereby substituted for form G
in the second schedule to said Chapter 64."

New form of
receipt.

2. The application to confirm a tax sale made under
said Chapter 64 may be made by the Assessor making the
sale, the Legal Adviser, or any person interested in the
sale on notice to the owner, unless the Judge to whom the
application is made dispenses with such notice.

To confirm
sale.

3. Forthwith upon the passing of a Judge's order con-
firming any such sale, the Assessor shall, in his own name
as such Assessor, execute and deliver to the purchaser a
transfer in form H in the Schedule to this Ordinance,
which shall be as effectual to convey all the estate of the
owner thereof in the property sold as if the same had been

Assessor to
give transfer

executed and delivered by such owner to such purchaser and as if such property was free of all liens and encumbrances of every kind and description.

FORM G.

No., Y. T.

TAX SALE INTERIM RECEIPT.

Roll No., Y. T.,

Received from Mr. the sum of Dollars in payment of the following property purchased at tax sale: D. G. S. No. Block No. Lot No.

This receipt to be surrendered to the Tax Collector on delivery to purchaser of transfer of such property under Sec. 50 of Chapter 64 of the Consolidated Ordinances of the Yukon Territory.

Tax Collector for..

FORM H.

TRANSFER OF LAND ON SALE FOR TAXES.

I,, of in the Yukon Territory, Assessor in and for by virtue of authority vested in me to sell lands for arrears of taxes by Chapter 64 of the Consolidated Ordinances of the Yukon Territory and Ordinances in amendment thereof, do hereby in consideration of the sum of dollars paid to me by of transfer to the said and that piece of land being (here insert a sufficient description of the land and refer to the certificate of title.) Signed by the above named in presence of

..... (Signature with official seal.)



CHAPTER 2.

An Ordinance to amend Chapter 9 of the Consolidated Ordinances of the Yukon Territory, entitled "An Ordinance Respecting the Public Health."

[Assented to July 18th, 1906.]

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

1. Chapter 9 of the Consolidated Ordinances of the Yukon Territory is amended by inserting between section 3 and section 4 of said Ordinance the following section:

Chapter 9 amended.

"3a. The Commissioner may also appoint for any portion of the Yukon Territory a duly qualified medical practitioner of not less than five years' standing in his profession, to act as deputy medical health officer for such portion of the Yukon Territory.

Appointment of deputy medical health officers.

The said deputy shall be subject to, and to the directions of, the medical health officer and subject as aforesaid shall, within such portion of said Territory, exercise all the powers, discharge all the duties and perform all the functions of the medical health officer."

Subject to medical health officer



CHAPTER 3.

An Ordinance to amend Chapter 5 of the Ordinances of the year 1905, entitled An Ordinance to amend Chapter 72 of the Consolidated Ordinances of the Yukon Territory, entitled "An Ordinance Respecting the Preservation of Game in the Yukon Territory."

[Assented to July 18th, 1906.]

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

Chap. 5, sec.
3, amended.

1. Section 3 of Chapter 5 of the Ordinances of the year 1905, entitled an Ordinance to amend Chapter 72 of the Consolidated Ordinances of the Yukon Territory, entitled "An Ordinance Respecting the Preservation of Game in the Yukon Territory," is hereby repealed, and the following substituted therefor:

Close season,
June 1-Sep 1.

"(3) Wild swans, wild ducks and wild geese, snipes and pipers or cranes, between the first day of June and the first day of September in each year."



CHAPTER 4.

An Ordinance to amend Chapter 1 of the Ordinances of the year 1905, entitled "The Juries Ordinance."

[Assented to July 18th, 1906]

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

1. Chapter 1 of the Ordinances of the year 1905, entitled "The Juries Ordinance," is amended by adding the following sub-section to section 5 thereof:

Chap. 1 of
1905 amend-
ed.

"(6) The Court may, at any time and from time to time, order a similar list to be prepared for Whitehorse or for any other place in the Yukon Territory and in such case all the provisions of said Chapter shall apply as if the name Whitehorse or the name of such other place and the deputy clerk and deputy sheriff at Whitehorse or at such other place, were substituted for the name Dawson and for Clerk and Sheriff in said Chapter, provided that the list shall be prepared with such direction as a Judge or the Court may give and shall be subject to such amendment by adding or striking off names as the Judge or the Court may decide; provided also that the said list may contain the names of less than two hundred persons qualified and liable to serve as jurors as the Court or Judge may direct."

Jury list for
Whitehorse
and other
places.

2. Sub-sections (3) and (4) of section 23 are hereby repealed and the following substituted therefor:

List showing
order of
drawing.

“(3) A list shall be kept of the names drawn, showing the order of drawing.

Each party
may object
to 25.

Each party or his solicitor or agent shall have the right to object to twenty-five names on such list and to no more. The first right to object shall belong to the party who applied for the special jury and the next to the other party and so on alternately.”

Special jury;
how drawn.

“(4) When each party has exhausted his objections the Clerk shall take from such list the names of the twenty-four first on said list to whom there has been no objection and such twenty-four shall be the panel from which the special jury shall be drawn.

Sheriff to
give 2 days'
notice.

The names on such panel shall be delivered by the Clerk to the Sheriff with a venire facias and such special jury shall be summoned at least two days before the time appointed for its attendance.”



CHAPTER 5.

An Ordinance to amend Chapter 64 of the Consolidated Ordinances of the Yukon Territory, entitled
 "The Assessment Ordinance."

[Assented to July 18th, 1906]

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

1. If, before the rate referred to in section 36 of Chapter 64 of the Consolidated Ordinances of the Yukon Territory being "The Assessment Ordinance," is struck, the Assessor believes that any person who may be liable to be assessed is about to leave the Yukon Territory, he may demand from such person payment of a tax not exceeding two dollars per centum on what the Assessor then deems the assessable value of the real and personal property and income of such person and may forthwith proceed to collect such tax as if the same was due and payable after a rate had been duly levied.

Assessor may make demand of party leaving territory.

If the tax so collected is less than the amount subsequently shown on the rate book to be due by such person, the balance, after deducting the amount so collected, shall become due and payable and shall be collected in the same way as if no previous amount had been collected.

Balance due collected in usual way.

If such tax is greater than such amount the balance shall be forthwith refunded to such person.

Refund.

Non-resident
(Dawson)
property tax-
able except
in transit.

2. Personal property within the City of Dawson shall be liable to be assessed and rated in said City notwithstanding the owner of such property is not a resident of such city unless it is the property of the holder of a license issued under the provisions of this Ordinance; provided that such property, if in the said city merely in transit, shall not be so liable unless it remains within the said city more than twenty days.

Railways;
\$100 per mile.

3. There shall be levied and collected annually on every railway within the Yukon Territory, including the City of Dawson, if such railway has been or as soon as it has been in operation for two years or more, a tax equal to \$100.00 per mile of the line of railway actually operated in lieu of any rate which might be levied in assessment of personal property and income.

Steamers;
50 cents per
ton.

4. There shall be levied on every person and company engaged in passenger and freight traffic or either, on water, between places within the Yukon Territory, including the City of Dawson, a tax equal to 50 cents per ton on the net tonnage, customs-house measurement, of each vessel propelled by mechanical power engaged at any time during the year in such traffic. Such tax shall be in lieu of any rate which might be levied on assessment of personal property and income.

Banks; in
Dawson
\$1200; else-
where \$250.

5. Every bank having one or more offices within the Yukon Territory, including the City of Dawson, shall pay annually to the Collector of Rates on the first day of January in respect to each such office, if within the City of Dawson the sum of \$1,200, and if elsewhere within the said Territory the sum of \$250.

Bank's in-
come and
personal
property ex-
empt.

6. Every such sum shall be due and payable whether a rate is levied or not and shall exempt such bank from assessment and rate in respect to the income and personal property of such bank except such personal property as is held by such bank as security.

Amount due;
how collect-
ed.

7. The amount so due and payable under the provisions of the next four preceding sections or any one of them may be collected in the same manner, and delay in payment shall be subject to the same penalty as if the said amount was due after assessment made and rate levied.

8. Section 14 of said Ordinance is amended by adding thereto the following words:

“Provided that no person shall have the right to appeal from his assessment in respect to personal property if after demand in writing he has,

No appeal as to personal property and income under certain conditions.

(a) refused permission to the Assessor to enter any building in which such property or any part of it is stored, or

(b) failed to produce his books, invoices and accounts relating thereto, or

(c) failed to give to the Assessor any other information in regard thereto, or

(d) furnished the Assessor with any false or misleading information in regard thereto,

Do, as to income.

And provided that no person shall have the right to appeal from his assessment in respect to income if, after such demand he has,

(a) failed to furnish the Assessor with all information necessary to determine the amount of such income, or

(b) furnished the Assessor with any false or misleading information in regard thereto.

The Court of Appeal shall forthwith dismiss any appeal from an assessment of property or income in respect to which the Assessor proves such demand and such refusal, failure or false or misleading information as aforesaid.”

Appeal dismissed.

9. The following provisions of this Ordinance from section 10 next following to 21, both inclusive, relating to licenses and taxes on land shall apply only to and within such area or areas within the Territory as the Commissioner from time to time designates by proclamation.

Next 12 sections only in force after proclamation of Commissioner.

10. Within every such area there shall be levied and collected the following taxes:

(a) On every unoccupied lot of land as shown on the Government plan of land within such area, \$5;

(b) On every such lot occupied by a residence whether inhabited or not, \$10; and,

(c) On every other such lot, \$25.

11. No person shall carry on within any such area any of the callings in this section mentioned without having first obtained a license for the purpose and paid the fee mentioned in this section.

The license fee shall be for,

- (1) Auctioneer, \$50;
- (2) Baker, \$10;
- (3) Barber—keeping barber shop, \$10 for one chair and \$5 for every additional chair;
- (4) Billiard—keeping billiard or pool table or bagatelle board or Mississippi, pigeon hole or other table or board for play with balls, \$10 for one table or board and \$5 for every additional table or board;
- (5) Blacksmith, \$10;
- (6) Bottling works—carrying on work of bottling, \$50
- (7) Bowling alley—keeping bowling alley, each alley, \$10;
- (8) Brewery—keeping brewery, \$250;
- (9) Broker—carrying on business of broker of any kind, \$25;
- (10) Butcher—butcher or keeper of meat market, retail, \$25;
- (11) Butcher—butcher or keeper of meat market, importing stock, wholesale, \$200;
- (12) Cigar stand or store—keeping cigar stand or store, \$10;
- (13) Dealer—second-hand dealer, \$25;
- (14) Druggist, \$25;
- (15) Electric light plant—keeping electric light plant, furnishing light or power for sale, \$200;
- (16) Freighting by horses or mules, \$10;

- (17) Grocer of any kind, \$50;
- (18) Hawker, \$25;
- (19) Insurance agent, \$10;
- (20) Jeweller, \$25;
- (21) Steam laundry—keeper of a steam laundry, \$25;
- (22) Livery stable—keeping livery stable, \$25;
- (23) Manufacturer of any kind, including tinsmiths and plumbers, \$25;
- (24) Merchant—hardware or dry goods, \$50;
- (25) Merchant—general, \$100;
- (26) Merchant—selling fruit, candy, stationery, tobacco or cigars, \$10;
- (27) Merchant of any other kind, \$50;
- (28) Miller—sawmill, \$100;
- (29) Patent medicine vendor not conducting general drug business, or otherwise licensed, \$50;
- (30) Pawn-broker, \$25;
- (31) Peddler, \$25;
- (32) Photographer, \$10;
- (33) Printing office, \$10;
- (34) Professions—practicing as barrister, solicitor or advocate or as physician or surgeon or dentist or surveyor or in any profession, \$25;
- (35) Restaurant keeper, \$15;
- (36) Rifle or shooting gallery, \$15;
- (37) Scavenger, \$10;
- (38) Transfer or express business, \$10;
- (39) Water dealer—each wagon, \$10;

12. All licenses shall be issued by the Territorial Treasurer or by some person or persons named by him and the matter of application for licenses and their issue and all matters incidental thereto shall be under the direction and control and with the Department of the Territorial Treas-

All licenses under direction of Territorial Treasurer.

urer; and all license fees and taxes on land under this Ordinance shall be collected by the Treasurer or by such person or persons.

Applications for license to state particulars.

13. Applications for licenses shall be in writing setting forth the following particulars:

- (1) The name, occupation and address of the applicants;
- (2) The nature of the license applied for;
- (3) The place where the calling to be licensed is to be carried on.

One license for partnership.

14. One license shall be sufficient for any one place or premises for a partnership or company.

All licenses expire 30th June.

15. All licenses, unless they are expressed to be granted for a shorter period, shall be for the year current at the time of issue thereof, and shall expire on the 30th day of June next thereafter.

Current licenses expire 30th June.

(2) The licenses issued for the year current at the date of coming into force of this Ordinance shall terminate on the 30th day of June, 1907.

No reduction for portion of year.

16. The fee payable in respect to any license shall be the annual fee whether the license is issued on the first of July in any year, including the said year current or later.

Existing licenses valid.

17. Existing licenses shall be valid until the expiration of their several terms, and the holders during the term of such licenses, shall not be obliged to take out similar licenses.

License to be produced.

18. Every licensee shall produce his license when required so to do by the Treasurer or person or persons named by him, or by any police magistrate, justice of the peace or by any police officer.

Transfer of license. Fee, \$1.00.

19. Licenses may be transferred provided that the person desiring to obtain a transfer of a license makes application in writing for such transfer to the same officer setting out the same particulars in regard to transfer as would be required if he was applying for a license and pays a fee of \$1.00.

20. All the provisions of the said The Assessment Ordinance respecting collection of license fees and taxes, including those provisions respecting the sale of land for taxes, shall apply to the license fees and taxes imposed under this Ordinance.

All provisions respecting collection applicable.

21. Any person carrying on or attempting to carry on any calling mentioned in this Ordinance without the license required by this Ordinance shall be liable to a penalty equal to three times the fee payable for such license and in default of payment to imprisonment for a term not exceeding six months.

Penalty for operating without license.

22. Any person guilty of any other infraction of any of the provisions of this Ordinance shall be liable to a penalty of not less than \$25 and not exceeding \$500 and to imprisonment for a term not exceeding six months.

Penalty for other infractions.

23. Chapter 79 of the Consolidated Ordinances of the Yukon Territory and Chapter 3 of the Ordinances of 1904 are hereby repealed.

Chap. 79, C. O. Y. T. and Chap. 3, 1904 repealed.



CHAPTER 6.

An Ordinance relating to the Decision of Constitutional and Other Territorial Questions.

[Assented to July 18th, 1906.]

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

Commissioner may refer certain matters to the Court.

1. The Commissioner of the Yukon Territory may refer to the Territorial Court of the Yukon Territory for hearing or consideration any matter which he thinks fit to refer, and the Court shall thereupon hear and consider the same.

Questions of fact.

2. If the matter to be referred involves the determination of a question of fact the same may be referred to a Judge of the Court for trial and decision and shall be tried in all respects as if it were an issue in an ordinary action submitted to such judge for trial.

Court to certify opinion.

3. The Court or Judge shall certify to the Commissioner its or his opinion on the matter referred, with the reasons therefor, which shall be given as in the case of an ordinary action; and any judge who differs from the opinion of the majority shall, in like manner, certify his opinion, with his reason therefor, to the Commissioner.

Questions of *intra vires*.

4. If the matter relates to the constitutional validity of any ordinance of the Territory which has been already or may hereafter be passed by the Yukon Council or of any provision in any such ordinance, the attorney-general of

Attorney-General of Canada to be notified.

Canada shall be notified of the hearing in order that he may be heard if he thinks fit.

5. The Court or Judge shall have power to direct that any person interested, or, when there is a class of persons interested, any one or more persons as representative of such class, be notified of the hearing and such person or persons shall be entitled to be heard.

6. When any interest affected is not represented by counsel, the Court or Judge may, in its or his discretion, request counsel to argue or try the case in such interest, and the reasonable expenses thereby occasioned shall be paid out of the general revenues of the Territory.

Court may appoint counsel to represent absentees.

7. The decision of the Judge upon any such reference, although advisory only, shall, for all purposes of appeal to the Court en banc, be treated as a final judgment of the Judge between parties.

Decision of Judge to be treated as judgment.

8. The opinion of the Court upon any such reference, although advisory only, shall, for all purposes of appeal to the Supreme Court of Canada, or to His Majesty in Council, be treated as a final judgment of the Court between parties.

Decision of Court to be treated as judgment.



CHAPTER 7.

An Ordinance entitled an Ordinance to amend Ordinance
No. 45 of the Ordinances of the year 1901, entitled
"An Ordinance to Incorporate the
City of Dawson."

[Assented to July 18th, 1906.]

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

By-Law 17
amended.

1. By-law No. 17 of the By-Laws of the City of Dawson
is hereby amended by inserting between the words "street"
and "a" in the third line of sub-section 22 of section 5, the
following words:

Barber.

"(23) Every person who carries on the business of a
barber."

Broker.

(24) "Every person who carries on the business of a
broker."

2. Section 35 of said By-Law is amended by adding
thereto the following sub-sections:

License for
barber.

"(26) For a license to carry on the business of a bar-
ber, for first chair, \$10.00, and for each additional chair,
\$5.00. Such tax shall be in lieu of any tax or rate levied
on income."

License for
broker.

"(27) Every person carrying on the business of a broker

in the City of Dawson shall be liable to pay a tax of \$50.00 per annum. Such tax shall become due and payable immediately upon such person entering upon such business and the first year's payment shall be for the year ending the 31st of December then next ensuing. Every subsequent payment shall become due and payable on the 1st day of January in the year to which it relates. Such tax may be collected in the same manner and by the same means as if it were an account due for taxes levied on assessable property. Such tax shall be in lieu of any tax or rate levied on income."

When due.

How collected.



CHAPTER 8.

An Ordinance to Provide for the Payment of Succession Duties in Certain Cases.

[Assented to July 18th, 1906.]

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 "Succession Duty Ordinance."

Interpretation.

2. The word "property" in the following sections includes real and personal property of every description, and every estate or interest therein capable of being devised or bequeathed by will, or of passing on the death of the owner to his heirs or personal representatives.

Value.

(2) "Value" means fair market value after payment of the expenses of administration and all just debts and liabilities.

Exemptions.

3. This Ordinance shall not apply—

(1) To any estate the value of which does not exceed five thousand dollars; nor

(2) To property passing under a will, intestacy or otherwise, to or for the use of the father, mother, husband, wife, child, grandchild, daughter-in-law or son-in-law of the deceased, where the aggregate value of the property of the

deceased does not exceed twenty-five thousand dollars in value.

4. Save as aforesaid, all property situate within the Yukon Territory, passing either by will or intestacy, or any interest therein or income therefrom which shall be voluntarily transferred by deed, grant or gift made in contemplation of the death of the grantor or bargainor, or made or intended to take effect in possession or enjoyment after such death, to any person in trust or otherwise, or by reason whereof any person shall become beneficially entitled in possession or expectancy to any property, or the income thereof, shall be subject to a succession duty to be paid for the use of the Yukon Territory, over and above the probate duties prescribed in that behalf from time to time by law.

(2) The duty payable upon all property liable to duty under this Ordinance shall be computed upon the following scale, that is to say:

Scale of duty.

Upon the value up to and including \$100,000, a duty of \$1 on every \$100.

Where said value exceeds \$100,000 but does not exceed \$200,000, a duty of \$2 on every \$100 of the value.

Where said value exceeds \$200,000 but does not exceed \$700,000, a duty of \$3 on every \$100 of the value.

Where said value exceeds \$700,000 but does not exceed \$1,000,000 a duty of \$4 on every \$100 of the value.

Where said value exceeds \$1,000,000 or more, a duty of \$5 on every \$100 of the value.

(3) Provided that property passing under a will, intestacy or otherwise, to or for the use of the father, mother, husband, wife, child, grandchild, daughter-in-law, or son-in-law of the deceased shall be charged with duty at one-half the several aforesaid rates.

Proviso as to near relations.

(4) Provided that all duties under this Ordinance shall be levied and collected pro rata upon the whole of the estate of the deceased person liable to the duty.

Duties pro rata.

5. The Public Administrator shall, as soon as possible

Administra-
tor and ex-
ecutor to file
statement.

after the estate of a deceased person comes under his control and an executor or administrator applying for letters probate or letters of administration to the estate of a deceased person, shall, before the issue of letters of probate or administration to him or within such time as is limited by the Court issuing such letters probate or of letters of administration, make and file with the Treasurer of the Yukon Territory a full, true and correct statement under oath, showing (a) a full itemized inventory of all the property of the deceased person and the value thereof; (b) the several persons so far as known to whom the same will pass under the will or intestacy, and the degree of relationship, if any, in which they severally stand to the deceased; and the executor or administrator shall, before the issue of letters probate or letters of administration, deliver to the said Treasurer a bond in a penal sum equal to ten per centum of the sworn value of the property of deceased liable to succession duty, to be approved by the said Treasurer conditioned for the due payment to His Majesty of any duty to which the property coming to the hands of such executor or administrator which was of the deceased may be found liable, or shall furnish such other security in lieu of such bond as may be required by the Commissioner.

(2) This section does not apply to estates in respect to which no succession duty is payable.

Where
Treasurer
not satisfied.

6. If the said Treasurer is not satisfied with the value so sworn to by an executor or administrator, he shall report in writing to the Commissioner, who may direct that the Public Administrator make a valuation and appraise the said property.

Then Pub.
Adm. to give
notice.

7. The Public Administrator shall forthwith give due and sufficient notice in writing to the executors and administrators and to such other persons as the Treasurer directs of the time and place at which he will appraise such property; and he shall appraise the same accordingly at its fair market value and make a report thereof in writing to the Treasurer, together with such other facts in relation thereto as the Treasurer may by order require.

Remunera-
tion of Pub.
Adm.

The Public Administrator shall be entitled to receive the sum of five dollars per diem for services performed under this Ordinance and his actual and necessary travelling expenses and the same shall be paid him by the Treasurer.

8. The Treasurer shall, upon receiving the report of the Public Administrator, forthwith assess and fix the then cash value of all estates, interests, annuities and life estates, or terms of years growing out of such estate and the duty to which the same is liable, and shall immediately give notice thereof, by registered letter, to such parties as by the rules of the Territorial Court would be entitled to notice in respect of like interests in an analagous proceeding; and the value of every future or contingent or limited estate, income or interest shall, for the purpose of this Ordinance, be determined by the Schedule hereto, save that the rate of interest to be assessed in computing the present value of all future interests and contingencies shall be six per centum per annum; and the Treasurer shall determine the value of such future or contingent or limited estate, income or interest upon the facts contained in such report, and his decision shall be conclusive as to the matters dealt with therein.

Treasurer to assess value.

9. Any person dissatisfied with the appraisement or assessment may appeal therefrom to a Judge of the Territorial Court of the Yukon Territory within thirty days after the making and filing of such assessment, and upon such appeal the Judge of said Court shall have jurisdiction to determine all questions of valuation and of the liabilities of the appraised estate, or any part thereof, for such duty, and the decision of the Judge shall be final, unless the property in respect of which such appeal is taken shall exceed in value the sum of ten thousand dollars when a further appeal shall lie from the decision of the Judge to the Court en banc.

Decision of Judge to be final.

10. Where a bequest or devise of property, which otherwise would be liable to the payment of duty under this Ordinance, is made to an executor or trustee in lieu of commissions or allowance, and said bequest or devise exceeds what would be a reasonable compensation for the services of the executor or trustee, such excess shall be liable to said duty, and such compensation shall be fixed by a Judge of the Territorial Court.

Compensation to be fixed by Judge.

11. In all cases where there has been a devise, descent or bequest of property liable to succession duty, to take effect in possession or come into actual enjoyment after the expiration of one or more life estates or a period of years, the duty on such future estate or interest shall not be pay-

Duty not to run until party comes into possession.

able nor interest begin to run thereon until the person or persons liable for the same shall come into actual possession of such estate or interest by the determination of the estates for life or years, and the duty shall be assessed upon the value of the estate or interest at the time the right of possession accrues as aforesaid.

Treasurer
may com-
mute duty in
certain cases.

12. The Treasurer, in his discretion, upon application made by any executor or administrator, or by any person entitled to a future estate or interest, may commute the duty which would, or might but for the commutation, become payable in respect of such future estate or interest for a certain sum to be presently paid, and for determining that sum shall cause a present value to be set upon such duty, in the manner provided for computing the value of future interests by section 8 of this Ordinance.

Where diffi-
cult to ascer-
tain value.

13. Where by reason of the number of deaths on which property has passed, or of the complicated nature of the interests of different persons in property which has passed on death, or from any other cause, it is difficult to ascertain exactly the amount of succession duty payable in respect of any property or any interest therein, or so to ascertain the same without undue expense in proportion to the value of the property or interest, the Treasurer, on the application of any person accountable for any duty thereon, and upon his giving to him all the information in his power respecting the amount of the property and the several interests therein, and other circumstances of the case, may, by way of composition for the duty payable in respect of the property or interest, and the various interests therein, or any of them, assess such sum on the value of the property or interest, as having regard to the circumstances appears proper, and may accept payment of the sum so assessed in full discharge of all claims for duties in respect of such property or interest, and shall give a certificate of discharge accordingly.

Certificate.

Fraud.

(2) Provided that the certificate shall not discharge any person from any duty in case of fraud or failure to disclose material facts.

Duties pay-
able at
death.

14. The duties imposed by this Ordinance, unless otherwise herein provided for, shall be due and payable at the death of the deceased, or within two years thereafter, and if the same are paid within two years no interest shall be

charged or collected thereon, but if not so paid, interest at the rate of six per centum per annum shall be charged and collected from the expiry of such period of two years, and such duties, together with the interest thereon, shall be and remain a lien upon the property in respect to which they are payable until the same are paid.

15. A Judge of the Territorial Court may make an order, upon the application of any person liable for the payment of said duty, extending the time fixed by law for payment thereof and also the date when interest shall be chargeable, where it appears to such Judge that payment within the time prescribed by this Ordinance is impossible, owing to some cause over which the person liable has no control.

Extension of time.

16. Any administrator, executor or trustee having in charge or trust any estate, legacy or property subject to the said duty shall deduct the duty therefrom or collect the duty thereon upon the appraised value thereof from the person entitled to such property, and he shall not deliver any property subject to duty to any person until he has collected the duty thereon.

Duty to be collected before distribution.

17. Executors, administrators and trustees shall have power to sell so much of the property of the deceased as will enable them to pay said duty in the same manner as they may be enabled by law so to do for the payment of debts of the testator or intestate.

Executors, etc., to have power to sell.

18. Every sum of money retained by an executor, administrator or trustee, or paid into his hands for the duty on any property, shall be paid by him forthwith into the Treasury of the Territory.

Executor, etc., to pay over all duties to Treasurer.

19. Where any debt shall be proven against the estate of a deceased person after the payment of legacies or distribution of property from which the said duty has been deducted or upon which it has been paid, and a refund is made by the legatee, devisee, heir, or next of kin, a proportion of the duty so paid shall be repaid to him by the executor, administrator or trustee, if the said duty has not been paid to the Treasurer, or by the Treasurer if it has so been paid.

Refund to legatee.

20. If it appears to a Judge that any duty accruing un-

Judge may
make order
to appear.

der this Ordinance has not been paid according to law, he shall make an order directing the persons interested in the property liable to the duty to appear before the Court on a certain day, to be therein named, and show cause why said duty should not be paid. The service of such order and the time, manner and proof thereof, and fees therefor, and the hearing and determining thereon, and the enforcement of the judgment of the Court thereon, shall be according to the practice in or upon the enforcement of a judgment of the Territorial Court.

Costs in dis-
cretion of
Judge.

21. The costs of all such proceedings shall be in the discretion of the Court or Judge, and shall be upon the Territorial Court scale, unless and until another tariff shall be provided.

Regulations
to be laid
before coun-
cil.

22. The Commissioner may make regulations for carrying into effect the provisions of this Ordinance, and such regulations shall be laid before the Yukon Council forthwith, if the Council is in session at the date of such regulations, and if the Council is not in session, such regulations shall be laid before the Council within the first fourteen days of the session next after such regulations are made.

SCHEDULE.

Expectation		Expectation		Expectation		Expectation	
Age.	Years.	Age.	Years.	Age.	Years.	Age.	Years.
0	57.64	25	38.44	50	20.51	75	6.56
1	56.64	26	37.65	51	19.84	76	6.17
2	55.64	27	36.93	52	19.17	77	5.85
3	55.09	28	36.18	53	18.50	78	5.48
4	54.83	29	35.47	54	17.81	79	5.22
5	53.83	30	34.75	55	17.14	80	4.93
6	53.08	31	34.04	56	16.53	81	4.61
7	52.67	32	33.30	57	15.90	82	4.36
8	51.17	33	32.59	58	15.26	83	4.04
9	50.80	34	31.86	59	14.64	84	3.84
10	49.89	35	31.15	60	13.99	85	3.58
11	49.38	36	30.41	61	13.42	86	3.44
12	48.38	37	29.69	62	12.83	87	3.26
13	47.50	38	28.97	63	12.26	88	3.05
14	46.60	39	28.27	64	11.72	89	2.94
15	45.90	40	27.57	65	11.17	90	2.68
16	45.14	41	26.85	66	10.65	91	2.46
17	44.23	42	26.14	67	10.12	92	2.25
18	43.39	43	25.42	68	9.61	93	2.34
19	42.64	44	24.69	69	9.13	94	2.90
20	41.98	45	23.98	70	8.68	95	1.90
21	41.23	46	23.27	71	8.16	96	1.06
22	40.51	47	22.57	72	7.65	97	1.00
23	39.84	48	21.89	73	7.24	98	.50
24	39.15	49	21.20	74	6.83		



CHAPTER 9.

An Ordinance to close certain portions of Fifth Avenue and Lambert and Elliott Streets, in the Townsite of Whitehorse, from use as streets by the Public.

[Assented to July 18th, 1906.]

Preamble.

WHEREAS, His Majesty the King has set aside for the use and purposes of the Royal Northwest Mounted Police, certain lands including the portions in this Ordinance herein-after more fully described :

AND WHEREAS, it is undesirable that such lands should be invaded by any streets for the use of the public as such,

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

1. The portions of land mentioned in the following description and heretofore used as streets, are hereby closed from use by the public as streets :

All that portion of Lots 1 and 2, in Group 5, being a portion of the Townsite of Whitehorse, in the Yukon Territory, now occupied by Lambert Street and by Elliott Street, lying between the westerly limit of Fourth Avenue and the easterly limit of Sixth Avenue and its southerly projection, together with all that portion of Lot 2 in Group

Certain streets in Whitehorse closed.

5, now occupied by Fifth Avenue, lying between the westerly projection of the northerly limit of the lane between Hanson Street and Lambert Street and the southerly limit of the lane between Elliott Street and Main Street, together with that portion of Lots 1 and 2 now occupied by lane between Lambert Street and Elliott Street, lying between the westerly limit of Fourth Avenue and the easterly limit of Sixth Avenue.



CHAPTER 10.

An Ordinance to amend Chapter 76 of the Consolidated Ordinances of the Yukon Territory, entitled
 "The Liquor License Ordinance."

[Assented to July 18th, 1906.]

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

Hotel license
 in S. Dawson
 reduced.

1. Section 21, Chapter 76, of the Consolidated Ordinances of the Yukon Territory, entitled "The Liquor License Ordinance," is hereby amended by inserting immediately after the words and figures "For hotel in Dawson \$700.00" and before the words "For hotel in Klondike City" the following words and figures: "except in those portions of the City of Dawson within the Government Reserve and Day's Addition to the Townsite of Dawson in which the fee for hotel shall be \$500.00."

Application
 fee to be
 credited.

2. That the following words be added to section 26 of said Ordinance: "Said \$50.00 to be credited to the applicant on the said license fee." This section to be applicable after the 1st July, 1907.

Transfer fee
 reduced.

3. Section 45 is amended by striking out the figures "\$50.00" in the fifth line thereof and substituting the figures "\$10.00."



CHAPTER 11.

An Ordinance to amend Chapter 18 of the Ordinances for the year 1904, entitled "An Ordinance to provide for Voters' Lists for elections to the Yukon Council."

[Assented to July 18th, 1906.]

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

1. Section 3 of Chapter 18 of the Ordinances for the year 1904, entitled "An Ordinance to provide for Voters' Lists for elections to the Yukon Council" is hereby repealed and the following section substituted therefor:

Sec. 3, Chap. 18, 1904, repealed.

"3. Every revisor after taking said oath shall post up at three of the most public places within the polling division for which he has been appointed revisor a notice that he has been appointed and that he will proceed forthwith to compile and within thirty days after the posting of such notice will compile the voters' list for such polling division, and designating the office or place within such division where he may be found and the time, not less than eight hours a day during the said thirty days, during which he will attend at such office or place for the purposes of compilation.

Revisor to post notice.

(2) Such notice shall designate the time and place during and at which the final revision of the list for which pro-

Notice to state time and place.

vision is in this Ordinance hereinafter made, will take place."

Section 4
amended.

2. Section 4 of said Ordinance is amended by striking out the word "district" in the second line thereof and substituting therefor the word "division."

Section 5
repealed.

3. Section 5 of said Ordinance is hereby repealed and the following substituted therefor:

Federal list
to be used as
a basis.

"5. In the compilation of such list the revisor shall use as the basis a list of voters for the division prepared for the election of a member of the Yukon Council at the election then last held, and shall enter on the list to be compiled by him the names of all persons on the list so used as a basis whom he believes to be still qualified as voters in such division and shall also enter on such list the name of every person proved to the satisfaction of the revisor by statutory declaration as prescribed in the form appended to this Ordinance, of such person or of an agent of such person having knowledge of the facts to be qualified as a voter in such division."

Section 6
repealed.

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

Revisor to
compile with-
in 30 days.

"6. Every revisor shall compile the list within such thirty days and shall affix thereto the date of compilation, his place of residence and his signature. He shall forthwith post up in his office and in each of at least two of the most public places within the polling division a copy of such list and shall retain one copy for revision. Every copy of such list shall have appended thereto notice of the time and place of final revision. Every such copy shall be posted at least seven days before the commencement of revision."

Section 7
repealed.

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

Revisor to
complete
list.

"7. At the time and place designated in the notice of final revision the revisor shall sit to revise the list prepared by him and shall complete such revision within the time mentioned in such notice.

He shall,

(a) Add to the list the name of every person proved to his satisfaction by such statutory declaration as aforesaid to be qualified as a voter, and Duties.

(b) Strike off said list the name of every person on said list who by statutory declaration filed with the revisor is proven to be not qualified to vote, and

(c) Make such corrections in the occupation, addition or residence of persons on said list as he deems just.

(2) The revisor shall not strike off of said list the name of any person without proof of due notice by the revisor to such person by personal service or by registered letter of the proposal to strike off his name. It shall be sufficient for the revisor to draw a line through any name struck off and place his initials opposite such line. Party struck off to be notified.

(3) The revisor shall preserve the list revised by him showing the names added and those struck off and the corrections made with his initials opposite each such addition, striking off and correction." Revisor to preserve original list.

6. The revisor shall attend at his office for the purpose of revision at least eight hours a day for two days and shall close the work of revision at six o'clock in the afternoon of the last of such days. Revisor to attend at certain hours.

7. Section 8 of said Ordinance is amended by striking out the word "two" and substituting therefor the word "ten." Section 8 amended.

8. Section 9 of said Ordinance is amended by striking out the words from the words "Deputy Returning Officer" inclusive to the end of the section and substituting therefor the words "Territorial Secretary together with all statutory declarations filed with him in connection with the compilation and revision of such list," and by striking out the word "revisor" and substituting therefor the words "Territorial Secretary," and by striking out the word "revised" in sub-section 2 and substituting therefor the word "filed." Section 9 is further amended by striking out the words "a copy of" in the first line thereof. Section 9 amended.

9. The revisor shall not enter upon the list of voters for any polling division the name of any person who has Voter to reside one month.

not resided in such division for at least one month next previous to the commencement of the compilation of such list.

To vote once only and at one election.

10. No person shall be entitled to vote or shall vote more than once at any election, and if elections are held in more than one polling district on the same day he shall only be entitled to vote once at such election.

Agent to have transfer of vote.

11. Any voter who is named as the agent of any of the candidates for a polling station other than the one where he is entitled to vote may vote at such station upon the production of a certificate of the returning officer that he is entitled to vote at the election in the polling district to which such station belongs and shall not be entitled to vote elsewhere; but no such certificate shall entitle such voter to vote at such polling station unless he has been actually engaged as such agent at such station during the day of polling.

Section 14 amended.

12. Section 14 of said Ordinance is hereby amended by adding after the words "Returning Officer" the words "or by the agent of any candidate."

Section 11, S. 2(a), amended.

13. Sub-section 2 (a) of Section 11 of Chapter 3 of the Consolidated Ordinances of the Yukon Territory is amended by striking out the words "or will be to the best of his knowledge and belief."

Section 75 is amended.

14. Section 75 of said Chapter is amended by striking out the word "notes" and substituting therefor the word "votes."

Schedule amended.

15. Tariff C in the Schedule to said Ordinance is hereby amended by striking out the figures "\$250" and substituting therefor the figures "\$200."

Declaration.

16. The statutory declaration provided for in this Ordinance may be made by the person seeking to be added to the list or by his agent, and may be in the following form:

STATUTORY DECLARATION.

1, (name of person) of (Residence)
(Occupation) do solemnly declare as follows:

1. I am desirous of having my name added to the list

of voters for (name the division) (*or, if made by an Agent I am agent of*) (name) (Residence) (Occupation) (*and am desirous as above.*)

2. I am (*or he is*) a British Subject (by birth or by naturalization as the case may be.)

3. I have (*or he has*) attained the full age of twenty-one years.

4. I have (*or he has*) continuously resided in the Yukon Territory for a period of not less than twelve months.

5. I have (*or he has*) continuously resided in polling division (*here describe division*) for one month next preceding the day of, A. D. 19

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act, 1893.

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

Form M of said Chapter 3 is hereby repealed and the following substituted therefor:

FORM M.

Oath to be taken before voting—Sec. 36.

I, _____ of _____ in the Yukon Territory,, do solemnly swear that I am a natural born, (*or naturalized*) male British Subject of the full age of twenty-one years, and that I have continuously resided in the Yukon Territory for a period of not less than twelve months and in this electoral district not less than one month prior to the date of the revision of the voters' list for this election and that I have

not voted before at this election at this or any other polling place. So help me God.

~~Sworn~~ before me at
in the Yukon Territory, this.....
day of A. D. 19

~~Signature of officer administering oath~~



CHAPTER 12.

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, 1905, to June 30th, 1906, 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, 1906, to June 30th, 1907, and for purposes relating thereto.

[Assented to July 18th, 1906.]

WHEREAS, it appears by Message from William Wallace Burns McInnes, the Commissioner of the Yukon Territory, and in the Supplementary Estimates accompanying the same, that the sums hereinafter mentioned in Schedules "A" and "B" 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, 1906;

Preamble.

AND WHEREAS, it appears by Message from William Wallace Burns McInnes, the Commissioner of the Yukon Territory, and the estimates accompanying the same, that the sums hereinafter mentioned in Schedules "C" and "D" 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, 1907;

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

Further appropriation for year ending June 30, 1906.

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 forty-four thousand three hundred and twenty-nine dollars and ten cents for defraying the several charges and expenses of the public service for the twelve months ending June 30th, 1906, as set forth in Schedules "A" and "B" to this Ordinance.

Appropriation for year ending June 30th, 1907.

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 four hundred and nineteen thousand two hundred and ninety-eight dollars for defraying the several charges and expenses of the Public Service for the twelve months ending June 30th, 1907, as set forth in Schedules "C" and "D" to this Ordinance.

Application of moneys expended to be accounted 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, 1906, 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, 1906, as follows:

Schools	\$ 3,895.46
Whitehorse Fire Department	1,425.02
Roads, Bridges and Public Works	34,679.68
	<hr/>
	\$40,000.16

SCHEDULE "B."

Further sums granted to the Commissioner by this Ordinance for the twelve months ending June 30th, 1906, and for the purposes for which they are granted.

To defray additional expenses of the City of Dawson for the twelve months ending June 30th, 1906, as follows:

Dawson Fire Department	\$ 1,877.01
Streets, Drains, Ditches, etc.	2,059.24
Contingencies	392.69
	<hr/>
	\$4,328.94

SCHEDULE "C."

Sums granted to the Commissioner by this Ordinance for the twelve months ending June 30th, 1907, 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, 1907, as follows:

Indemnity and Travelling Expenses, Members	
Yukon Council	\$ 4,000.00
Election, Members-Yukon Council	10,000.00
Salaries and Travelling Expenses	23,900.00
Preventive Service	1,750.00
Dawson Free Library	4,300.00
Whitehorse Reading Room	900.00
Printing and Stationery	5,000.00
Contingencies	5,000.00
Hospitals, Charity and Quarantine	34,000.00
Town of Whitehorse, Fire Department, Streets, Etc.—	
Whitehorse Fire Department	\$2,000.00
Lighting streets	1,000.00
Construction of garbage wharf.....	1,500.00
Streets	1,500.00
	<hr/>
	6,000.00
Vote to Thomas W. O'Brien, balance due for construction of road from Klondike to Grand Forks	
	8,000.00
Relief of San Francisco sufferers	5,000.00
Law Library—Purchase of books	1,000.00
John Grant, arrears of salary, travelling and other expenses during the time he was In- spector of Mines under Local Ordinance...	750.00
Grant to City of Dawson, retail liquor licenses	24,900.00
	<hr/>
Carried forward	\$134,500.00

Brought forward	\$134,500.00
Bonus to assist in the development of quartz and other mining and the maintenance of and expenses in connection with the Assay Office at Whitehorse	10,000.00
Miscellaneous Expenditure	7,000.00
Schools	61,420.00
To provide Fire Department, Town of Bonanza, streets, garbage, etc.	5,350.00
Roads, Bridges and Public Works	133,230.00
	<hr/>
	\$351,500.00

SCHEDULE "D."

Sums granted to the Commissioner by this Ordinance for the twelve months ending June 30th, 1907, and for the purposes for which they are granted:

To defray the expenses of the City of Dawson for the twelve months ending June 30th, 1907, as follows:	
Streets, Drains, Ditches, etc.	\$ 10,000.00
Street Lighting	3,000.00
Printing and Stationery	850.00
Salaries	6,460.00
Maintenance of Dog Pound	1,200.00
Fire Department	42,188.00
Contingencies	2,000.00
Grant to Dawson Free Library	2,100.00
	<hr/>
	\$ 67,798.00



CHAPTER 13.

An Ordinance to Amend Chapter 6 of the Ordinances of 1904, Entitled "An Ordinance Respecting the Collection of Debts."

[Assented to July 18th, 1906.]

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

1. Sub-section (c) of section 2 of said Chapter of the Ordinances of 1904 is hereby amended by inserting after the word "Territory" in the third line of said sub-section (c) the words "or order of the Gold Commissioner in any protest tried before him."

S. S. (c) of
Sec. 2
amended.



CHAPTER 14.

An Ordinance to Amend the Judicature Ordinance and Rules.

[Assented to July 18th, 1906.]

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

Rules of Court amended.

1. The Rules of Court made under Chapter 17 of the Consolidated Ordinances of the Yukon Territory, entitled "An Ordinance respecting the Administration of Civil Justice," are hereby amended as follows:

Rule 403a amended.

(a) Rule 403a as enacted by Chapter 2 of the Ordinances of 1905 is amended by striking out all the words after the word "person" in the sixth line thereof and inserting in lieu thereof the following:

Amendment as to *capias*.

"Shall not after the expiration of said ten days be subject to arrest at the instance of any person to whom such notice has been given, for any debt then existing, unless proceedings therefor shall have been commenced and order for such arrest made before the expiration of said ten days."

Rule 403b repealed.

(b) Rule 403b as enacted by said Chapter 2 of the Ordinances of 1905 is hereby repealed.

Rule 512 amended.

(c) Rule 512 as amended by section 47 of Chapter 22 of 1903, is hereby amended by striking out the word "existing" in the second line of sub-section (2) thereof

and inserting in lieu thereof the word "next," and by striking out the word "have" in the second line of sub-section (5) of said Rule 512.

(d) Rule 515 as amended by section 48, Chapter 22 of 1903, is hereby amended by striking out the words "sub-section (1) hereof" where they occur in the sixth and seventh lines of sub-section (2) thereof and inserting in lieu thereof the words and figures "Rule 512," and by striking out the figure "(1)" where it occurs in the second line of sub-section (3) thereof and inserting in lieu thereof "(2)".

(e) Rule 557 is hereby amended by adding to sub-section 3 (d) the following: "The Court at its discretion may give leave that application may be made to strike out appearance, and order for judgment may be made and all proceedings had as provided by Order X."

Leave to
strike out
appearance.

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ORDINANCES

—OF THE—

Yukon Territory

PASSED BY THE

YUKON COUNCIL

IN THE YEAR

1907

ALEXANDER HENDERSON, K. C.,
COMMISSIONER



Printed and Published for the Government of the Yukon Territory Under the
Superintendence of the King's Printer.

BY AUTHORITY

Of Chapter 4 of the Ordinances of 1904, Entitled "An Ordinance
Respecting Public Printing."

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LIBRARIES.



CHAPTER 1.

An Ordinance to Amend Ordinance No. 20 of 1903, Being
an Ordinance to Provide for the Management of Free
Public Libraries Within the City of Dawson.

[Assented to August 30th, 1907.]

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

1. Section 4 of Chapter 20 of the Ordinances of 1903,
entitled "An Ordinance to Provide for the Management of
Free Public Libraries within the City of Dawson," is
amended by adding thereto the following sub-section:

Section 4
amended.

"(2) If a member fails to attend three regular meet-
ings or two consecutive regular meetings of the Board,
such member shall ipso facto cease to be a member there-
of, unless otherwise ordered by the Board."

Member
disqualified
on missing
two conse-
cutive meet-
ings.



CHAPTER 2.

An Ordinance to Provide for the Weight and Sale of Bread.

[Assented to August 30th, 1907.]

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

Bread vendor to keep scales.

1. Every vendor of bread shall keep scales and weights suitable for the weighing of bread in a conspicuous place in his shop, and every vendor of bread shall weigh the bread offered for sale if requested.

No deleterious material to be used

2. No person shall use any deleterious material in making any bread for sale.

Duties and powers of Medical Health Officer.

3. It shall be lawful for the medical health officer at all reasonable hours to enter into, inspect and examine every bakery and baker's shop and other buildings or premises in the Yukon Territory where any bread is or shall be baked, stored or deposited or offered for sale, and to inspect and examine all flour and materials therein intended to be used in the making of bread for sale, and also to examine all bread found therein, and to weigh the same, and also to examine every vehicle and sleigh on which bread may be placed or stored in the said Territory for the purpose of delivery before and after the sale thereof, and to examine all bread found therein, and to weigh the same

BREAD, WEIGHT AND SALE OF.

and to seize and carry away any bread found under weight or any bread made contrary to the provisions of this Ordinance and to prosecute all breaches of this Ordinance, and all such bread as shall be found deficient in weight or made contrary to the provisions of this Ordinance shall be seized and forfeited to the Territory in such manner as may be directed by the Commissioner, and if any unwholesome flour or any deleterious material intended to be used in the making of bread for sale shall be found in any bakery or shop or on the premises thereof, the medical health officer shall take away a small sample thereof for the purpose of evidence.

4. Every person making or selling any bread or having or offering any bread for sale or for delivery upon or after sale or in supply of contract or being in possession or in charge of any bread for sale or delivery within the said Yukon Territory or of any bakery or shop within the said Territory, for the making of bread, or of any vehicle or sleigh for the delivery of bread before or after sale thereof shall, upon the request of the medical health officer, submit to and permit and assist the inspection, weighing and examination of such bread under this Ordinance and also the inspection of his vehicle or sleigh for the delivery of bread, and also his bakery or shop and all bread therein, and also all flour, meal and materials found therein intended to be used in the making of bread for sale, and for that purpose shall open all ways, doors, locks, and fastenings in and about the same and in and about all cupboards, boxes and compartments therein, and no such person or persons as aforesaid shall, nor shall any other person whomsoever in any way thwart, refuse, impede, hinder, or prevent any such inspection, weighing and examination of bread or the inspection of any vehicle or sleigh for the delivery of bread, or any bakery or shop or any flour, meal or other materials therein intended for use or to be used in the making of bread for sale.

Bread vendors to assist Medical Health Officer in his duties.

5. The inspection and weighing provided for in the third section of this Ordinance shall be made not less than once in each month, and upon any such weighing the following allowances shall be made, that is to say: for bread made twelve hours and under twenty-four hours previously, one ounce light weight to be allowed for each loaf of two pounds weight, and two ounces for each loaf of four pounds weight; for any period over twenty-four hours

Allowances on weight of bread.

double the allowance in each case respectively shall be made.

Penalty.

6. Any person or persons found guilty of an infraction of any of the provisions of this Ordinance shall be liable, on summary conviction, to a fine of not less than \$10.00 and not exceeding \$100.00, and in default of payment to imprisonment with or without hard labour for a term not exceeding one month.

In force in
Dawson
only.

7. This Ordinance shall only apply to the City of Dawson.



CHAPTER 3.

AN ORDINANCE RESPECTING ROADHOUSES.

[Assented to August 30th, 1907].

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 "Roadhouse Ordinance."

2. In this Ordinance the expression "Roadhouse" extends to and includes all buildings whose owner, lessee or proprietor provides board or lodging for remuneration.

"Roadhouse."

3. The keeper of every roadhouse shall, where the same is more than one storey in height, provide and keep in each of the sleeping apartments or bedrooms which are situate above the ground floor, a fire escape for the use of guests occupying the same.

Keeper to provide fire-escapes.

(2) Such fire escape shall be sufficient within the meaning of this Ordinance if it consists of a rope not less than three-quarter of an inch in thickness and of sufficient length to reach from the room or apartment in which it is kept to the ground below, and is kept in a coil or other convenient position in each of the said rooms or sleeping apartments; and if the outside window or opening of such sleeping apartments or bedrooms is provided with proper, secure and convenient fastenings or appliances to which

Nature of fire-escapes.

one end of the rope may be safely secured or fastened.

Further provisions as to nature of fire-escapes.

4. In case any roadhouse is provided with outside stationary, or other fire escapes, differing from what is herein provided for, by means of which, in the opinion of a non-commissioned officer of the Royal North-West Mounted Police in charge of the district in which any such roadhouse is situated, a reasonably safe and convenient means of egress from the sleeping apartments or bedrooms is provided in case of fire, the same shall be deemed a compliance with this Ordinance, so far as relates to all sleeping apartments or bedrooms from the outside windows or openings of which there is access to the said fire escapes.

Notice in sleeping apartments.

5. The keeper of every roadhouse shall require to keep posted up in each of the sleeping apartments or bedrooms a notice calling attention to the said fire escapes and containing full directions for the use of the same as well as a description of the outside stairway and the situation and means of egress to the same.

No inflammable material on walls, etc.

6. No cotton, paper or other inflammable material shall be used in furnishing the walls of any roadhouse unless it is pasted firmly to the wall.

Condition of privies, etc.

7. All water closets and privies in connection with roadhouses shall be built of wood and shall be so constructed as to be hidden from view from the public roads; and they shall be divided in two distinct parts, one for males and one for females.

Penalty.

8. Any person guilty of an infraction of any of the provisions of this Ordinance shall be liable to a penalty of not less than \$10.00 and not exceeding \$100.00, and in default of payment to imprisonment for a term not exceeding three months:



CHAPTER 4.

An Ordinance to Amend Chapter 2 of the Consolidated Ordinances, Entitled "An Ordinance Respecting the Council of the Yukon Territory.

[Assented to August 30th, 1907.]

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

1. Chapter 2 of the Consolidated Ordinances, entitled "An Ordinance Respecting the Council of the Yukon Territory," is amended by adding thereto the following section:

Chapter 2,
Con. Ord.,
amended.

"30. The Council of the Yukon Territory may sue and be sued, plead or be impleaded in any court, and service of process upon the Commissioner of the Yukon Territory shall be deemed good and sufficient service upon the Council of said Territory."

Yukon
Council may
sue, etc.

"31. In case of the absence of the Commissioner from the Yukon Territory service of process upon the Acting Commissioner shall be deemed good and sufficient service upon the Council of said Territory."

In absence
of Commis-
sioner.

Consent of
Commissioner re-
quired.

“32. Notwithstanding anything contained in this Ordinance no action shall be commenced in any court against the Council of the Yukon Territory except upon the written consent of the Commissioner obtained upon petition presented to him by an interested party.”



CHAPTER 5.

An Ordinance to Amend the Ordinance Respecting Public Health.

[Assented to August 30th, 1907.]

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

1. Chapter 9 of the Consolidated Ordinances, entitled An Ordinance Respecting the Public Health is hereby amended by adding after section 20 thereof the following section:

Ch. 9, Con.
Ordinance
amended.

“20a. Every milk vendor shall permit all his milch cows and cow byres and all dairies and other places in which milk is kept or sold for general use, to be inspected by the medical health officer or whoever he may desire to do so, and no vendor of milk shall keep any milk intended for sale or which may be afterwards sold or offered for sale in the Yukon Territory, in any place where such milk is likely to become unwholesome or liable to produce disease either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, uncleanliness or any other recognized cause, or in any place condemned by the medical health officer”

Inspection
of cows,
dairies, etc.

“20b. The medical health officer may destroy any cow affected with any infectious or contagious disease.”

May destroy
diseased
cows.



CHAPTER 6.

An Ordinance to Amend the Ordinance Respecting the Office of Public Administrator.

[Assented to August 30th, 1907.]

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

Sec. 6, Ch.
21, Con. Ord.
amended.

1. Section 6 of Chapter 21 of the Consolidated Ordinances of the Yukon Territory, entitled "An Ordinance Respecting the Office of Public Administrator," is hereby amended by striking out the figures "588" and inserting in lieu thereof the figures "602."

Section 7
amended.

2. Section 7 of said Ordinance is hereby amended by striking out the figures "590" and inserting in lieu thereof the figures "604."



CHAPTER 7.

An Ordinance to Amend the Ordinance Respecting Dogs.

[Assented to August 30th, 1907.]

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 2 of Chapter 70 of the Consolidated Ordinances, entitled "An Ordinance Respecting Dogs," is hereby amended by adding thereto the following sub-section:

Sub-sec. 1,
Sec. 2, Ch.
70, Con.
Ordinances,
amended.

"1a. No dog shall be permitted to run at large that is of a vicious temperament or dangerous to the public safety; and any such dog running at large shall be liable to be killed or impounded by any peace officer."

Vicious dogs
not to run
at large.

2. Sub-section 2 of section 2 is amended by striking out the word "July" and inserting in lieu thereof the word "June."

Sub-sec. 2,
Sec. 2,
amended.

3. Sub-section (b) of sub-section 4 of section 2 is hereby amended by striking out the following words: "and that such dog was wearing a strap with a proper tag."

Sub-sec. (b)
Sub-sec. 4,
Sec. 2,
amended.

4. Section 2 of said Ordinance is hereby amended by adding thereto the following sub-section:

Section 2
amended.

(5) Notwithstanding anything contained in this Ordi-

nance no bitch when in heat shall be permitted to run at large, and any bitch running at large contrary to the provisions of this section shall be liable to be impounded by any peace officer or citizen.

Sub-sec. 1,
Sec. 3
amended.

5. Sub-section 1 of section 3 is amended by adding after the first word in said sub-section the following words: "Commissioner or the" and after the word "officer" in the third line thereof the words "or other person."

Sub-sec. 2,
Sec. 3,
amended.

6. Sub-section 2 of section 3 is hereby amended by adding after the word "keeper" in the first line thereof the following words "or any other person specially appointed for that purpose."

Section 4
amended.

7. Section 4 is amended by adding after the word "dollars" in the second line thereof the following words "for a dog and five dollars for a bitch," and by adding after the words "pound-keeper" in the second line thereof the words "or person appointed to collect fees under this Ordinance."

Section 5
amended.

8. Section 5 is amended by adding after the word "pound-keeper" the words "or person appointed to collect fees under this Ordinance."

Section 6
amended.

9. Section 6 is amended by adding after the word "pound-keeper" the words "or person appointed to collect fees under this Ordinance."

Section 8
amended.

10. Section 8 is amended by striking out the words "one month" and inserting in lieu thereof the words "fifteen days" and by adding to said section the following sub-section:

8. (2) All impounded dogs for which no bid is obtained at any public auction held under this section shall be forthwith destroyed by the pound-keeper.

Section 10
amended.

11. Section 10 is amended by adding after the words "pound-keeper" wherever it occurs in said section the following words "or person appointed to collect fees under this Ordinance."



CHAPTER 8.

An Ordinance to Amend the Judicature Ordinance and Rules of Court.

[Assented to August 30th, 1907.]

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

1. Rule 396 is hereby amended by adding thereto the following sub-section:

Rule 396 of
Rules of
Court
amended.

(2) For the purposes of Rule 396 and all rules pertaining to the arrest of a defendant the Police Magistrate at Whitehorse shall have all the powers of a judge of the Territorial Court.

Powers of
Police Ma-
gistrate at
Whitehorse.

2. Rule 515 of the Rules of Court as amended by section 48 of Chapter 22 of the Ordinances of 1903 is hereby amended by inserting after the word "fact" in the fifth line thereof the words "not inconsistent with the findings of the jury."

Rule 515
amended.

3. Rule 610 of the said Judicature Ordinance is amended by adding thereto the following: "And such summons shall contain or have endorsed thereon a notice of the date and place fixed for the next two sittings of the Court for the trial of Small Debts Cases."

Rule 610
amended.

Rules 620,
621, 622 re-
pealed and
substituted.

4. Rules 620, 621 and 622 are hereby repealed and the following substituted therefor:

Judges to
fix dates of
trials.

(1) The Judges of the Territorial Court shall, as soon as possible after Long Vacation in each year, fix the days and times for the trial of actions under Order 47 and for the disposing of summonses under the Order for the Collection of Debts, Chapter 6, of 1904; but in the absence of such fixing of dates the days and times previously fixed shall continue to be the days and times for such hearings.

Date of trial
when dis-
pute is filed.

(2) If a dispute is filed the trial of the case shall be held at the next sittings of the Court, held six days after the time limited for the entering of such dispute, and the defendant shall receive no further or other warning of such trial, or of the time and place thereof.



CHAPTER 9.

An Ordinance Amending the Ordinance Respecting Intoxicating Liquors.

[Assented to August 30th, 1907.]

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 Chapter 76 of the Consolidated Ordinances of the Yukon Territory, being an Ordinance Respecting Intoxicating Liquors, is hereby amended by striking out the word "Bonanza" in the fourth line of subsection "A".

Sec. 21, Ch. 76, Con. Ordinances amended.

2. Section 56 of said Ordinance as amended by section 2 of Chapter 8 of the Ordinances of 1904 is hereby repealed and the following substituted therefor:

Sec. 56 as amended by Sec. 2, Ch. 8 of Ord. 1904 repealed and substituted.

56. (1) No person shall sell liquor to any person who he knows or has reason to believe is selling liquor without a license.

(2) No licensee licensed to sell liquors not to be consumed on the premises shall take or carry or employ or suffer any other person to take or carry any liquor out of or from the premises of such licensee for the purpose of

No sale of liquor to be consumed outside licensed premises.

being sold on his account or for his benefit or profit, and of being consumed in any other house, or in any tent, shed, or other building of any kind whatever, belonging to such licensee or hired, used or occupied by him. In any proceeding under this paragraph it shall not be necessary to prove that the premises or place or places to which such liquor is taken to be drunk, belonged to, were hired, used or occupied by the seller, if proof is given to the satisfaction of the court hearing the case that such liquor was taken to be consumed thereon with intent to evade the conditions of the license.

Construction of windows facing streets.

(3) Every licensed premises shall have at least one window facing a public street, which window shall be of clear transparent glass with panes of a size not less than twelve inches by fifteen inches, and such window shall not be less than four feet long by three feet wide and shall be so placed that the bottom thereof shall not be lower than the sidewalk or more than four feet above it.

Windows to be clear of blinds, etc.

(4) During prohibited hours no blind, screen, counter, box or other obstruction of any kind shall be allowed in any saloon or in connection with such window so as to conceal any part of the interior of the bar-room from the view of persons on the street without.

Secs. 58 and 59 repealed and substituted.

3. Sections 58 and 59 of the said Ordinance as amended by sections 3 and 4 of Chapter 8 of the Ordinances of 1904 are hereby repealed and the following substituted therefor :

No music hall in connection with licensed premises.

58. No licensee or any other person shall keep a music or dance hall in connection with premises licensed to sell liquors under this Ordinance

Sec. 61 repealed and substituted.

4. Section 61 of the said Ordinance is hereby repealed and the following substituted therefor :

No loose women to occupy rooms.

61. No woman of loose, idle or suspicious character or having no honourable occupation or calling (in which class and amongst whom are included dancing girls, so-called artists and drink rustlers) will be allowed to occupy any room or other part of any premises licensed to sell liquor, or any place whatsoever directly or indirectly connected with the licensed premises, controlled directly

or indirectly by the licensee or in which the said licensee may have directly or indirectly any interest, to use the same for alluring men or for any improper or immoral purposes.

(2) No licensee shall receive or admit either in his licensed premises or in any other premises adjoining and directly or indirectly connected with the said licensed premises or being under the control directly or indirectly of the licensee or in which the licensee might be directly or indirectly interested, any such woman for the purpose of drinking, keeping company with men or soliciting drinks, and no such woman will be allowed to drink in any such premises.

Or drink,
etc., on
licensed
premises.

5. Section 63 of said Ordinance is amended as follows:
The word "twice" is hereby inserted between the words "is" and "convicted" in the second line thereof.

Section 63
amended.

All the words after the word "license" in the fourth line of said section are struck out.

6. The said Ordinance is hereby amended by adding after section 66 the following sections:

66a. The License Inspector shall have the right to inspect and test any liquor sold in any licensed premises or to have the same inspected and tested by any other person; should the liquor so tested be found to be adulterated the licensee or licensees will be subject to a fine of not less than \$25.00 and not more than \$200.00, and upon a second conviction his or their license may be forthwith cancelled.

License In-
spector to
have power
to inspect
liquor.

66b. The fact of a person or persons not connected with the establishment being found and seen drinking in the bar, bar-room or any other place where liquor is generally served in any licensed premises within prohibited hours shall be prima facie evidence that liquor has been sold therein against section 53 of the said Ordinance.

Prima facie
evidence of
sale.

7. Section 70 of the said Ordinance is hereby repealed and the following substituted therefor:

Sec. 70 re-
pealed and
substituted.

70. Any licensee who knowingly allows to be supplied in his licensed premises, by purchase or otherwise, any description whatever of liquor to any minor, of either sex, or who permits any such minor to be in rooms or places on

No sale of
liquor to
minors.

his premises where intoxicating liquor is served, or to frequent the same, shall, as well as the person who actually gives or supplies the liquor or permits children to be present when such liquor is served, whether he or she is a guest of the house or not, be guilty of an offense, and on summary conviction thereof be liable to a penalty of \$25.00 and costs for a first offense, and in default of payment forthwith after conviction to one month's imprisonment, and for a second like offense, a penalty of \$50.00 and costs, with absolute forfeiture of the license, and in default of payment forthwith after conviction, to two months' imprisonment.



CHAPTER 10.

An Ordinance to Amend the Ordinance for the Prevention of Fires.

[Assented to August 30th, 1907.]

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

1. Chapter 67 of the Consolidated Ordinances, entitled "An Ordinance for the Prevention of Fires," is amended by adding thereto the following sections:

Ch. 67, Con. Ordinances, amended.

10. In this Ordinance the expression "village" shall extend to and include any collection of not less than five inhabited or occupied buildings which are not more than one hundred feet apart, and will apply only to towns or villages outside of Dawson.

"Village" defined.

11. No person shall hereafter place any stove or range in any house or building in any village, without leaving twenty (20) inches clear from any woodwork, immediately above such stove or range and fourteen (14) inches from any woodwork opposite the sides, unless the same is covered by a zinc guard backed with asbestos, and will leave a clear open space between such range or stove. Floors under all stoves shall be protected by a covering of incombustible material.

Space to be left between stove and woodwork.

Provision
for stove
connections
with chim-
ney, etc.

12. All ovens, furnaces or stoves shall be properly connected with a chimney of brick, stone or metal, extending at least three (3) feet clear of any roof and all stove pipes where passing through any floor, wall, partition or roof shall be protected with a thimble of metal having an air space of at least four (4) inches and having a metal core built in same, such core to be at least one-half an inch larger than the stove pipe passing through it, and said thimble shall be the full width of floor, wall, partition or roof through which it passes.

Provisions
when pipe
passes
through
loft, etc.

13. No stove pipe shall pass through any attic, garret or loft unless the same be protected by a regulation thimble, extending from the ceiling below such attic, garret or loft to the required distance above the roof.

Standard
weight of
metals for
stove pipes.

14. The standard weight of metal for stove pipes shall be: Inside or interior pipes, Number 24 gauge steel. Exposed or exterior, Number 24 gauge galvanized steel; all of which must be properly guyed and rivetted and so constructed as to admit of their being scraped, brushed or cleaned. No person shall maintain, use or permit to be used within the village any pipe or pipes of a lighter weight than Number 24 gauge steel, and all such pipe of a lighter weight may be condemned by any member of the Royal North-West Mounted Police specially detailed for that purpose or by any other person named by the Commissioner, and may be removed or destroyed upon the order of a Stipendiary Magistrate having jurisdiction in the village.

Stove pipes,
etc., to be
kept in
repair.

15. All persons shall keep their chimneys and stove pipes in good repair and have same properly cleaned once a month.

Power to
inspect.

16. Any member of the Royal North-West Mounted Police specially detailed for that purpose or any other person named by the Commissioner, may at any time during day time, enter any inhabited or occupied building in any village to inspect the same regarding the provisions of this Ordinance.



CHAPTER 11.

An Ordinance to Amend the Assessment Ordinance.

[Assented to August 30th, 1907.]

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

1. Sub-sections 22, 23, 24, 26 and 29 of section 11 of Chapter 5 of the Ordinances of 1906, being an Ordinance to Amend Chapter 64 of the Consolidated Ordinances, entitled "The Assessment Ordinance," are hereby repealed and the following sub-sections are substituted therefor:

Sub-secs.
22, 23, 24,
26 and 29 of
Sec. 11, Ch.
5, Ord. 1906,
repealed and
substituted.

(22) Livery and boarding stables—Keeping livery stables, \$25.

(23) Manufacturer of any kind, including tinsmiths, plumbers, painters and paper hangers, \$25.00.

(24) Merchant—Hardware, stationery or dry goods, \$50.00.

(26) Merchant—Fruit selling, candy, tobacco or cigars, \$10.00.

(29) Patent medicine vendor not conducting general drug business, \$50.00.

2. Section 11 of said Chapter is hereby further amend-

Section 11
amended.

ed by adding thereto the following sub-sections:

(40) Dress-makers, milliners and shoe-makers carrying small stocks of goods, \$15.00.

(41) Hand laundry, \$10.00.

(42) Ice cream and soda fountain parlors, unless otherwise licensed, \$10.00.

(43) Rooming houses, \$25.00.

(44) Wood dealers, \$25.00.

(45) Wood sawing machines, whether steam or gasoline, \$25.00.

Ch. 64
amended.

3. Chapter 64 of the Consolidated Ordinances is amended by adding after section 36 thereof the following section:

All owners
of real es-
tate to pay
at least \$2.00
taxes.

36a. No individual tax-payer who is the owner of real property shall pay less than two dollars in annual taxes on all his real property and after the rate is levied the assessor is empowered to collect at least two dollars from each such tax-payer.



CHAPTER 12.

An Ordinance to Amend An Ordinance Respecting Steam Boilers and Examination of Engineers Operating Same.

[Assented to August 30th, 1907.]

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

1. Section 22 of Chapter 7 of the Consolidated Ordinances is amended by striking out all the words after the word "with" in the second line thereof and inserting in lieu thereof the following: "May appeal in writing to the Commissioner, who shall refer the appeal to a Board of three engineers holding first class certificates, said Board to be appointed by the Commissioner and to hold office at his pleasure."

Sec. 22, Ch.
7, Con.
Ordinances,
amended.

(a) The Board shall, at once, cause such grievance to be investigated and shall give a decision in the matter which shall be final.

(b) The Board, with the inspector, shall also act as a Board of Inquiry in all boiler accidents occurring within its jurisdiction.

(c) All engineers on taking or leaving a position must notify the inspector in writing.

Rating of
horse-power

(d) The rating of the horse-power of all boilers in use in the Yukon Territory shall be calculated by the inspector according to the following schedule:

12 square feet of heating surface per nominal horse-power for internally fired boilers.

15 square feet of heating surface per nominal horse-power for externally fired boilers.

Sec. 2, Ch.
19, Ord.
1903, re-
pealed and
substituted.

2. Section 2 of Chapter 19 of the Ordinances of 1903 is hereby repealed and the following substituted therefor:

2. There shall be four classes of persons entitled to take charge of a steam engine or boiler.

(a) The first-class shall be engineers qualified to take charge of any steam engine or boiler.

(b) The second-class shall be engineers qualified to take charge of any steam engine or steam boiler not exceeding 100 nominal horse-power.

(c) The third-class shall be engineers qualified to take charge of any steam engine or boiler not exceeding 50 nominal horse-power.

(d) The fourth-class shall be firemen qualified to take charge of any boiler when under the general supervision of an engineer of the first, second or third class, according to the rating of the boiler.

Sec. 6, Ch.
19, Ord.
1903, re-
pealed and
substituted.

3. Section 6 of Ordinance 19 of 1903 is hereby repealed and the following substituted therefor:

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 herewith in the Territory and who shall have served twelve months as engineer, fireman or oiler and 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 upon obtaining a fee of \$5.00 issue a certificate to that effect and stating the kind of boiler and engine said candidate may operate.

4. On all steam plants of over 100 horse-power where two or more engineers are employed it shall only be obligatory that the engineer in charge shall hold a first-class certificate. In such cases the holder of a second class certificate shall be considered duly qualified to act as assistant or second engineer.

Second class engineer may be assistant to first class engineer.

(2) On all steam plants of over 50 horse-power and not more than 100 horse-power, when two or more engineers are employed it shall only be obligatory that the engineer in charge shall hold a second class certificate. In such cases the holder of a third class certificate shall be considered duly qualified to act as assistant or second engineer.

Third class engineer may be assistant to second class engineer.

(3) Not more than one certificated engineer shall be required to be on duty in connection with any one plant.

5. It shall be the duty of the boiler inspector to make all examinations of applicants for engineers' certificates in writing and in accordance with the schedule hereto annexed, questions and answers both to be placed on file and retained in the office of said inspector, such file to be open during office hours to the Board appointed by the Commissioner as provided for in section 1 of this amendment.

Examination to be in writing, etc.

6. All engineers holding second and third class certificates under any former Ordinance shall be confined to the rating of boilers fixed by said Ordinance. Said engineers shall be required to pass an additional examination to become qualified under the rating of engineers fixed by this Ordinance. The applicant for such examination shall pay an examination fee of \$2.50.

Additional examination required for rating under this Ord.

7. Section 9 of Chapter 7 of the Consolidated Ordinances is hereby amended by adding thereto the following sub-section:

Sec. 9, Ch. 7, Con. Ordinances, amended.

(5) All boilers of fifteen nominal horse-power or under, used for mining or prospecting purposes shall be inspected by the boiler inspector free of charge, and the use

of such boiler prior to such inspection shall not be deemed an infraction of this Ordinance.

SCHEDULE.

RULES TO BE OBSERVED IN THE EXAMINATION OF ENGINEERS.

Fireman.

Examination
for fireman.

8. The fireman will be required (1) to possess some elementary knowledge of boiler management under working steam pressure; (2) to know the use to which the different fittings are put; (3) to be able to ascertain when they are working properly and how to act should they get out of good working order so as to secure complete safety; (4) to know the manner of firing economically and skilfully and the methods for keeping boilers clean internally, and (5) how to act in case of low water and hot plates, etc.

Third Class Engineer.

Examination
for third-
class engi-
neer.

9. The third class engineer will be required (1) to possess, in addition to the requirements of a fireman, a general elementary knowledge of how boilers are constructed, set in brick work and fitted up complete with all connections; (2) to be able to keep pipes and fittings in good tight condition; (3) to understand foaming, priming, incrustation, corrosion, and their remedies; (4) to be able to detect anything going wrong or weakness developing; (5) to have had at least one year's experience as fireman in this Territory or elsewhere, and, (6) generally to understand the working of a steam engine, and to be able to handle and attend to the same in case the establishment be not large enough to warrant the employment of two engineers. He shall be able to read and write a legible hand and understand the first five rules of arithmetic.

Second Class Engineer.

Examination
for second-
class engi-
neer.

10. The engineer of the second class will be required (1) to have had at least two years' experience in the handling of a steam engine as per third class; (2) to un-

derstand the design and construction of steam boilers and engines, and the principle that regulates the strength and design of the various parts and details of same; (3) to be conversant with the setting of engine valves; (4) to be able efficiently to supervise the working of said boilers and to keep in good safe condition; (5) to know how to read and write a legible hand, and, (6) to be conversant with the first five rules of arithmetic and decimals.

First Class Engineer.

11. The engineer of the first class must be able, (1) to take charge of any boiler; (2) calculate the thickness of plates required for a boiler of given dimensions and construction to carry a fixed pressure of steam, and also the dimensions and construction of the boiler and thickness of plates; (3) being given the pressure that the boiler may carry he must be able to calculate the strength of its stays, connections, joints and other parts, the tensile and crushing strength of the material used in its construction; (4) to calculate the required capacity of the feed-pump, the area of the safety valve for a boiler of given size or dimensions, and the power of the engine from a diagram of its workings; (5) to define the position of the crank and eccentric as indicated by a diagram; (6) know the relative volume of steam and water at given temperatures and pressures, the chemical constituents of coal, its heating and mechanical equivalents and the quantity of air required for its combustion; (7) to be competent to make a working drawing of any part of an engine, and explain the operation of the engine or any of its parts in connection with the whole; (8) to be conversant with surface condensation and the working of steam expansively, and, (9) he must understand the construction of and be able to maintain in a working condition dynamos of ordinary types; (10) his knowledge of arithmetic must include the extraction of the square and cube root. The examination will be made viva voce, but may be in writing in certain cases, at the discretion of the inspector, who may, at any time, if he deems it necessary, re-examine the applicant.

Examination
for first-
class engi-
neer.



CHAPTER 13.

An Ordinance to Amend the Ordinance to Regulate Public Aid to Hospitals.

[Assented to August 30th, 1907.]

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

Sec. 6, Ch.
10, Con.
Ordinances,
amended.

1. Section 6 of Chapter 10 of the Consolidated Ordinances of the Yukon Territory, entitled "An Ordinance to Regulate Public Aid to Hospitals," is hereby amended by adding thereto the following sub-section:

Quarterly
reports to
be delivered

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



CHAPTER 14.

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, 1906, to June 30th, 1907, 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, 1907, to June 30th, 1908, and for purposes relating thereto.

[Assented to August 30th, 1907.]

Whereas, It appears by Message from Alexander Henderson, Esquire, K. C., the Commissioner of the Yukon Territory, and in the Supplementary Estimates accompanying the same, that the sums hereinafter mentioned in Schedules "A" and "B" 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, 1907; and,

Preamble.

Whereas, It appears by Message from Alexander Henderson, Esquire, K. C., the Commissioner of the Yukon

Preamble.

Territory, and the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "C" 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, 1908;

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

Further appropriation for year ending June 30th, 1907.

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 eighty-six thousand two hundred and thirty-eight dollars and fifty-one cents for defraying the several charges and expenses of the public service for the twelve months ending June 30th, 1907, as set forth in Schedules "A" and "B" to this Ordinance.

Appropriation for year ending June 30th, 1908.

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 seventy-nine thousand, nine hundred and eighty-six dollars, for defraying the several charges and expenses of the Public Service for the twelve months ending June 30th, 1908, as set forth in Schedule "C" to this Ordinance

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, 1907, 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, 1907, as follows:

Roads, Bridges and Public Works\$73,015.99

SCHEDULE "B"

Further sums granted to the Commissioner by this Ordinance for the twelve months ending June 30th, 1907, and for the purposes for which they are granted.

To defray additional expenses of the City of Dawson for the twelve months ending June 30th, 1907, as follows:

Dawson Fire Department	\$ 9,064.81
Streets, Roads, Drains, Ditches, etc.	3,152.79
Printing and Stationery	173.24
Dog Pound	831.68
	<hr/>
	\$13,222.52

SCHEDULE "C"

Sums granted to the Commissioner by this Ordinance for the twelve months ending June 30th, 1908, 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, 1908, as follows:

Indemnity and travelling expenses, Members	
Yukon Council	\$ 4,000.00
Salaries and travelling expenses	23,900.00
Preventive Service	1,750.00
Town of Whitehorse	8,050.00
Printing and Stationery	5,000.00
Whitehorse Library	900.00
Hospitals, Charity and Quarantine	34,000.00
Law Library	1,800.00
Bonus to Mining and the maintenance of	
Assay Office	10,000.00
Schools	56,515.00
Contingencies	5,000.00
Miscellaneous Expenditure	7,000.00
Dawson Free Library, chargeable against Ter-	
ritory	4,300.00
Roads, Bridges and Public Works	143,785.00
	<hr/>
	\$306,000.00

GROUP II (CITY OF DAWSON.)

Dawson Fire Department	\$50,126.00	
Maintenance and repairs of Streets and Sidewalks	10,000.00	
Street Lighting	2,500.00	
Printing and Stationery	1,000.00	
Maintenance of Dog Pound	2,000.00	
Contingencies	1,500.00	
Dawson Free Library	2,100.00	
Salaries	4,760.00	73,986.00
	<hr/>	<hr/>
		\$379,986.00

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ORDINANCES

—OF THE—

YUKON TERRITORY

PASSED BY THE

YUKON COUNCIL

IN THE YEAR

1908

ALEXANDER HENDERSON, K. C.,
COMMISSIONER



Printed and Published for the Government of the Yukon Territory Under the
Superintendence of the King's Printer.

BY AUTHORITY

Of Chapter 4 of the Ordinances of 1904, Entitled "An Ordinance
Respecting Public Printing.

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CHAPTER 1.

An Ordinance to Amend the Roadhouse Ordinance.

[Assented to 10th August, 1908.]

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

1. Chapter 3 of the Ordinances of 1907, entitled "An Ordinance Respecting Roadhouses," is hereby amended by adding thereto the following section:

9. The keeper of every hotel and roadhouse shall keep a public register in which shall be entered the name of every person who is supplied with board or lodging on the premises.

Register for names of guests to be kept.



CHAPTER 2.

An Ordinance to Amend the Health Ordinance.

[Assented to 10th August, 1908.]

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

1. Chapter 9 of the Consolidated Ordinances, entitled An Ordinance Respecting the Public Health, is amended by adding after section 20 thereof the following sections:

Nuisance ground may be established by Health Officer.

20a. The medical health officer or sanitary inspector may establish a nuisance ground within the immediate vicinity of any town or village in the Territory, within which all garbage and refuse shall be deposited in accordance with regulations made by the medical health officer.

Nuisance ground may be changed.

20b. The medical health officer or sanitary inspector may change any nuisance ground from time to time as occasion may require.



CHAPTER 3.

An Ordinance to Amend the Judicature Ordinance and Rules.

[Assented to 10th August, 1908.]

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 Chapter 8 of the Ordinances of 1907 is hereby repealed and the following substituted therefor:

2. Rule 515 of the Rules of Court as amended by section 48 of Chapter 22 of the Ordinances of 1903 is hereby amended by inserting after the word "fact" in the eighteenth line thereof the words "not inconsistent with the findings of the jury."

Rule 515
amended.

2. Rule 609 of the Rules of Court under Chapter 17 of the Consolidated Ordinances of 1902 is repealed and the following substituted therefor:

Rule 609
repealed and
substituted.

609. In all claims and demands for debt, account, breach of contract or covenant or money demand, whether payable in money or otherwise, where the amount or balance claimed does not exceed \$100.00, and in all personal actions where the amount claimed does not exceed \$100.00 and in all actions of replevin where the value of the goods or other property or effects distrained, taken or detained, does not exceed the sum of \$100.00, the procedure shall,

Procedure in
case of debt,
etc., for
\$100.00 or
less.

unless otherwise ordered or allowed by a judge be as in this part provided.

Minor may sue.

609 (a) A minor may sue under this part for wages not exceeding \$100.00 in the same manner as if he were of full age.

Cause of action can not be divided.

609 (b) A cause of action shall not be divided into two or more actions for the purpose of bringing the same within the jurisdiction of this part.

No jurisdiction in.

609 (c) Jurisdiction is not given under this part and no action can be maintained under this part in any of the following cases :

Actions for recovery of land, etc.

(1) Actions for recovery of land or actions in which the right or title to any corporeal or incorporeal hereditaments is bona fide in question, or any toll or franchise comes in question.

For libel, slander, etc.

(2) Actions for malicious prosecution, libel, slander, criminal conversation, seduction or breach of promise of marriage.

In disputes relative to a devise, bequest, etc.

(3) Actions in which the validity of any devise, bequest, or limitation under any will or settlement is disputed.

Against Justice of the Peace.

(4) Actions against any Justice of the Peace for anything done by him in the execution of his office.



CHAPTER 4.

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, 1907, to June 30th, 1908, 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, 1908, to June 30th, 1909, and for Purposes Relating Thereto.

[Assented to 10th August, 1908.]

Whereas, It appears by Message from Alexander Henderson, Esquire, K. C., the 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, 1908; and, Preamble.

Whereas, It appears by Message from Alexander Henderson, Esquire, K. C., the Commissioner of the Yukon Territory, and the Estimates accompanying the same, that Preamble.

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, 1909;

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

Further appropriation for year ending June 30th, 1908.

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 thirty-eight thousand one hundred and twenty-five dollars and twenty cents for defraying the several charges and expenses of the public service for the twelve months ending June 30th, 1908, as set forth in Schedule "A" to this Ordinance.

Appropriation for year ending June 30th, 1909.

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-six thousand dollars, for defraying the several charges and expenses of the public service for the twelve months ending June 30th, 1909, as set forth in Schedule "B" to this Ordinance.

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, 1908, 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, 1908, as follows:

Roads, Bridges and Public Works.....	\$36,263.93
Town of Whitehorse	522.66
Streets and Sidewalks, City of Dawson	844.77
Street Lighting, City of Dawson	431.00
Maintenance of Dog Pound	62.84
	<hr/>
	\$38,125.20

SCHEDULE "B".

Sums granted to the Commissioner by this Ordinance for the twelve months ending June 30th, 1909, 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, 1909, as follows:

Expenses in connection with election, ten Members, Yukon Council	\$13,000.00
Indemnity and Travelling Expenses, Members, Yukon Council	4,000.00
Salaries and Travelling Expenses	23,500.00
Preventive Service	950.00
Printing and Stationery	5,000.00
Whitehorse Free Reading Room	900.00
Schools	49,560.00
Dawson Free Library	4,300.00
Hospitals, Charity and Quarantine—	
Grant to St. Mary's Hospital.....	\$12,000
Grant to Good Samaritan Hospital	12,000
Grant to Whitehorse Hospital....	3,000
Special Grant to Whitehorse Hospital	600
In lieu of payment under Ordinance No. 10, Consolidated Ordinances, Yukon Territory, 1902, care of indigents, transportation, burial, rent of morgue, expenses in connection with public health, including salary of Health Officer and any assistance that may be required, and payment to W. T. Barret, M. D., for special services rendered during outbreak of measles, \$500; to Zera Strong for work performed in the same connection, not to exceed \$280	34,600.00
To provide for maintenance of Assay Office at Whitehorse	4,500.00
Miscellaneous Expenditure—	
Including sum of \$509.50 to be paid to Wilfrid Thibaudeau, formerly Territorial	
Carried forward.....	<u>\$140,310.00</u>

Brought forward...	\$140,310.00
Engineer, in full of amount expended by him for travelling expenses in 1900 and of all other claims and demands. To purchase books for Dawson Law Library, \$1,000. Grant of \$200 to Yukon Rifle Association. To payment of \$450 of grant to Conrad Free Reading Room for the months of October, November and December, 1907, and from January to June, 1908.....	5,000.00
Contingencies	5,000.00
Town of Whitehorse—	
To provide for fire protection, street lighting, repairs to streets, etc.	10,500.00
Roads, Bridges and Public Works	107,090.00
Fire Department, City of Dawson	34,300.00
Streets and Sidewalks, City of Dawson	10,000.00
Street Lighting, City of Dawson	3,500.00
Printing and Stationery, City of Dawson	500.00
Maintenance of Dog Pound, City of Dawson..	2,000.00
Contingencies, City of Dawson	1,000.00
Dawson Free Library, City of Dawson	2,100.00
Salaries, City of Dawson	4,700.00
	<hr/>
	\$326,000.00



CHAPTER 5.

An Ordinance to Secure Compensation for Personal Injuries Suffered by Workmen in Certain Cases.

[Assented to 10th August, 1908.]

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 "Employers' Liability Ordinance." Short title.

2. Unless otherwise declared or indicated by the context, wherever any of the following words or expressions occur in this Ordinance, they shall have the meanings hereinafter expressed, that is to say: Interpretation.

(1) The expression "superintendence" shall, unless a contrary intention appears, be construed as meaning such general superintendence over workmen as is exercised by a foreman or person in like position to a foreman, whether the person exercising superintendence is or is not ordinarily engaged in manual labour; "Superintendence."

(2) The expression "employer" shall, unless a contrary intention appears, include a body of persons, corporate or unincorporate, and also the "Employer"

legal personal representatives of a deceased employer, and the person liable to pay compensation under section 5 of this Ordinance;

"Workman"

- (3) The expression "workman" does not include a domestic or menial servant, but, save as aforesaid, means any railway servant, and any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner or otherwise engaged in manual labour, whether under the age of twenty-one years, or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Ordinance, be expressed or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour;

"Railway Servant."

- (4) The expression "railway servant" shall mean and include a railway servant and tramway servant;

"Packing."

- (5) The word "packing" shall mean a packing of wood or metal or some other equally substantial and solid material, of not less than two inches in thickness, and which, where filled in, shall extend to within two inches of the crown of the rails in use on any railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid.

Workmen entitled to compensation in following cases.

3: Where, after the commencement of this Ordinance, personal injury is caused to a workman—

- (1) By reason of any defect in the condition or arrangement of the ways, works, dredges, machinery, plant, buildings, or premises connected with, intended for, or used in the business of the employer or by reason of any defect in the construction of any stages, scaffolds or other erections erected by or for the employer, or in the materials used in the construction thereof; or
- (2) By reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him whilst in the exercise of such superintendence; or

- (3) By reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform and did conform, which such injury resulted from his having so conformed; or
- (4) By reason of the act or omission of any person in the service of the employer done or made in obedience to the rules or by-laws of the employer, or in obedience to particular instructions given by the employer or by any person delegated with the authority of the employer in that behalf; or
- (5) By reason of the negligence of any person in the service of the employer who has the charge or control of any signal points, locomotive, engine, machine or train upon a railway or tramway; or
- (6) By reason of the negligence of any telegraph operator or train despatcher in the service of the employer;

the workman, or, in case the injury results in death, the legal personal representatives of the workman, shall have the same right of compensation and remedies against the employer as if the workman had not been a workman of, nor in the service of the employer nor engaged in his work.

4. Where within this Territory personal injury is caused to a workman employed on or about any railway—

Certain defects in railways to be deemed negligence.

- (1) By reason of the lower beams or members of the superstructure of any highway, or other overhead bridge, or any other erection or structure over said railway, not being of a sufficient height, from the surface of the rails, to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then running on such railway, and the bottom of such lower beams or members; or
- (2) By reason of the space between the rails in any railway frog, extending from the point of such frog backward to where the heads of such rails are not less than five inches apart, not being filled in with packing; or
- (3) By reason of the space between any wing-rail and

any railway frog, and between any guard-rail and any other rail fixed and used alongside thereof as aforesaid, and between all wing-rails where no other rail intervenes (save only where the space between the heads of any such wing-rail where no other rail intervenes as aforesaid, is either less than one and three-quarters of an inch or more than five inches in width) not being at all times during every month of April, May, June, July, August, September and October, filled in with packing:

such injury shall be deemed and taken to have been caused by reason of a defect within the meaning of sub-section (1) of section 3 of this Ordinance. But nothing in this section contained shall be taken or construed, as in any respect or for any purpose restricting the meaning of said sub-section.

If the person for whom the work is done owns the plant he is liable in certain cases.

5. (1) Where the execution of any work is being carried into effect under any contract, and

- (a) The person for whom the work or any part thereof is done, owns or supplies any ways, works, dredges, machinery, plant, stages, scaffolds or the materials therefor, buildings, or premises used for the purpose of executing the work; and
- (b) By reason of any defect in the condition or arrangement of such ways, works, dredges, machinery, plant, stages, scaffolds or the materials therefor, buildings or premises, personal injury is caused to any workman employed by the contractor or by any sub-contractor; and
- (c) The defect or failure to discover or remedy the defect arose from the negligence of the person for whom the work or any part thereof is done, or of some person being in his service and entrusted by him with the duty of seeing that such condition or arrangement is proper;

the person for whom the work, or that part of the work, is done shall be liable to pay compensation for the injury as if the workman had been employed by him, and for that purpose shall be deemed to be the employer of the workman within the meaning of this Ordinance: Provided al-

ways that any such contractor or sub-contractor shall be liable to pay compensation for the injury as if this section had not been enacted, so, however, that double compensation shall not be recoverable for the same injury ;

(2) Nothing in this section contained shall affect any rights or liabilities of the person for whom the work is done and the contractor or sub-contractor (if any) as between themselves.

6. In any action against an employer under this Ordinance, a workman shall not, by reason only of his continuing in the employment of the employer with knowledge of the defect, negligence, act or omission, which caused his injury, be deemed to have voluntarily incurred the risk of the injury.

Knowledge of defect alone not a bar to workman's rights

7. A workman shall not be entitled under this Ordinance to any right of compensation or remedy against the employer in any of the following cases, that is to say :

Workman not entitled to compensation under certain circumstances

(1) Under sub-section (1) of section 3, unless the defect therein mentioned arose from or had not been discovered or remedied owing to the negligence of the employer or of some person entrusted by him with the duty of seeing that the condition or arrangement of the ways, works, dredges, machinery, plant, or premises are proper, or that no defect exists in the construction of any stages, scaffolds or other erections erected by or for the employer, or in the materials used in the construction thereof ;

(2) Under sub-section (4) of section 3, unless the injury resulted from some impropriety or defect in the rules, by-laws, or instructions therein mentioned ; provided, that where a rule or by-law has been approved, or has been accepted as a proper rule or by-law, either by the Commissioner in Council, or under and pursuant to any provision in that behalf of any Ordinance of the Council of the Yukon Territory, or Act of Parliament of Canada, it shall not be deemed for the purposes of this Ordinance to be an improper or defective rule or by-law ;

(3) In any case where the workman knew of the defect or negligence which caused his injury, and failed, without reasonable excuse, to give or cause to be given, within a reasonable time, information thereof to the employer or the person in superintendence, unless he was

aware that the employer or such superior already knew of the said defect or negligence.

Compensa-
tion not to
exceed three
years'
wages or
\$2,500.

8. The amount of compensation recoverable under this Ordinance shall not exceed either such sum as may be found to be equivalent to the estimated earnings during the three years preceding the injury of a person in the same grade employed during those years in the like employment within this Territory or the sum of two thousand five hundred dollars, whichever is larger; and such compensation shall not be subject to any deduction or abatement, by reason, or on account, or in respect of any matter or thing whatsoever, save such as is specially provided for in section 11 of this Ordinance.

Notice of
injury with-
in six
months.

9. An action for the recovery under this Ordinance of compensation for an injury shall not be maintainable against the employer of the workman unless notice in writing that injury has been sustained is given by a person entitled to recover compensation or by anyone authorized in writing by such person, within six months, and the action is commenced within nine months from the occurrence of the accident causing the injury, or in case of death, within fifteen months from the time of death.

When work-
man can
contract out
of ordinance

10. No contract or agreement made or entered into by a workman shall be a bar or constitute any defence to an action for the recovery under this Ordinance for compensation for an injury;

- (1) Unless for such workman entering into or making such contract or agreement there was other consideration than that of his being taken into or continued in the employment of the defendant; nor
- (2) Unless such other consideration was, in the opinion of the court or judge before whom such action is tried, ample and adequate; nor
- (3) Unless, in the opinion of such court or judge, such contract or agreement, in view of such other consideration, was not on the part of the workman improvident, but was just and reasonable;

and the burthen proof in respect of such other consideration and of the same being ample and adequate, as aforesaid, and that said contract was just and reasonable and

was not improvident as aforesaid, shall, in all cases, rest upon the defendant: Provided, always, that notwithstanding anything in this section contained, no contract or agreement whatsoever made or entered into by a workman shall be a bar or constitute any defence to an action for the recovery under this Ordinance of compensation for any injury happening or caused by reason of any of the matters mentioned in section 4 of this Ordinance.

11. There shall be deducted from any compensation awarded to any workman or representatives of a workman, or persons claiming by, under, or through a workman in respect of any cause of action arising under this Ordinance, any penalty or damages or part of a penalty or damages, which may in pursuance of any Act of the Parliament of Canada or Ordinance of the Council of the Yukon Territory, have been paid to such workman, representatives, or persons in respect of the same cause of action; and where an action has been brought under this Ordinance by any workman, or the representatives of any workman, or any persons claiming by, under, or through such workman for compensation in respect of any cause of action arising under this Ordinance, and payment has not previously been made of any penalty or damages, or part of a penalty or damages under any such Act of the said Parliament, or Ordinance of the said Council, in respect of the same cause of action, such workman, representatives or persons shall not, so far as the said Council has power so to enact, be entitled thereafter to receive in respect of the same cause of action, any such penalty or damages, or part of a penalty or damages, under any such last-mentioned Ordinance.

Effects of this ordinance on workman's rights under other acts or ordinances.

12. (1) Notice in respect of any injury under this Ordinance shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which it was sustained, and shall be served on the employer, or if there is more than one employer, upon one of such employers;

Notice of injury, how to be given.

(2) The notice may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served;

(3) The notice may also be served by post, by a registered letter, addressed to the person on whom it is to be served at his last known place of residence or place of

business, and if served by post shall be deemed to have been served at the time when a letter containing the same would be received in the ordinary course of post, and in proving the service of such notice it shall be sufficient to prove that the notice was properly addressed and registered;

(4) Where the employer is a body of persons corporate or unincorporate the notice shall be served by delivering the same at or by sending it by post in a registered letter addressed to the office, or if there be more than one office any one of the offices of such body;

(5) A notice under this section shall be deemed sufficient if in the form or to the effect following:

Form of
notice.

To A. B. of (here insert employer's address)
or to the Company (or as the case may be).

Take notice that on the day of
19 , C. D., of (here insert address of injured person) a
workman in your employ, sustained personal injury (add
"of which he died," if such be the case) and that such injury
was caused by (state shortly the cause of the injury,
e. g., the fall of a beam).

Date

Yours, etc.,

X. Y.

Notice of
intention to
rely for defence on
want of notice, or not
being
employer.

13. If the defendant in any action against an employer for compensation for an injury sustained by a workman in the course of his employment intends to rely for a defence on the insufficiency of notice, or on the ground that he was not the employer of the workman injured, he shall, not less than seven days before the hearing of the action or such other time as may be fixed by the rules regulating the practice of the Court in which the action is brought, give notice to the plaintiff of his intention to rely on that defence, and the Court may, in its discretion, and upon such terms and conditions as may be just in that behalf, order and allow an adjournment of the case for the purpose of enabling such notice to be given and subject to any such terms and conditions, any notice given pursuant to and in compliance with the order in that behalf, shall, as to any such action and for all purposes thereof, be held to be a notice given pursuant to and in conformity with sections 9 and 12 of this Ordinance.

14. When in any action under this Ordinance com-

pensation is awarded in the case of the death of a workman for an injury sustained by him in the course of his employment, the amount recovered after deducting the costs not recovered from the defendant, may, if the Court or Judge before whom the action is tried so directs, be divided between the wife, husband, parent and child of the deceased in such shares as the Court or Judge, with or without assessors, as the case may be, or if the action is tried by a jury, as the jury may determine.

Court may direct to whom damages shall be paid.

15. Notwithstanding anything contained in this Ordinance an action under sections 3, 4 and 5 of this Ordinance shall lie against the legal personal representatives of a deceased employer.

Liability extends to legal representatives of deceased employer.

16. In any action brought under this Ordinance the particulars of demand or statement of claim shall state in ordinary language the cause of the injury, and the date at which it was sustained, and the amount of compensation claimed; and where the action is brought by more than one plaintiff, the amount of compensation claimed by such plaintiff and where the injury of which the plaintiff complains shall have arisen by reason of the negligence, act or omission of any person in the service of the defendant, the particulars shall give the name and description of such person.

Statement of claim.

17. (1) Upon the trial of any action for the recovery of compensation under this Ordinance before a Judge without a jury, one or more assessors may be appointed by the Court or Judge for the purpose of ascertaining the amount of compensation and the remuneration (if any) to be paid to such assessors shall be fixed and determined by the Judge at the trial;

How assessors may be applied for.

(2) Any person who shall, as hereinafter provided, be appointed to act as an assessor in such action, shall be qualified so to act;

(3) In any such action a party who desires assessors to be appointed shall, eight clear days at least before the day for holding the Court at which the action is to be tried, file an application stating the number of assessors he proposes to be appointed, and the names, addresses, and occupations of the persons who may have expressed their willingness in writing to act as assessors. If the applicant has obtained the consent of the other party to the persons

sessors is granted the Court or Judge shall appoint such of the persons proposed for assessors as by the Court or Judge may be deemed fit, subject to the provisions contained in this Ordinance;

(8) In any such action where an application for the appointment of assessors has been filed, the Court or Judge may, at any time prior to the trial thereof, nominate one or more additional persons to act as assessors in the action. Where no application for assessors has been made, the Court or Judge may appoint any one or more persons to act as assessor or assessors in the action before or on the trial of the action;

(9) If at the time and place appointed for the trial all or any of the assessors appointed shall not attend, the Court or Judge may either proceed to try the action with the assistance of such of the assessors, if any, as shall attend, or may adjourn the trial generally, or upon any terms which the Court or Judge may think fit, or may appoint any person who may be available and who is willing to act, and who is not objected to, or who, if objected to is objected to on some insufficient ground or the Court or Judge may try the action without assessors;

(10) Every person requiring the Court or Judge to be assisted by assessors shall, at the time of filing his application, deposit therewith the sum of five dollars for each assessor proposed and a further sum of five dollars for each assessor nominated by him and acting on each day of said trial after the first day, and such payments shall be considered as costs in the action, unless otherwise ordered by the Court or Judge: Provided, that where a person proposed as an assessor shall have in writing agreed and consented that he will not require his remuneration to be so deposited, no deposit in respect of such person shall be required;

(11) Where an action shall be tried by the Court or Judge with the assistance of any assessors in addition to or independently of any assessors proposed by the parties, the remuneration of such assessors shall be borne by the parties or either of them, as the Court or Judge shall direct;

(12) If after an assessor has been appointed the action shall not be tried, the Court or Judge shall have pow-

er to make an allowance to him in respect of any expense or trouble which he may have incurred by reason of his appointment, and direct the payment to be made out of any sum deposited for his remuneration :

(13) The assessors shall sit with and assist the Court or Judge when required with their opinion and special knowledge for the purpose of ascertaining the amount of compensation, if any, which the plaintiff shall be entitled to recover.

Consolida-
tion of
actions.

18. (1) Where several actions shall be brought under this Ordinance against a defendant in the same Court in respect of the same negligence, act or omission, the defendant shall be at liberty to apply to the Judge that the said actions shall be consolidated ;

(2) Applications for consolidation of actions shall be made upon notice to the plaintiffs affected by such consolidation ;

(3) In case several actions shall be brought under this Ordinance against a defendant in the same Court in respect of the same negligence, act or omission, the defendant may, on filing an undertaking to be bound so far as his liability for such negligence, act or omission, is concerned by the decision in such one of said actions as may be selected by the Court or Judge, apply to the Court or Judge for an order to stay the proceedings in the actions other than in the one so selected, until judgment is given in such selected action ;

(4) Applications for stay of proceedings shall be made upon notice to the plaintiffs affected by stay of proceedings or ex parte ;

(5) Upon the hearing of any application for consolidation of actions or for stay of proceedings, the Court or Judge shall have power to impose such terms and conditions and make such order in the matter as may be just ;

(6) If any order shall be made by a Court or Judge upon an ex parte application to stay proceedings it shall be competent to the plaintiffs affected by such order to apply to the Court or Judge (as the case may be) upon notice or ex parte, to vary or discharge the order so made and upon such last-mentioned application such order shall

be made as the Court or Judge shall think fit, and the Court or Judge shall have power to dispose of the costs occasioned by such order or orders as may be deemed right;

(7) In case a verdict or judgment in the selected action shall be given against the defendant, the plaintiffs in the actions stayed shall be at liberty to proceed for the purpose of ascertaining and recovering their damages and costs;

(8) A defendant may, by notice to the opposite party to be given or served at least six days before the day appointed for the trial of the action, admit the truth of any statement of his liability for any alleged negligence, act or omission as set forth or contained in the plaintiff's statement or particulars of claim in the action, and after such notice given the plaintiff shall not be allowed any expense thereafter incurred for the purpose of proving the matters so admitted;

(9) Where two or more persons are joined as plaintiffs under sub-section (1) of this section, and the negligence, act or omission which is the cause of action shall be proved, the judgment shall be for all the plaintiffs, but the amount of compensation, if any, that each plaintiff is entitled to shall be separately found and set forth in the judgment, and the amount of costs awarded in the action shall be ordered to be paid to such person and in such manner as the Court or Judge may think fit. Should the defendant fail to pay the several amounts of compensation and the costs awarded in the action, execution may issue as in an ordinary action, and should the proceeds of the execution be insufficient, after deducting all costs, to pay the whole of the amounts awarded, a dividend shall be paid to each plaintiff, calculated upon the proportion of the amount which shall have been awarded to the respective plaintiffs to the total amount realised after the deduction of all the costs of the action as aforesaid.

19. In any action brought to recover compensation under this Ordinance the forms and methods, and the rules and orders in force in the Territorial Court of the Yukon Territory shall, subject to and save as otherwise provided by the terms and provisions of this Ordinance, apply to and regulate all matters of pleading, practice and procedure in such action, and notwithstanding anything in this Ordinance contained, the forms and methods and the

Rules of
Court to
prevail.

pleadings, practice and procedure in any such action shall conform to and be regulated by any rules or orders in that behalf hereafter lawfully and duly made or prescribed with respect to actions brought in said Court.

20. This Ordinance shall not come into force until the 1st day of September, 1908.



CHAPTER 6.

An Ordinance to Amend the Ordinance Respecting the Preservation of Game in the Yukon Territory.

[Assented to 10th August, 1908.]

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 (2) of section 1 of Chapter 72 of the Consolidated Ordinances, entitled an Ordinance Respecting the Preservation of Game in the Yukon Territory, is hereby repealed and the following substituted therefor:

(2) The time within which beasts and birds may be hunted and killed under this Ordinance is called the "Open Season," and the time within which such hunting and killing is prohibited is called the "Close Season." Seasons.

2. Sub-section (3) of section 3 of said Ordinance as amended by section 3 of Chapter 5 of the Ordinances of 1905 and section 1 of Chapter 3 of the Ordinances of 1906, is hereby repealed, and the following substituted therefor:

(3) Wild swans, wild ducks, wild geese, snipe, sandpipers or cranes, between the 1st day of June and the tenth day of August in each year. Close season
birds, etc.

3. Sub-section (4) of said section is hereby repealed and the following substituted therefor:

Number of animals to be killed.

(4) No one person shall have the right to kill during the Open Season, except as hereinafter provided, more than two elk or wapiti, two moose, two musk-oxen, six deer, six caribou, two mountain sheep and two mountain goats, and no females shall be killed at any time except as provided by section 18 of said Ordinance as amended by section 6 of this Ordinance.

Non-residents of Territory to obtain license.

4. No person who is not a resident of this Territory shall have the right to hunt, take, kill, shoot at or carry away any of the beasts and birds mentioned in this Ordinance unless he is possessed of a license to that effect, signed by the Commissioner of the Yukon Territory or any person appointed by him for that purpose, which license shall be granted only upon payment of a fee of one hundred dollars (\$100.00), which will form part of the General Revenue Fund of this Territory.

Licenses to make declaration.

(4a) All persons obtaining a license under the next preceding section shall, before leaving the Territory, be required to make oath before a Game Guardian that they have not violated any of the provisions of this Ordinance giving any particulars with relation thereto that may be required by the Game Guardian.

5. Section 13 of said Ordinance is hereby repealed and the following substituted therefor:

One-half of fine paid to informer.

13. In all cases of a conviction under this Ordinance one-half of the fine shall be paid to the informer and one-half shall form part of the General Revenue Fund of this Territory.

S. 18, Cap. 72, C. O. Y. T., amended

6. Section 18 of said Ordinance is hereby amended by adding after the word "purposes" in the third line the words "or for food," and by striking out the words "not exceeding four" in the fourth line and inserting in lieu thereof the words "to be fixed by the Commissioner."

7. No person shall be allowed to export from the Territory except as herein provided.

Exportation of trophies.

8. No trophies shall be allowed to be exported until the same have been declared to a game guardian with particulars as to when and where killed.

Licenses and permits.

9. It shall be the duty of game guardians to issue licenses and permits for the export of trophies under this Ordinance.

10. The Commissioner may, by proclamation, set aside any portion of the Territory from the operation of this Ordinance for such period of time as he desires in order to provide sustenance for isolated camps, and when any locality is so set aside under this section, the Commissioner may license one or more hunters to hunt for said district under such restrictions as he deems necessary.

Commis-
sioner may
set aside
portion of
Territory
from opera-
tion of
ordinance.



CHAPTER 7.

An Ordinance to Amend the Ordinance Respecting the
Council of the Yukon Territory.

[Assented to 10th August, 1908.]

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

**Sec. 9, Ch.
2, Con. Ord.
as amended
is repealed
and
substituted.**

1. Section 9 of Chapter 2 of the Consolidated Ordi-
nances as amended by section 2 of Chapter 17 of the Ordi-
nances of 1904 is repealed, and the following substituted
therefor:

**Members to
receive
travelling
expenses.**

9. There shall also be paid to each member of the
Council his actual travelling expenses from his place of
residence in attending the sittings of the Council and of
any Committees thereof and returning to such place of
residence.

**Schedule
amended.**

2. The Schedule to said Chapter 17 of the Ordi-
nances of 1904 is hereby amended by striking out the last
two words in each section, and inserting in lieu thereof
the words "two members."

**Ordinance
in force
May 1st,
1909.**

3. This Ordinance shall not come into force until the
first day of May, 1909.



CHAPTER 8.

An Ordinance to Further Amend the Judicature Ordinance and Rules.

[Assented to 10th August, 1908.]

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

1. Forms "H" and "J" in the schedule to the Rules of Court under Chapter 17 of the Consolidated Ordinances, entitled An Ordinance Respecting the Administration of Civil Justice, are hereby repealed and the following substituted therefor:

Forms "H"
and "J."

FORM "H"

(Rule 612.)

Small Debt Summons A.

IN THE TERRITORIAL COURT OF THE YUKON TERRITORY.

Between :

of	Plaintiff,
—and—	
of	Defendant.

To the above named defendant :

You are notified that the plaintiff has entered an ac-

Form "H."

tion against you in the above named Court for the recovery of the claim or demand a statement of which is filed in Court and attached or indorsed hereon. You are notified that this summons is returnable on the _____ day after the day of the service thereof upon you. If you dispute the claim or any part thereof you are to leave with the Clerk of this Court at _____ in said Territory, within _____ days after the said service upon you, the dispute note hereto attached or one to the like effect. Otherwise after such return day has passed the clerk may sign judgment against you by default for the plaintiff's claim and costs, but in case you give or send by mail or otherwise said dispute note to the said Clerk, together with the sum of twenty-five cents for his fees, and he receives the same within said time, the cause will be tried at the next sittings of this Court to be held six days after the time limited for the entering of such dispute note, and you shall receive no further or other warning of such trial or of the time and place thereof.

2nd next sittings of Small Debt Court will be held
at _____ the _____ day of _____, 19____, _____ m.

2nd next sittings of Small Debt Court will be held
at _____ the _____ day of _____, 19____, _____ m.

Dated at _____ this _____ day of _____, 19____

By the Court,

(L. S.)

Clerk.

FORM "J"

(Rule 612.)

Small Debt Summons B.

IN THE TERRITORIAL COURT OF THE YUKON TERRITORY.

Between:

_____ of _____ Plaintiff,
—and—
_____ of _____ Defendant.

To the above named defendant:

Form "J."

You are notified that the plaintiff has entered an action against you in the above named Court for the recovery of the claim or demand, a statement of which is filed in Court and attached or indorsed hereon.

If you dispute the same or any part thereof, you are to leave with the Clerk of this Court at _____ in said Territory within _____ days after the said service upon you the dispute note hereto attached or one to the like effect.

In case you give or send by mail or otherwise the said dispute note to the said Clerk, together with the sum of \$ _____ for his fees and he receives the same within the said time, the cause will be tried at the next sittings of this Court, to be held six days after the time limited for the entering of such dispute note, and you shall receive no further or other warning of such trial or of the time and place thereof.

If no such dispute note is filed the plaintiff may proceed in his said action and judgment may be given in your absence.

1st next sittings of Small Debt Court will be held at _____ the _____ day of _____, 190 _____ m.

2nd next sittings of Small Debt Court will be held at _____ the _____ day of _____, 190 _____, _____ m.

Dated at _____ this _____ day of _____, 190 _____
 (L. S.) _____ By the Court, _____ Clerk.



CHAPTER 9.

An Ordinance to Amend the Ordinance Respecting Steam Boilers.

[Assented to 10th August, 1908.]

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

Chapter 7,
Con. Ord.
amended.

1. Chapter 7 of the Consolidated Ordinances, entitled An Ordinance Respecting the Inspection of Steam Boilers and the Examination of Engineers Operating the Same, is amended by adding thereto the following section:

No license
required
outside
Dawson,
etc.

29. Notwithstanding anything contained in this Ordinance no male person above the age of eighteen years shall be obliged to obtain a certificate entitling him to operate any steam boiler or engine outside of the towns of Dawson, Whitehorse and Klondike City.

Sec. 6, Ch.
19, Con. Ord.
amended.

2. Section 6 of Chapter 19 of the Ordinances of 1903 as amended by section 3 of Chapter 12 of the Ordinances of 1907 is hereby amended by striking out the word "and" in the fifth line thereof.



CHAPTER 10.

An Ordinance Respecting the Driving of Saw Logs and Other Timber on Lakes, Rivers, Creeks and Streams.

[Assented to 10th August, 1908.]

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 and known as "The Saw Logs Driving Ordinance." Short title.

2. Where the words following occur in this Ordinance they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears: Interpreta-
tion.

(1) "Logs" shall include saw logs, timber, posts, ties, cordwood and other things being parts of trees.

(2) "Water" shall mean and include lakes, ponds, rivers, creeks and streams in this Territory.

3. Any person putting or causing to be put, into any water, logs, for the purpose of floating the same in, upon or down such water, shall make adequate provisions and put on a sufficient force of men to break, and shall make all reasonable endeavours to break jams of such logs and clear the same from the banks and shores of such water with reasonable despatch, and run and drive the same so as not to unnecessarily delay or hinder the removal, float- Persons
floating logs
in river,
etc., not to
obstruct
floating or
navigation.

ing, running or driving of other logs, or unnecessarily obstructing the floating or navigatoin of such water.

In case of neglect person obstructed may clear river, etc.

4. In case of the neglect of any person to comply with the provisions of the preceding section, it shall be lawful for any other person desiring to float, run or drive logs in, upon or down such water, and whose logs would be thereby obstructed, to cause such jams to be broken and such logs to be cleared from the banks and shores of such water, and to be floated, run and driven in, upon and down such water.

Person clearing obstruction to use due care.

5. (1) The person causing such jams to be broken, or such logs to be cleared, floated, run or driven, pursuant to the last preceding section, shall do the same with reasonable economy and despatch, and shall take reasonable care not to leave logs on the banks or shores, and shall have a lien upon the logs in the jam or so cleared, floated, run, or driven for the reasonable charges and expenses of breaking the jams and the clearing, floating, running, driving, booming and keeping possession of such logs, and may take and keep possession of such logs or so much thereof as may be reasonably necessary to satisfy the amount of such charges and expenses pending the decision by arbitration as hereinafter provided for.

(2) The person taking possession of logs under this section shall use all reasonable care not to take such logs beyond the place of their original destination, if known, but may securely boom and keep possession of the same at or above such place.

(3) The owner or person controlling such logs, if known, shall be forthwith notified of their whereabouts, and if satisfactory security be given for the amount of such charges and expenses, possession of the logs shall be given up.

Provision when logs of several owners cannot conveniently be separated.

6. When logs of any person upon or in any water or the banks or shores of such water, are so intermixed with logs of another person or persons that the same cannot be conveniently separated for the purpose of being floated in, upon or down such water, then the several persons owning or controlling the intermixed logs, shall respectively make adequate provisions, and put on a fair proportion of the men required to break jams of such intermixed logs, and to clear the same from the banks and shores of such water

with reasonable despatch, and to float, run and drive the same in, upon and down such water, and the costs and expenses thereof shall be borne by the parties in such proportions as they may agree upon, and in default of agreement as may be determined by arbitration as hereinafter provided for.

7. In case of neglect of any person to comply with the provisions of the last preceding section, it shall be lawful for any other person whose logs are intermixed, to put on a sufficient number of men to supply the deficiency and break jams of such intermixed logs, and to clear the same from the banks and shores of such water, and to float, run and drive all such intermixed logs in, upon and down such water.

Provision
when owner
of any
portion of
logs is in
default.

8. (1) The person supplying such deficiency and causing such jams to be broken, or such intermixed logs to be cleared, floated, run or driven, pursuant to the last preceding section, shall do the same with reasonable economy and despatch, and shall take reasonable care not to leave logs on the banks or shores, and shall have a lien upon the logs owned or controlled by the person guilty of such neglect, for a fair proportion of the charges and expenses of breaking the jams, and the clearing, floating, running, driving, booming and keeping possession of such intermixed logs; and may take and keep possession of such logs, or so much thereof, as may be reasonably necessary to satisfy the amount of such fair proportion of charges and expenses pending the decision by arbitration, as hereinafter provided for.

Lien on
logs.

(2) The person taking possession of logs under this section shall use all reasonable care not to take such logs beyond the place of their original destination, if known, but may securely boom and keep possession of the same at or above such place.

(3) The owner or person controlling such logs, if known, shall be forthwith notified of their whereabouts, and if satisfactory security be given for the amount of such proportion of charges and expenses, possession of the logs shall be given up.

9. When logs of any person, upon or in any water, or the banks or shores of such water, are intermixed with logs of another person, then any of the persons whose logs are

Separation
of logs.

Proviso. intermixed may, at any time during the drive, require his logs to be separated from the other logs at some suitable and convenient place, and after such separation he shall secure the same at his own cost and expense, in such manner as to allow free passage for such other logs; Provided, that when any logs so intermixed reach their place of original destination, if known, the same shall be separated from the other logs, and after such separation the owner shall secure the same at his own cost and expense.

Expenses of separation to be shared.

10. The several persons owning or controlling the intermixed logs shall respectively make adequate provisions and put on a fair proportion of the men required to make the separation; the cost and expense of such separation shall be borne by the parties in such proportions as they may agree upon, and in default of agreement, as may be determined by arbitration, as hereinafter provided.

Provision when owner does not provide for his share of work.

11. (1) In case of neglect of any person to comply with the provisions of the last preceding section, it shall be lawful for any other person, whose logs are intermixed, to put on a sufficient number of men to supply the deficiency, and the logs owned by or controlled by the person guilty of such neglect shall be subject to a lien in favour of the person supplying the deficiency, for a fair proportion of the charges and expenses of making the separation, and for the reasonable charges and expenses of booming and keeping possession, and such person may take and keep possession of such logs or so much thereof as may be reasonably necessary to satisfy the amount of such fair proportion of charges and expenses pending the decision by arbitration, as hereinafter provided for.

(2) The person taking possession of logs under this section shall use all reasonable care not to take such logs beyond the place of their original destination, if known, but may securely boom and keep possession of the same at or above such place.

(3) The owner or person controlling such logs, if known, shall be forthwith notified of their whereabouts, and if satisfactory security be given for the amount of such proportion of charges and expenses, possession of the logs shall be given up.

Form of security.

12. The security referred to in sections 5, 8 and 11 may be by bond in Form A in the schedule hereto, or by de-

posit of money, or in such other way as the parties may agree upon.

13. If it be determined by arbitration, as hereinafter provided for, that any person acting under the assumed authority of this Ordinance, has without just cause taken possession of or detained or caused to be taken possession of or detained logs of another person, or has after offer of security which the arbitrators may think should have been accepted, detained such logs, or has through want of reasonable care left logs of another person on the banks or shores or has taken logs of another person beyond the place of their original destination contrary to the provisions of sections 5, 8 or 11, then such first mentioned person shall pay to such last mentioned person such damages as the arbitrators may determine.

Damages when person has wrongfully detained logs or refused security.

14. The lien given by sections 5, 8 and 11 of this Ordinance shall be subject to the lien (if any) of any person for tolls or dues, for the use of any works or improvements made use of in running or driving logs.

Lien under Ss. 5, 8 and 11 subject to lien for tolls.

15. Nothing in this Ordinance shall affect the liens or rights of the Crown upon or in respect of any logs.

Rights of Crown not affected.

16. All claims, disputes and differences arising under this Ordinance shall be determined by arbitration as hereinafter provided and not by action.

Disputes to be settled by arbitration.

17. (1) The person claiming that another person has not complied with the provisions of this Ordinance, or claiming payment of any charges or expenses under this Ordinance, or claiming a lien upon any logs, or claiming damages under section 13, shall give to such other person notice in writing, stating the substance of the claims made, and appointing an arbitrator, and calling upon such other person to appoint an arbitrator within ten days after the service of the notice.

Appointment of arbitrators.

(2) If such other person does not within the ten days appoint an arbitrator, a Judge of the Territorial Court shall, on the application of the person giving the notice, appoint a second arbitrator.

(3) The two arbitrators so appointed shall within ten days after the appointment of the second arbitrator appoint a third; if the two arbitrators do not within the ten days appoint a third, a Judge of the Territorial Court

shall, on the application of either party, appoint the third arbitrator.

**Appoint-
ment of new
arbitrators.**

18. If an arbitrator refuses to act or becomes incapable of acting, or dies, and the parties do not concur in appointing a new arbitrator, a Judge of the Territorial Court shall, on the application of either party, appoint a new arbitrator.

**Parties may
agree to
have only
one
arbitrator.**

19. The parties may agree that the arbitration shall be by one arbitrator instead of by three, and they may either agree upon the arbitrator or may apply to the Judge of the Territorial Court to appoint one.

**Counter-
claim.**

20. The person on whom a claim is made and notice of arbitration served may at any time before the arbitration is entered upon or with leave of the arbitrators during the arbitration, give the claimant notice in writing by way of counterclaim, stating the substance of any claim arising under this Ordinance which such person may have against the claimant, and such counterclaim, unless barred under section 27, shall be determined in the arbitration and an award made with respect thereto.

**Time within
which award
to be made.**

21. The three arbitrators or the sole arbitrator, as the case may be, shall proceed with the arbitration with due despatch, and shall make their or his award in writing, under their or his hand, within thirty days from the date of the appointment of such arbitrator, or the last of such three arbitrators, as the case may be. The parties may, by consent in writing, from time to time enlarge the time for making the award, or a Judge of the Territorial Court may, from time to time, either before or after the expiration of the said time, enlarge the time for making the award.

**Witnesses
and
evidence.**

22. The arbitrators or arbitrator may require the personal attendance and examination upon oath of the parties and their witnesses and the production of all books and documents relating to the matters in question, and may determine by whom the expense of the arbitration, and the costs of the parties shall be paid, and the amount thereof; any costs or expenses payable to a person having a lien upon logs by virtue of this Ordinance shall be added to the amount of such lien.

**Authority
as to costs.**

23. Arbitrators' fees for services under this Ordi-

nance shall be fixed by a Judge of the Territorial Court.

24. The person having a lien upon logs by virtue of this Ordinance, may sell such logs in order to realize the amount of such lien, and of the costs, charges and expenses connected with the sale. The arbitrators or arbitrator shall determine either by their award or by separate document the time, place and manner of such sale, and may from time to time give directions, in writing, respecting such sale, and the realization of such lien, and of the costs, charges and expenses connected therewith.

Arbitrators' fees.
Sale by person having lien.

25. The award and directions, in writing, of any two of the three arbitrators, or of the sole arbitrator, as the case may be, shall be final and binding upon and shall be obeyed by the parties, and shall be valid, notwithstanding any want or defect of form or other technical objection.

Award and directions to be final.

26. A Judge of the Territorial Court may, on the application of either party, grant an order to compel any person to attend and give evidence upon the arbitration and to produce all books and documents relating to the matters in dispute, and obedience to such order may be enforced in the same way as obedience to any order of such Judge made in a cause or matter pending before him in Court may be enforced, and the person neglecting or refusing, without lawful excuse, to obey such order, shall be liable to an action by any person aggrieved by such neglect or refusal for the damages sustained by him thereby

Compelling attendance of witnesses and production of documents.

Liability for non-attendance.

27. All claims arising under this Ordinance shall be made by notice in writing under section 17, within one year after the same have arisen, otherwise they shall be barred.

Limitation of claims.

28. The Commissioner may, from time to time, by proclamation published in the Yukon Gazette declare that any part of this Territory or any water therein shall, until further proclamation, be exempt from the operation of this Ordinance, and thereupon the same shall be exempt accordingly.

Commissioner may exempt part of Territory from ordinance.

29. Any part of this Territory, or any water therein exempted by proclamation from the operation of this Ordinance, may, by proclamation published in the Yukon Gazette, be again brought within its operations until further proclamation, and so on from time to time.

Territory exempted may be again brought under ordinance.

SCHEDULE.

Form A.

(Section 12.)

Know all men by these presents that we (here insert names of obligors, being the owner of the logs and at least one sufficient surety; or, if the signature of the owner cannot be obtained without unreasonable delay, then being two sureties) _____, are held and firmly bound unto A. B., (here insert the name of the person claiming the lien) in the penal sum of (double the amount of the claim) \$ _____ to be paid to the said A. B., his executors, administrators and assigns, for which payment well and truly to be made, we, and each of us, bind ourselves, and each of us our and each of our executors and administrators jointly and severally, firmly by these presents, sealed with our seals, and signed by us this _____ day of _____, A. D. 19 _____

Whereas, The said A. B., claiming to act under the authority of The Saw Logs Driving Ordinance, has taken possession of certain (saw logs, timber, etc.), as the case may be) owned or controlled by _____ and claims a lien thereon for the sum of \$ _____, under the provisions of section (5, 8 or 11, as the case may be) of the said Ordinance.

And. Whereas, this bond is given as security for payment to the said A. B., of such sum as he may be held entitled to by arbitration pursuant to the said Ordinance, and of any costs and expenses of the arbitration which may become payable to him.

Now the condition of the above obligation is such that if the said _____, his executors, or administrators do pay to the said A. B., his executors, administrators or assigns, such sum as may be determined by arbitration pursuant to the said Ordinance, to be payable to the said A. B., his executors, administrators or assigns, for charges and expenses under section (5, 8 or 11, as the case may be) of said Ordinance, and also such sum as may become payable to the said A. B., his executors, administrators or assigns, for costs and expenses of such arbitration, then the

above obligation to be void, otherwise to remain in full force.

Signed, sealed and delivered

in the presence of

X. Y.

C. D. (Seal.)

F. G. (Seal.)

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ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL

IN THE YEAR
1909

ALEXANDER HENDERSON, K. C.,
COMMISSIONER



Printed and Published for the Government of the Yukon Territory Under Authority of
Chapter 4 of the Ordinances of 1904.

C. B. BURNS, King's Printer

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CHAPTER 1.

An Ordinance to Amend the Ordinance Respecting the
Preservation of Game in the Yukon Territory.

[Assented to 5th August, 1909.]

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

1. Section 4 of Chapter 6 of the Ordinances of 1908 is hereby amended by striking out the words "and birds" in the third line of said section.

Exemption
of bird
hunters:



CHAPTER 2.

An Ordinance to Amend the Ordinance Respecting the
Office of Public Administrator.

[Assented to 5th August, 1909.]

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

1. Chapter 21 of the Consolidated Ordinances of the Yukon Territory is amended by adding thereto the following section:

New scale
of fees.

10. The fees of the Public Administrator on all estates coming into his hands for administration on and after the 1st day of May, A. D. 1909, shall be in accordance with the schedule to this Ordinance.

SCHEDULE.

1. Minimum charge on each estate, \$10.00.
2. Upon an estate of an aggregate value of \$5,000.00 or less, 10 per cent. of the value of the estate.

3. Upon an estate of an aggregate value of over \$5,000.00 10 per cent. up to \$5,000.00 and 5 per cent. up to \$25,000.00 and $2\frac{1}{2}$ per cent. of the remainder.



CHAPTER 3.

An Ordinance to Amend the Companies Ordinance.

[Assented to 5th August, 1909.]

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

Joint stock companies.

1. Chapter 57 of the Consolidated Ordinances, entitled "An Ordinance Respecting the Incorporation of Joint Stock Companies," is hereby amended by adding thereto the following section:

Surrender of charter.

85A. Upon petition to the Commissioner, the Charter of a Company incorporated by Letters Patent may be surrendered if the Company proves to the satisfaction of the Commissioner:

Conditions.

(a) That it has no debts existing, or other rights in question, or

(b) That it has parted with its property, divided its assets rateably amongst its shareholders, and has no debts or liabilities, or

(c) That the debts and obligations of the Company have been duly provided for or protected, or that the creditors of the Company or other persons holding them consent,

and that the Company has given notice of the application for acceptance of surrender by publication of an advertisement thereof in two issues of a newspaper published at, or as near as may be to, the place at which the head office of the Company is situated; and the Commissioner, upon a due compliance with the provisions of this section, may accept and direct the cancellation of the Charter and may, by his order, fix a date upon and from which the Company shall be deemed to be dissolved, and the Company shall thereby and thereupon become dissolved accordingly.

Notice in
newspaper.



CHAPTER 4.

An Ordinance to Amend the Assessment Ordinance.

[Assented to 5th August, 1909.]

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

1. Section 3 of Chapter 5 of the Ordinances of 1906 is amended by adding thereto the following sub-section:

**Exemption
of K. M. Ry.**

(1) The provisions of this section shall not be enforced against the Klondike Mines Railway Company for a period of two years from the passage of this Ordinance.



CHAPTER 5.

An Ordinance Respecting Standard Time in the Yukon Territory.

[Assented to 5th August, 1909.]

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

1. The Commissioner shall appoint an official time-keeper, whose duties it shall be to calculate the Standard Time of the Yukon Territory and to display the same to the public at all times.

Standard
timekeeper.



CHAPTER 6.

An Ordinance Respecting Personal Judgments in Lien Actions.

[Assented to 5th August, 1909.]

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

Enforcement
of wood-
men's and
miners'
liens.

1. In all actions in the Territorial Court for the enforcement of liens in favour of woodmen under Chapter 8 of 1905, or in actions under the Miners' Lien Ordinance passed on the 26th May, 1906, by His Excellency the Governor-General-in-Council, or in any other action for the enforcement of liens of any kind created either by ordinance of the Governor-General-in-Council or by an ordinance of this Territory, the Territorial Court may, in disposing of the said actions, whether by originating summons or otherwise, give judgment for the amount found to be due to the party claiming, where the same attaches by virtue of either of the said ordinances as a lien, or whether a valid lien attaches or not, and whenever any such

action is brought under the provisions of either of the said ordinances or any other ordinance of like kind and any claimant or claimants shall fail for any reason to establish a valid lien he or they may nevertheless recover therein a personal judgment against any party or parties to the action for such sum or sums as may appear to be due to him or them and which he or they may recover in an action on contract against such party or parties.

2. And all judgments which may be given in favour of such lien holders shall adjudge that the person or persons personally liable for the amount of the judgment shall pay any deficiency which may remain after sale of the property adjudged to be sold, and whenever on a sale of any property to satisfy a lien under either of the said ordinances sufficient to satisfy the judgment and costs is not realized therefrom the deficiency may be recovered by execution against the property of such person or persons.

Lien holders
to recover
deficiency
on judg-
ment.

3. In an action by way of originating summons to enforce any such liens as aforesaid the defendants therein may appear and raise such defences, counter claims and set-off as might be raised in any action in the Territorial Court and may, upon such actions, pay into court any money alleged by them to be due, and the court or judge in determining any such actions for lien as aforesaid may, whether defences are raised by the defendants or not, dispose of all matters arising upon the evidence as if such defences had been raised in answer.

Defences
and set-offs.

4. The owner or owners of any pay dump or dumps, pay gravel, ore, mine or mines or claim or of any wood, machinery or chattel property affected by such judgment as aforesaid, or any contractor affected by the same, may ~~pay or satisfy such judgment and~~ shall thereupon be entitled to have assigned to him or them or a trustee for him or them such judgment, and such owner or owners shall be entitled to stand in the place of such judgment creditor or creditors or lien holders and to use in his or

Party
interested
may pay
judgment.

their own name or names all the remedies of the judgment creditor or creditors for the recovery of the said debt.

Party interested may obtain assignment.

5. Upon the sale of any such pay dump or dumps, pay gravel, ore, mine or mines or claim, or of any wood, machinery or chattel property, the owner or owners thereof, or any contractor affected thereby, shall be entitled to an assignment of such judgment as aforesaid on payment of the balance not realized on such sale with all costs of sale, and such owner or owners or contractor shall be entitled to stand in the place of such judgment creditor or creditors or lien holder or lien holders and to use in his or their own name all the remedies of the said judgment creditor or creditors for the recovery of the said debt.

Rules of Territorial Court to govern.

6. The rules of the Territorial Court shall govern when applicable in such actions.



CHAPTER 7.

An Ordinance to Amend the Yukon Territory Public Service Ordinance.

[Assented to 5th August, 1909.]

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

1. Section 13 of Chapter 5 of the Consolidated Ordinances of the Yukon Territory is amended by striking out the words "30th day of June" wherever they occur in said section and inserting in lieu thereof the words "31st day of March."

Fiscal year
to end
March 31st.

2. Section 16 of said Ordinance is amended by striking out the last four words in said section and inserting in lieu thereof the words "persons appointed by them."

3. Section 18 of said Ordinance is amended by adding thereto the following sub-section:

(d) He shall be King's Printer.

Ter. Sec'y
to be also
King's
Printer.

4. Section 22 of said Ordinance is repealed and the following substituted therefor:—

Treasurer
to be Supt.
of Public
Works.

22. The Treasurer of the Yukon Territory shall be Superintendent of Public Works and may employ such assistance as he may require.

S. S. (E)
amended.

5. Sub-section (E) of section 23 of said Ordinance is amended by inserting after the word "report" therein the words "in writing."

6. Said Ordinance is further amended by adding after section 28 the following section:

Treasurer to
be Chief
License
Inspector.

28a. The Treasurer of the Yukon Territory shall be Chief Inspector of Licenses and Inspector of Licenses for the City of Dawson.

7. Section 29 of Said Ordinance is repealed and the following substituted therefor:—

Chief
Inspector of
Licenses
to issue all
Licenses.

29. The Chief Inspector of Licenses, in addition to performing the duties required of him by the Liquor License Ordinance and by the By-Laws of the City of Dawson shall have charge of, and issue all licenses which may be issued under any Ordinance of the Territory or under said By-Laws, upon receipt of the necessary fee for the same. He shall also report to the Commissioner upon all matters affecting applications for licenses and make a recommendation on the same whenever required to do so by Ordinance or by direction of the Commissioner. He shall also see that all decisions of the Commissioner affecting his branch of the License Department are enforced and prosecute all infractions of the law.

8. Said Ordinance is further amended by adding there-
to the following sections:

Treasurer to
be Assessor
and Collector
for Dawson.

42. The Treasurer shall be Assessor and Tax Collector for the City of Dawson, and may employ such assistants as may be required.

43. In case of any conflict or inconsistency between the next preceding section and any Ordinance or By-Law, the next preceding section shall prevail.

Conflict of
Sections.



CHAPTER 8.

An Ordinance to Amend the Judicature Ordinance.

[Assented to 5th August, 1909.]

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

1. The rules of the Court under Chapter 17 of the Consolidated Ordinances of the Yukon Territory, entitled "*An Ordinance Respecting Administration of Civil Justice*," are hereby amended by inserting the following Rule between Rules 19 and 20:

Form of writ.

19a. A Writ of Summons for service outside the Jurisdiction shall be in form AA in the Schedule hereto.

AA

WRIT OF SUMMONS

IN THE TERRITORIAL COURT OF THE YUKON TERRITORY.

Between:

Plaintiff,

And,

Defendant,

Edward VII: (or name of the reigning Sovereign as the

case may be) by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, King, Defender of the Faith, etc., etc., etc.

To the above named defendant:

You are notified that the plaintiff has entered an action against you in the above named court for the recovery of the claim or demand, a statement of which is filed in court and annexed to this summons; and you are commanded that if you dispute the said claim either in whole or in part you do within _____ days from the service of this writ on you, exclusive of the day of such service, cause to be entered for you in the office of the clerk of this court an appearance and within six days thereafter file with the clerk a statement of the grounds on which such dispute is based.

Notice to
defendant.

And take notice that in default of your so doing the plaintiff may proceed in his said action and judgment may be given in your absence and without further notice to you.

Issued at _____ the _____ day
of _____ A. D. 190
L. S. I. J.
Clerk of the Court.

Memoranda TO BE INDORSED ON WRIT

N. B.—This writ is to be served within twelve months from the date thereof; or if renewed within six months from the day of the last renewal including the day of such date and not afterwards.

2. Said rules are further amended by adding after Section 358 the following section:

358a. The Sheriff having the execution of any writ of execution against goods or goods and chattels

Sheriff to
seize gold
dust.

may seize any gold or gold dust belonging to the execution debtor and may sell the same to any chartered bank doing business in the Yukon Territory for the best price obtainable from such bank and shall pay the amount realized on such sale to the execution creditor or his solicitor as provided by rule 361 of this Ordinance.

Reason of belief not necessary.

3. Rule 382 is amended by adding to sub-section (b) thereof the words "It shall not be necessary to state the reason for such belief."

Rule 385 amended.

4. Rule 385 of the Judicature Ordinance is hereby amended by striking out all of the same after the word "disbursements" in the second line thereof.

5. Section 4 of Chapter 10 of the Ordinances of 1904 is hereby repealed and the following substituted therefor:—

Ter. Government employee may be garnisheed.

386. The Government of the Yukon Territory may be garnisheed under the provisions of this Ordinance with regard to moneys due or accruing due to persons employed by the Government of the Territory.

Ter. Sec'y to be served.

(2- Such garnishee process may be served upon the Territorial Secretary in his office.

When debt does not exceed \$200.

6. Rule 609 is amended by inserting after the figures \$100 where the same last occur in said section the following words: "And in all claims and demands for debt where the amount claimed does not exceed \$200 and the claim is liquidated by the signature of the defendant," and by adding to the end of said section the following words: "But in all cases where the claim exceeds \$100 and in the opinion of the trial judge difficult or important questions of law or fact are involved which, in his judgment, are proper for trial under the general jurisdiction, he may order the case to be transferred to the Court to be tried under its general jurisdiction and thereafter the action shall be continued in all respects with

Where claim exceeds \$100.

respect to practice and procedure as if the action had been originally commenced under the general jurisdiction. This amendment shall in no wise affect any action pending at the time of the coming into force of this Ordinance.



CHAPTER 9.

An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Yukon Territory for the nine months from June 30th, 1909, to March 31st, 1910, and for purposes relating thereto.

[Assented to 5th August, 1909.]

WHEREAS, it appears by message from Alexander Henderson, Esquire, K. C., the Commissioner of the Yukon Territory, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedule 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 nine months ending March 31st, 1910.

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

From and out of the sums 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 Three Thousand Dollars for defraying the several charges and expenses of the public service for the nine months ending March 31st, 1910, as set forth in the schedule to this Ordinance.

The application of all moneys expended under this Ordinance shall be duly accounted for.

SCHEDULE A.

Sums granted to the Commissioner by this Ordinance for the nine months ending March 31st, 1910, and for the purposes for which they are granted. Supplies to Commissioner.

To defray the expenses of the Government of the Yukon Territory for the nine months ending March 31st, 1910, as follows:

GROUP I.

SALARIES AND TRAVELLING EXPENSES.

Treasurer's Department—

Territorial Treasurer	\$ 1,500.00	
Book-keeper	675.00	
Stenographer	675.00	\$ 2,850.00
Territorial Secretary		750.00
2 months' salary and three months' bonus to retiring Superintendent of Works and Buildings	791.65	
Assistance to Superintendent of Works and Buildings	2,700.00	\$ 3,491.65
2 months' salary and three months' retiring allowance to Chief Li-		

License Inspector	1,500.00
Correspondence Clerk	450.00
King's Printer, 2 months' salary, retiring allowance and special bonus for services to Council...	450.00
Sanitary Inspector (Proportion charged to Territory)	675.00
Boiler Inspector, 2 months' salary and three months' retiring allow- ance	1,250.00
Mining Engineer	450.00
Messenger	360.00
Travelling Expenses	1,500.00

—13,726.65

Schools	\$ 38,510.00
Contingencies	3,000.00
Dawson Free Library	3,625.00
Election Ten Members Yukon Council	5,000.00
Indemnity and Travelling Ex- penses Members Yukon Council.	14,000.00
Preventive Service	650.00
Printing and Stationery	2,500.00
Printing and Stationery—Adver- tising in and Special Edition of the Dawson Daily News	2,000.00
Whitehorse Reading Room	675.00

HOSPITALS, CHARITIES AND PUBLIC HEALTH—

Grants to Hospitals	\$20,700.00
2 months' salary and one month's bonus to Medical Health Officer	300.00
To provide for care, transporta- tion, burial of indigents, rent of morgue, services in connec- tion with public health	5,400.00
	\$ 26,400.00

SUPPLY.

25

Assay Office, Whitehorse 3,000.00

MISCELLANEOUS EXPENDITURE—

To provide for purchase of chemical engine for Carcross	400.00	
Grant to Free Reading Room, Carcross	200.00	
Grant to Free Reading Room, Quartz Creek	200.00	
Grant to Yukon Rifle Association	200.00	
Purchase of Books, Dawson Law Library	1,000.00	
Purchase of Law Books for Whitehorse	200.00	
Copying law reports	1,000.00	\$ 3,200.00

Town of Whitehorse	8,500.00	
Keystone Drills	3,500.00	
Expenses of Governor General's Reception	4,000.00	
Roads, Bridges and Public Works.	118,393.35	
		\$250,680.00

GROUP II.

Brought forward \$250,680.00

CITY OF DAWSON.

Street Lighting	\$ 3,500.00
Printing and Stationery	500.00
Dawson Free Library	1,575.00
Fire Department	28,145.00
Maintenance of Streets and Sidewalks	15,000.00
Contingencies	500.00

SALARIES—

Assessor and Tax Collector, three months and two months' retiring allowance	\$1,625		
Proportion Health Inspector's salary charged to City	225	1,850.00	
		<hr/>	
Maintenance of Dog Pound		1,250.00	52,320.00
		<hr/>	<hr/>
			—303,000.00



CHAPTER 10.

An Ordinance to Amend the Bills of Sale Ordinance.

[Assented to 5th August, 1909.]

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

1. The Bill of Sale Ordinance, being Chapter 39 of the Consolidated Ordinances of the Yukon Territory, 1902, is amended by adding immediately after section 9 thereof the following section:

Addition to
Section 9.

9a. In the case of a mortgage or conveyance of goods and chattels of any company incorporated by or under any Imperial Act or Charter or by or under any Act or Charter of the Dominion of Canada or by or under any Ordinance or Charter of the Yukon Territory made to a bondholder or bondholders, or to a trustee or trustees for the purpose of securing the bonds or debentures of such company, instead of the affidavit of *bona fides* required by sections 6, 8 and 9 of this Ordinance it shall be sufficient for the purposes of this ordinance if an affidavit be filed

Affidavit to
be filed.

as thereby required, made by the mortgagee or one of the mortgagees, to the effect that the said mortgage or conveyance was executed in good faith and for the express purpose of securing the payment of the bonds or debentures referred to therein, and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgagors, or of preventing the creditors of such mortgagors from obtaining payment of any claim against them.

Mortgage
may be
renewed.

(2.) Any such mortgage may be renewed in the manner and with the effect provided by section 16 and subsequent sections of this Ordinance upon the filing of a statement by the mortgagee or one of the mortgagees exhibiting the interest of the mortgagee or mortgagees in the property claimed by virtue of the said mortgage, and showing the amount of the bond or debenture debt which the same was made to secure, and showing all payments on account thereof which, to the best of the information and belief of the person making such statement, have been made or of which he is aware or has been informed, together with an affidavit of the person making such statement, that the statement is true to the best of his knowledge, information and belief, and that the mortgage has not been kept on foot for any fraudulent purpose and such statement shall be filed instead of the statement required by said section 16 of this Ordinance.

President,
Vice Pres.,
etc., etc.,
may make
affidavits.

(3.) If any mortgage as aforesaid be made to an incorporated company, the several affidavits and statements herein mentioned may be made by the president, vice-president, manager or assistant manager of such mortgage company, or any other officer of the company authorized for such purpose.

(4.) Where such mortgage or conveyance is made as a security for debentures and the by-law authorizing the issue of the debentures as a security for which the mortgage or conveyance was made, or a copy thereof, certified

under the hand of the president or vice-president and secretary of the company and verified by an affidavit of the secretary thereto attached or indorsed thereon, and having the corporate seal attached thereto, is registered with the mortgage or conveyance, it shall not be necessary to renew the said mortgage or conveyance, but the same shall in such case continue to be as valid as if the same had been duly renewed as in this Act provided.

Not necessary to renew mortgage under certain conditions.

(5.) The preceding sub-section shall apply to every such mortgage or conveyance made and registered after the 5th day of August, 1909, but nothing herein contained shall affect any accrued rights or any litigation pending on the 5th day of August, 1909.

Accrued rights not affected.

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ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL

IN THE YEAR
1910

ALEXANDER HENDERSON, K. C.,
COMMISSIONER



Printed and Published for the Government of the Yukon Territory Under Authority of
Chapter 4 of the Ordinances of 1904.

D. R. MACFARLANE, King's Printer

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CHAPTER I.

An Ordinance to Amend Chapter 16 of the Ordinances of 1904.

[Assented to 9th June, 1910.]

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

1. Section 17 of said Chapter 16 is hereby amended by striking out all of the words after the word "Commissioner" where it occurs in the eighth line of said section and inserting in lieu thereof the words "and Council of the Yukon Territory." Dawson City
Plebiscite
Ordinance
amended.

2. Section 18 of said Chapter 16 is hereby amended by striking out the word "Comptroller" where it occurs in said section and by substituting the word "Treasurer" therefor. Section 18
amended.



CHAPTER 2.

An Ordinance to Amend Ordinance Number 14 of 1903,
An Ordinance Respecting Liens in Favor of Miners.

[Assented to 9th June, 1910.]

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

Chapter 14,
1903,
amended.

1. Ordinance No. 14 of 1903, An Ordinance Respecting Liens in Favor of Miners, is amended by striking out all of sections 3, 4 and 5 and substituting therefor:

Persons furnishing wood on quartz or placer mining claims to have lien on product of mine. Also on dredges, machinery, etc.

(3) Any person who performs any work or service upon or in respect to, or furnishes any wood to be used in the mining or working of any placer or quartz mining claim, or lands held under hydraulic mining lease, dredging lease or otherwise for mining, shall, by virtue thereof, have a lien for the price of such work or service or wood, upon the minerals or ore produced from said mining claim, lands held under hydraulic mining lease, dredging lease or otherwise for mining, upon or in respect to which such work or service is performed, as well as upon the dredges, drills, steam shovels, elevators, wood and all machinery and chattels, upon or used on such mining claim or lands held as aforesaid for mining; limited, however, in amount to the sum justly due to the person entitled to the lien.

To take effect as against subsequent mortgages.

(a) Such lien, upon registration as in this Ordinance provided, shall attach and take effect upon the date

ORDINANCE 1903 (AMENDMENT)

of the registration as against subsequent purchasers, mortgagees or other encumbrances whose mortgages or encumbrances are registered subsequent to the performance of such work or the furnishing of such wood.

(4) The lien shall attach upon the estate or interest of the owner and all persons having any interest in the minerals or ore produced from said mining claim or lands held as aforesaid, dredges, steam shovels, elevators, wood, machinery and chattels upon or used on such mining claim or lands.

Lien to attach as against owner and others interested.

(5) Any lien registered under the provisions of this Ordinance shall, as to an undivided one-half interest in the said minerals or ore, dredges, drills, steam shovels, elevators, wood, machinery and chattels, take priority over all mortgages and encumbrances against the same; provided, that a lien registered under this Ordinance shall not have priority over mortgages or encumbrances registered prior to the passing hereof.

Liens take precedence over all mortgages as to one-half except mortgages prior to this Ordinance.

2. Sections 6 and 9 of said Ordinance are hereby amended by striking out the word "Inspector" wherever the same occurs therein and substituting in lieu thereof the word "Recorder."

Sections 6 and 9 amended.

3. Section 12 is amended by striking out the words "he claims such lien" and substituting therefor the words "such lien is claimed."

Section 12 amended.

4. Sub-section (4) of section 14 is amended by adding thereto the words "machinery and chattels charged with the lien."

Sub-section (4) of Section 14 amended.



CHAPTER 3.

An Ordinance to Amend "The Collection Ordinance."

[Assented to 9th June, 1910.]

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

Chapter 6,
1904,
amended.

1. Chapter 6 of the Ordinances of the Yukon Territory, 1904, being "The Collection Ordinance," be, and the same is, hereby amended by adding thereto the following as section 3a of said Ordinance:

Second
judgment
summons
may issue if
debtor not
examined
under previ-
ous one, or
90 days
elapsed.
Affidavit to
be filed.

3a. Any party having an unsatisfied judgment, as set forth in paragraph 3 hereof, may procure from the Clerk a second judgment summons, and any further or subsequent judgment summons, upon filing with the Clerk of the Court an affidavit that the judgment is unsatisfied, in whole or in part, and that the debtor was not examined on the judgment summons that issued immediately previous to the one applied for, or that 90 days have elapsed since the debtor was examined under a judgment summons in the case in which the judgment summons is being applied for.

Section 4
amended.

2. Section 4 of said Ordinance is hereby amended by inserting between the words "obtaining" and "such" in the first line thereof the word "any."



CHAPTER 4.

An Ordinance to Amend the Judicature Ordinance and Rules.

[Assented to 9th June, 1910.]

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

1. The rules of Court under Chapter 17 of the Consolidated Ordinances of the Yukon Territory are hereby amended as follows:

2. Sub-section 2 of Rule 357 of said Ordinance is hereby repealed and the following substituted therefor:

(2) Any interest which a judgment debtor has in any mineral claim or in any placer mining claim or mining property in the Yukon Territory as defined by the Regulations for the disposal of quartz mining property and dredging or hydraulic leases or concessions, and by the Yukon Placer Mining Act, other than a quartz mining claim subsequent to the issue of a patent therefor, may be seized and sold under and by virtue of an execution against goods and chattels, and seizure thereof may be made by delivery by the Sheriff of a copy of such writ of execution at the office of the Mining Recorder where said mineral claim or placer mining claim is recorded and pay-

Sub-section 2, Rule 357 repealed. Mineral claims. Placer mining claims may be seized and sold.

Not to include quartz claim after patent.

Made executor against goods and chattels.

ment to such Mining Recorder of the proper fee for registering the same or by posting notice of seizure on the claim, and in the case of hydraulic or dredging leases or concessions, by posting notice of the seizure on the ground included in any such lease or comprised in any such concession.

Notice of seizure to be given.

Sub-section 1 of Rule 383 repealed.

3. Sub-section 1 of Rule 383 of said Ordinance is hereby repealed and the following substituted therefor:

Debts or liabilities whether payable in money or otherwise may be attached.

"383. Service of such summons on the garnishee shall bind all debts, obligations or liabilities owing, payable or accruing due from the garnishee to the defendant or judgment debtor at the time of the service thereof, whether such debt, obligation or liability is payable in money or otherwise, to the extent of the claim of the plaintiff or judgment creditor and costs, which said costs shall be fixed by a Judge or Clerk of the Court at the time such summons is issued and stated in the summons.

Costs to be fixed.



CHAPTER 5.

An Ordinance to Amend Chapter 76 of the Consolidated Ordinances of the Yukon Territory as Amended by Chapter 10 of the Ordinances of 1906.

[Assented to 9th June, 1910.]

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

1. Section 1 of Chapter 10 of the Ordinances of the Yukon Territory passed in the year 1906 is hereby repealed.

The Liquor License Ordinance for Dawson and Klondike City Licenses.



CHAPTER 6.

An Ordinance to Amend Chapter 66 of the Revised Ordinances of 1902, being an Ordinance Respecting Schools.

[Assented to 9th June, 1910.]

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

Section 85 repealed.

Section 85 of said Act is hereby repealed and the following substituted therefor:

Children between six and fourteen to attend school twenty weeks in each year.

1. Every parent, guardian or other person resident within two miles of a school having charge of any child or children between the ages of six and fourteen inclusive, shall be required to send such child or children to school for a period of at least twenty weeks in each school year, at least ten weeks of which time shall be consecutive, and every parent, guardian or other person who does not provide that every such child under his care shall attend school or be otherwise educated shall be subject to the penalties hereinafter provided.

Sub-section "3" of Section 87 amended.

2. Sub-section 3 of section 87 is amended by striking out the word "one" in the second line thereof and substituting therefor the word "two."

Section 89 amended.

3. Section 89 is amended by striking out the word "one" in the last line thereof and substituting therefor the word "two."



CHAPTER 7.

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 Nine Months from June 30th, 1909, to March 31st, 1910, 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 March 31st, 1910, to March 31st, 1911, and for Purposes Relating Thereto.

[Assented to 9th June, 1910.]

Whereas, It appears by message from Alexander Henderson, Esquire, K. C., the Commissioner of 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 nine months ending March 31st, 1910, and, Preamble.

Whereas, It appears by message from Alexander Henderson, Esquire, K. C., 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 March 31st, 1911; Preamble.

It is, therefore, hereby enacted by the Commissioner,

Appropriation for 9 months ending 31st March, 1910.

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 five thousand, six hundred and thirty-four dollars and forty-four cents for defraying the several charges and expenses of the public service for the nine months ending March 31st, 1910, as set forth in Schedule "A" to this Ordinance.

Appropriation for year ending 31st March, 1911.

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-six thousand, four hundred and fifty-five dollars and forty-eight cents, for defraying the several charges and expenses of the Public Service for the twelve months ending March 31st, 1911, as set forth in Schedule "B" to this Ordinance.

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 nine months ending March 31st, 1910, and for the purposes for which they are granted to defray additional expenses of the Government of the Yukon Territory for the nine months ending March 31st, 1910, as follows:

Roads, Bridges and Public Works\$ 5,634.44

SCHEDULE "B"

Sums granted to the Commissioner by this Ordinance for the twelve months ending March 31st, 1911, and for the purposes for which they are granted:

Salaries and Traveling Expenses\$ 11,750.00
 Schools 48,800.00
 Heating System for Dawson Public School... 7,000.00
 Heating System for Dawson Public Library.. 3,000.00
 Contingencies 4,000.00
 Dawson Free Library 4,300.00

Carried forward\$ 78,850.00

SUPPLY

15

Brought forward		\$ 78,850.00
Roads, Bridges and Public Works	121,223.74	
Indemnity and Traveling Expenses, Members		
Yukon Council		7,000.00
Preventive Service		860.00
Printing and Stationery		3,500.00
Whitehorse Reading Room		900.00
Hospital, Charities and Public Health		32,100.00
Assay Office—Whitehorse		3,700.00
Miscellaneous Expenditure—		
Chemical Engine for Carcross	\$ 400.00	
Grant for Dawson Cemetery.....	400.00	
Grant to Men's Club	200.00	
Grant to Rifle Association	200.00	
To provide for Boiler Inspection....	750.00	
3 mos. allowance to J. T. Lithgow...	500.00	
3 mos. allowance to C. B. Burns.....	250.00	
Grant, Carcross Reading Room	300.00	
Grant, Dawson Law Library for Books	400.00	
Grant, Whitehorse Law Library for		
Books	50.00	
Grant to Memorial Tower at Halifax,		
N. S.	200.00	
Drill for Livingstone Creek	1,000.00	
Balance	350.00	5,000.00
Town of Whitehorse		10,000.00
Freight on Keystone Drill		500.00
		<hr/>
		\$263,633.74

GROUP II.—CITY OF DAWSON

Street Lighting	\$4,000.00	
Printing and Stationery	500.00	
Dawson Free Library	2,100.00	
Fire Department	36,630.50	
Streets and Sidewalks	15,291.24	
Contingencies	1,000.00	
Assistance to Assessor	1,000.00	
Dog and Animal	2,000.00	
Sanitary Inspection	300.00	62,821.74
		<hr/>
		\$326,455.48

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ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL

IN THE YEAR

1911

ALEXANDER HENDERSON, K. C.,
COMMISSIONER



Printed and Published for the Government of the Yukon Territory Under Authority of
Chapter 4 of the Ordinances of 1904.

D. R. MACFARLANE, King's Printer

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CHAPTER 1.

An Ordinance to Amend the Yukon Territorial Public Service Ordinance.

(Assented to 1st April, 1911.)

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

1. Section 11 of said Ordinance is repealed and the following substituted therefor:

Chapter 5
Consolidated
Ordinances
amended.

“11. The Department of the Territorial Treasurer shall be presided over by the Territorial Treasurer, who shall be the head of said Department.”

Territorial
Treasurer to
be head of
Treasurer's
Department.

2. Section 17 of said Ordinance is repealed and the following substituted therefor:

“17. The Department of the Territorial Secretary shall be presided over by the Territorial Treasurer for the time being, who shall be the head of said Department.”

Territorial
Treasurer to
be head of
Territorial
Secretary's
Department.



CHAPTER 2.

An Ordinance to Amend Chapter 6 of the Ordinances of 1904, Being an Ordinance Respecting the Collection of Debts.

(Assented to 1st April, 1911.)

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

1. Chapter 6 of the Ordinances of the Yukon Territory passed in the year 1904, being an Ordinance Respecting the Collection of Debts, is amended by adding thereto the following sections:

Chapter 6
Ordinances
1904
amended.

Cost of
maintenance
of debtor to
be paid by
creditor.

"15. The cost of the maintenance of any such debtor, not to exceed \$1.50 per day, who may be committed to a common jail by the Judge, under the provisions of this Ordinance, shall be borne by the creditor, who shall deposit the amount thereof with the Sheriff of the Yukon Territory before the order for such commitment is executed, and the cost of such maintenance shall be added to the judgment debt.

Maintenance
added to
debt.

Order of
commitment
to be in
force only 3
months, un-
less execut-
ed, unless
debtor ab-
sent from
Territory.

"16. No order of commitment shall have any force or effect after the expiration of three months from the date thereof, unless the same shall have been duly executed within such period. Provided, this section shall not apply in cases where the Order cannot be executed owing to the absence of the debtor from the Yukon Territory."



CHAPTER 3.

An Ordinance to Amend the Ordinance Respecting Insane Persons, Being Chapter 77 of the Consolidated Ordinances of the Yukon Territory.

(Assented to 1st April, 1911.)

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

1. Section 3 of Chapter 77 of the Consolidated Ordinances of the Yukon Territory is hereby repealed and the following substituted therefor:

Chapter 77
Consolidated
Ordinances
amended.

"3. If, after hearing the evidence adduced, the Justice of the Peace is satisfied that the person so brought before him is insane such Justice shall commit him by warrant in Form B in the Schedule hereto to a jail, there to remain until the pleasure of the Commissioner of the Yukon Territory is known, or until the said person is discharged by law, and shall forthwith make a report of the case, accompanied with a true copy of the information and evidence taken, to the Public Administrator, who shall have power, if he sees fit, to order further inquiries to be made; and who shall, unless otherwise ordered by the Territorial Court of the Yukon Territory, be guardian of the estate and effects of such person, with full power

Committal
of insane.

Public Ad-
ministrator
to be
guardian.

to deal with the same during the insanity of the person so declared or adjudged to be insane.

Estate of
insane per-
sons to be
liable for
maintenance.

“(2) The estate and effects of any person heretofore, or hereafter who shall so be, declared or adjudged to be insane under the provisions of this Ordinance, or by the Territorial Court, or a Judge thereof, shall be liable for the maintenance and support of such person, and for any cost or charge that may be necessarily incurred by or on his or her behalf during such insanity.



CHAPTER 4.

An Ordinance to Amend Chapter 18 of the Consolidated Ordinances of the Yukon Territory, Being an Ordinance Respecting the Clerk and Deputy Clerks.

(Assented to 1st April, 1911.)

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 Chapter 18 of the Consolidated Ordinances of the Yukon Territory is hereby amended by adding to the said section the following sub-section:

Chapter 18
Consolidated
Ordinances
amended.

“(2) This section shall not apply to such Clerk while acting as Legal Adviser for the Commissioner of the Yukon Territory and for the Yukon Council, and only when the matter in litigation affects any interest or property of the Yukon Territory, or any Department or interest of the public service, or property of the Dominion of Canada and for such legal service the Legal Adviser shall not be entitled to any fees.”

Shall not
apply to
Clerk
acting as
Legal Ad-
viser acting
for Commis-
sioner of
Territory
Dominion
government.



CHAPTER 5.

An Ordinance to Amend Chapter 16 of the Ordinances of 1904.

(Assented to 1st April, 1911.)

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

Chapter 1
Ordinances
1910
repealed.

1. Chapter 1 of the Ordinances of 1910 is hereby repealed.

Section 17,
Chapter 16
Ordinances
1904
reinstated.

2. Section 17 of said Chapter 16 is hereby amended by reinstating and reenacting all the words stricken therefrom by said Chapter 1 of the Ordinances of 1910, and the said section remains as it was on the 24th day of August, 1910.

Amendment
made
retroactive.

3. All acts done or functions exercised by the Commissioner of the Yukon Territory in respect of the said Ordinance shall have the same force and effect as if Chapter 1 of the Ordinances of 1910 had not been passed, except with respect to all cases which are now pending in Court.



CHAPTER 6.

An Ordinance to Amend the Assessment Ordinance.

(Assented to 1st April, 1911.)

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

1. Sections 1 and 2 of Chapter 11 of the Ordinances of 1904 are hereby repealed.

Secs. 1 and 2
Chapter 11
Ordinances
1904
repealed.

Poll tax in
Dawson
abolished.



CHAPTER 7.

An Ordinance to Amend the Assessment Ordinance.

(Assented to 1st April, 1911.)

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

1. Section 3 of Chapter 5 of the Ordinances of 1906 is amended by adding thereto the following sub-section:

(2) The provisions of this section shall not be enforced against the Klondike Mines Railway Company for a period of two years from the passage of this Ordinance.

Klondike
Mines Rail-
way Co.
exempt from
taxation for
two years.



CHAPTER 8.

An Ordinance to Amend Chapter 47 of the Consolidated Ordinances of the Yukon Territory, Being an Ordinance Respecting the Legal Profession.

(Assented to 1st April, 1911.)

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

Section 6 of said Chapter 47 is hereby repealed and the following substituted therefor:

Legal
Profession
Ordinance
amended.

"6. Before any person is enrolled by the Secretary he shall pay to the Territorial Treasurer a fee of \$200.00 and shall satisfy such Secretary that such payment has been made."

Fee for
enrollment
\$200.00.

1. Sub-section 2 of section 13 of said Chapter 47 is amended by adding thereto the following words: "And at the time of giving such notice shall deposit with the Territorial Treasurer the sum of \$100.00, and in the event of the candidate passing the examination such deposit shall be credited to the fee required to be paid by section 6 of the said Ordinance. If the said candidate fails to pass such examination the said deposit shall form a part of the consolidated revenue of the Yukon Territory."

\$100.00 to be
paid by
candidate
before
examination.



CHAPTER 9.

An Ordinance 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 March 31st, 1911, to March 31st, 1912, and for Purposes Relating Thereto.

(Assented to 1st April, 1911.)

Whereas, It appears by Message from Alexander Henderson, Esquire, K. C., the Commissioner of the Yukon Territory, and the Estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" to this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory, and for other purposes relating thereto for the twelve months ending March 31st, 1912;

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 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 One Thousand Five Hundred Dollars, for defraying the several charges and expenses of the Public Service

for the twelve months ending March 31st, 1912, as set forth in Schedule "A" to this Ordinance.

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

SCHEDULE "A."

Sums granted to the Commissioner by this Ordinance for the twelve months ending March 31st, 1912, 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 March 31st, 1912, as follows:

GROUP 1.

Salaries and Travelling Expenses—

Territorial Treasurer	\$ 4,200.00	
Bookkeeper	3,600.00	
Clerk	2,400.00	
Assistance during session of Council, etc.	250.00	
Travelling expenses	1,300.00	
		<hr/> \$ 11,750.00

Schools—

Schools generally:

Superintendent's salary.	\$ 4,020.00	
Travelling expenses....	150.00	
Purchase school books.	500.00	
Contingencies	15.00	
		<hr/> 4,685.00

Dawson School—

2 teachers, \$250 per mo., 12 mos.	\$ 6,000.00	
1 teacher, \$200 per mo.,		

Carried forward ... \$6,000.00 \$ 4,685.00 \$ 11,750.00

Brought forward..	\$ 6,000.00	\$ 4,685.00	\$ 11,750.00
12 mos.	2,400.00		
1 teacher, \$185 per mo., 12 mos.	2,220.00		
2 teachers, \$175 per mo., 12 mos.	4,200.00		
2 teachers, \$50 per mo., night school, 5 mos.	500.00		
Drill instructor, 6 mos., at \$30	180.00		
Stoker and charman, 6 mos., at \$175	1,050.00		
Charman, 4 mos., at \$75	300.00		
Janitor, 12 mos., at \$160	1,920.00		
Water service	120.00		
Light service	700.00		
Fuel and heating plant	2,200.00		
Maintenance and repairs	800.00		
Contingencies, to pro- vide for bringing children from and to Ogilvie Bridge..	400.00		
Scavenger service	120.00		
		<u> </u>	\$23,110.00
St. Mary's School—			
2 teachers, 12 mos., at \$175 per mo.....	\$ 4,200.00		
Rent, fuel, janitor, etc.	2,400.00		
		<u> </u>	6,600.00
Whitehorse School—			
1 teacher, 12 mos., at \$200 per mo.....	\$ 2,400.00		
12 months' bonus at \$25	300.00		
1 teacher, 12 mos., at \$150 per mo.	1,800.00		
12 months' bonus at \$25	300.00		
Janitor, 12 mos., at \$50	600.00		
Scavenger service	120.00		
Water service	45.00		
		<u> </u>	<u> </u>
Carried forward ...	\$ 5,565.00	\$24,395.00	\$ 11,750.00

SUPPLY.

17

Brought forward	\$ 5,565.00	\$34,395.00	\$ 11,750.00
Light service	100.00		
Fuel	150.00		
Maintenance, supplies, etc.	300.00		
	6,115.00		
To provide for assisted schools as occasion arises		5,200.00	
		45,710.00	
Indemnity and Travelling Ex- penses Members Yukon Council—			
6 members, at \$600 each	\$ 3,600.00		
Travelling expenses	500.00		
	4,100.00		
Provide for election 10 members Yukon Council			8,000.00
Preventive Service—			
Chief Preventive Officer	\$ 600.00		
Postage, etc.	10.00		
Assistant Preventive Officer	250.00		
	860.00		
Contingencies			3,500.00
Printing and Stationery			2,000.00
Whitehorse Reading Room			900.00
Maintenance of Assay Office Whitehorse—			
Salary of Assayer	\$ 2,700.00		
Maintenance of building; also mis- cellaneous supplies	800.00		
	3,500.00		
Hospitals and Charities—			
Grant to St. Mary's Hospital	\$12,000.00		
Grant to Good Samaritan Hospital	12,000.00		
Grant to Whitehorse Hospital	3,600.00		
	\$27,600.00		\$ 80,320.00
Carried forward			

SUPPLY.

Brought forward	\$27,600.00	\$ 80,320.00
Grant to Whitehorse Hospital (special)	2,000.00	
	<u>29,600.00</u>	

To provide for care of indigents, rent of morgue, burial; also to meet any contingency, such as payment of physician or any other expenses in connection with the public health of the Territory	3,500.00	
	<u>33,100.00</u>	
Town of Whitehorse		8,000.00
		<u>\$121,420.00</u>

Dawson Free Library—

Grant from Territory for twelve months	\$ 2,875.00	
Grant to purchase books, etc.....	525.00	
	<u>3,400.00</u>	

Miscellaneous Expenditure—

Grant to Dawson Law Library ...	\$ 350.00	
Grant to Whitehorse Law Library	50.00	
Grant to Rifle Association	200.00	
Grant to C. J. McLennan, remuneration 20 months' service as agent for government at Whitehorse	100.00	
Bank of British North America, refund of W. F. Vachon's taxes	33.52	
Provide for agent of Territorial Government at Whitehorse, 12 months	120.00	
	<u>853.52</u>	
Carried forward	\$ 853.52	\$124,820.00

SUPPLY.

19

Brought forward	\$ 853.52	\$124,820.00
Grant to Carcross Reading Room; also payment of storage of chemical engine	315.00	
Monument for grave of late R. L. Ashbaugh	200.00	
Retiring allowance to E. S. Iron- sides	150.00	
Provide Isolation Hospital if re- quired at Dawson	250.00	
Grant to L. G. Bennet, payment 3 months' salary, for Dec., 1909; Jan. and Feb., 1910, at \$50 per month	150.00	
Grant to Young Men's Club, Daw- son	200.00	
Grant to Quartz Creek Reading Room	100.00	
Settlement J. H. Falconer's claim	432.00	
Provide for boiler inspection and examination of Engineers	400.00	
	<hr/>	3,050.52
Roads, Bridges and Public Works:		
To provide for the fol- lowing outstanding accounts from 1910- 11, viz.:		
J. Martel, labor, Dome road	\$ 816.66	
A. Barrette, labor, Dome road	816.66	
F. Graham, labor, Do- minion road	525.00	
	<hr/>	
Carried forward ..	\$ 2,158.32	<hr/> \$127,870.52

Brought forward	\$ 2,158.32	\$127,870.52
W. Keith, labor, Bonanza road	875.00	
A. Robertson, labor, Eldorado road	875.00	
C. Heinrich, labor, Dawson-Whitehorse road	525.00	
K. Weik, labor, Dawson-Whitehorse road	350.00	
John Diamond, labor, Hunker road	175.00	
G. Hodgins, labor, Steele Fork road	250.00	
H. Peek, labor, Black Hills road	250.00	
C. W. Macpherson, re. the Klondike City bridge, estimates and report	100.00	
P. Burns & Co., meats supplied Dawson-Whitehorse road gang	196.80	
P. Burns & Co., meats supplied Livingstone road gang	78.67	
P. Burns & Co., meats supplies Klua ne road gang,	76.02	
White Pass & Yukon Route, horse feed, supplied Dawson-Whitehorse road	1,060.00	
White Pass & Yukon		
Carried forward . . .	\$ 6,969.81	\$127,870.52

SUPPLY.

21

Brought forward	\$ 6,969.81	\$127,870.52
Route, meals and berths to road gang from Dawson to Whitehorse, Dawson-Whitehorse road repairs	220.00	
White Pass & Yukon Transportation, location survey, Scroggie-Pelly road	34.50	
White Pass & Yukon Route, blacksmithing, Dawson-Whitehorse road repairs..	24.00	
White Pass & Yukon Route, freight, etc., Carcross bridge construction	899.35	
White Pass & Yukon Route, blacksmithing, Dawson-Whitehorse road repairs.	7.50	
Northern Commercial Company, Dome road system repairs	600.00	
David Morneau, labor, repair, Hyatt road	150.00	
Alcid Desjardins, labor, repair, Hyatt road.	150.00	
Alexander Nicol, labor, repair, Hyatt road.	100.00	
Compensation for repairs to dam, bridge McQuesten River	200.00	
	<hr/>	\$ 9,355.16
Carried forward	\$ 9,355.16	\$127,870.52

Brought forward	\$ 9,355.16	\$127,870.52
Maintenance and Re- pairs of Roads:		
Hunker-Dominion road system	\$ 5,500.00	
Bonanza road system..	5,500.00	
Dome-Sulphur road sys- tem	5,000.00	
Indian River-Black Hills road	3,000.00	
Henderson-Thistle-Bar- ker road	3,000.00	
Glacier road	3,500.00	
Barlow-Mayo-Duncan Dis- trict road	5,000.00	
Dawson cable ferry....	3,500.00	
Whitehorse-Yukon Cross- ing road	15,000.00	
Yukon Crossing-Dawson road	2,000.00	
Ogilvie bridge, Sunny- dale and Moosehide trails	1,000.00	
Attending to glaciers during fall and win- ter months	7,000.00	
Klondike River road...	5,000.00	
Montana-Eureka road..	1,000.00	
Whitehorse District road	10,000.00	
	<hr/>	75,000.00
Carried forward	\$84,355.16	\$127,870.52

Brought forward	\$84,355.16	\$127,870.52
Contingencies	6,000.00	
Road and Bridge Construction—		
Provide for construction Klondike City steel bridge and any cred- it balance to be ap- plied to contingen- cies for roads	16,000.00	
Lower Black Hills road	3,000.00	
Scroggie road	1,494.84	
Klondike River road...	6,879.48	
Fortymile and Fort Re- liance	2,500.00	
	<hr/>	\$29,874.32
		<hr/>
		\$120,229.48
		<hr/>
		\$248,100.00

GROUP II. (CITY OF DAWSON.)

Fire Department—

Salaries:

Chief -Fire Department.	\$3,600.00	
Inspector	2,100.00	
Captain	2,400.00	
Five men at \$1,800.00.	9,000.00	
	<hr/>	\$17,100.00
Rental of 15 hydrants at \$75 per month		13,500.00
Water service for station, 12 mos.	180.00	
110 tons coal at \$14 per ton.....	1,540.00	
10 cords wood at \$12 per cord.....	120.00	
Telephone service	360.00	
Maintenance fire alarm service	200.00	
		<hr/>
Carried forward		\$ 33,000.00

SUPPLY.

Brought forward		\$ 33,000.00
Light service	325.00	
Repairs and alterations to building	500.00	
Horse feed—4 tons hay, at \$97.50	390.00	
4 tons oats, at \$97.50	390.00	
Bran	25.00	
Horseshoeing	200.00	
Contingencies	300.00	
	<hr/>	\$ 35,130.00
Street Lighting		3,800.00
Printing and Stationery		500.00
Free Library, amount contributed by city...		2,100.00
Maintenance of Dog Pound		600.00
Contingencies		600.00
Streets and Sidewalks		9,370.00
Salaries:		
Assistance for City Assessor; License Inspector, Liquor Li- cense Inspector		\$ 1,000.00
Health Inspector	300.00	
	<hr/>	1,300.00
		<hr/>
		\$ 53,400.00



CHAPTER 10.

An Ordinance to Remit Taxes on Lots 17, 18, 19 and 20,
In the City of Dawson.

(Assented to 4th April, 1911.)

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

1. That lots 17, 18, 19 and 20, in Block lettered "S," Dominion Government Survey No. 3, in the Townsite of Dawson, together with all buildings and improvements thereupon are hereby released and discharged from all rates and taxes heretofore charged or assessed against the same.

Taxation
on certain
property
remitted.

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ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL

IN THE YEAR
1912

GEORGE BLACK,
COMMISSIONER



Printed and Published for the Government of the Yukon Territory Under Authority of
Chapter 4 of the Ordinances of 1904.

BY

D. R. MACFARLANE, King's Printer

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CHAPTER 1

An Ordinance Respecting the Profession of Medicine and Surgery.

[Assented to June 13th, 1912.]

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

1. This Ordinance may be cited as "The Yukon Medical Ordinance." Short Title.

2. The Territorial Secretary shall cause to be prepared and kept a book or register to be called "The Yukon Territory Medical Register," in which shall be entered the name of every person registered according to the provisions of this Ordinance and from time to time the names of all persons who have complied with the enactments hereinafter contained respecting the qualifications to be required from practitioners of medicine, surgery or midwifery in the Territory, and those persons only whose names are inscribed in the book or register above mentioned shall be deemed to be qualified and licensed to practice medicine, surgery or midwifery in the said Yu- Medical Register.

Yukon Territory, and such book or register shall at all proper times be open and subject to inspection.

3. Every person who is now duly and legally licensed to practice under any Ordinance heretofore in force in the Yukon Territory shall be entitled to be registered under this Ordinance without payment of any fee whatever.

Who to be
entitled to
register.

4. It shall be the duty of the Territorial Secretary to keep the register correct in accordance with the provisions of this Ordinance, and he shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Ordinance.

Duty of
Territorial
Secretary.

5. The following persons shall be entitled to be admitted upon the register:

(a) Any person who at the time of his application shall furnish proof that he has been duly licensed by the proper authority in that behalf to practice medicine and surgery in Great Britain and Ireland or in any Province or Territory of Canada or in any British Colony, provided such person shall furnish to the satisfaction of the Commissioner of the Yukon Territory, satisfactory evidence of identification and good standing.

Who to be
admitted
upon
Register.

(b) Any person who shall produce from any recognized college or school of medicine or surgery in Great Britain or Ireland, or in any Province or Territory of Canada or any British Colony a certificate or certificates that he has taken a four years course of study and has received a diploma of qualification from such recognized college or school; provided also that such person shall furnish to the satisfaction of the Commissioner of the Yukon Territory satisfactory evidence of identification and good standing.

(c) Any person who shall produce from any recognized college or school of medicine and surgery other than such as are hereinbefore described, a certificate or certificates that he has taken a four years' course of study and

has received a diploma of qualifications from such recognized college or school; provided also that such person shall furnish to the Commissioner of the Yukon Territory satisfactory evidence of identification and good standing and pass before such examiners as may be appointed by the Commissioner of the Yukon Territory for that purpose, satisfactory examination touching his fitness and capacity to practice as a physician and surgeon, and provided that every applicant for such examination shall first pay to the Territorial Treasurer the sum of two hundred dollars towards defraying the expenses of such examination.

6. Each practicing physician and surgeon shall pay Annual fees. to the Territorial Secretary on or before the thirtieth day of June in each year the sum of twenty dollars, and upon such payment the Territorial Secretary shall give to such practicing physician and surgeon a certificate showing such payment.

(2) Should any practicing physician or surgeon fail to pay the annual fee in this section prescribed such fee shall be recoverable with the costs of suit in an action for the recovery thereof by the Commissioner of the Yukon Territory.

7. If any registered medical practitioner shall be convicted of any felony or misdemeanor or shall after inquiry be judged by the Commissioner of the Yukon Territory to have been guilty of any infamous conduct in any professional respect, the said Commissioner may, if he sees fit, suspend such practitioner from practice for such time as to him seems just or may direct the Territorial Secretary to erase the name of such practitioner from the register and the Territorial Secretary shall forthwith erase the name of such practitioner from the register. And the Commissioner of the Yukon Territory shall have full power and authority to enquire into any charge or charges of infamous or disgraceful conduct in respect of any medical practitioner as such.

Names to be
erased for
cause.

8. Every person registered and duly licensed under the provisions of this Ordinance, shall be entitled to prac-

Persons
registered
entitled to
practice, etc.

tice medicine and surgery, including midwifery, or any one of them, as the case may be, in the Territory, and to demand and recover in any court in said Territory, with full cost of suit, reasonable charges for professional aid, advice and visits, and the cost of any medicine or surgical appliance rendered or supplied by him to his patients.

Limitation
of liability
on civil
actions.

9. No duly registered physician and surgeon of the Yukon Territory shall be liable to any action for negligence and malpractice, by reason of professional services requested or rendered, unless such action be commenced within one year from the date when in the matter complained of such professional services terminated.

List of
names regis-
tered to be
published.

10. The Territorial Secretary shall from time to time under direction of the Commissioner of the Yukon Territory cause to be printed and published a correct register of the names, in alphabetical order, according to the surnames, with their respective residences, in the form set forth in the schedule to this Ordinance or to the like effect, together with the medical diplomas, titles and qualifications, conferred by any college or body, of all persons appearing on the register for the time being, properly attested by the Territorial Secretary shall be prima facie evidence in all Courts and before all justices of the peace, and all others, that the persons therein specified are registered according to provisions of this Ordinance and entitled to practice medicine, surgery or midwifery in the Yukon Territory. Each duly registered physician and surgeon shall be entitled to a copy of such medical register.

(2) In case of any person whose name does not appear in such copy, a certificate under the hand of the Territorial Secretary, of the entry of the name of such person on the register shall be evidence that such person is registered under this Ordinance.

Omission to
register.

11. Any person entitled to be registered under this Ordinance who neglects or omits to be so registered, shall not be entitled to any of the rights or privileges conferred

by the registration under the provisions of this Ordinance, so long as such neglect or omission continues, and he shall be liable to all the penalties imposed by this Ordinance in force against unqualified or unregistered practitioners.

12. It shall not be lawful for any person not registered to practice medicine or surgery or midwifery for hire or hope of reward; and if any person, not registered pursuant to this Ordinance, for hire, gain or hope of reward, practices or professes to practice medicine, surgery or midwifery, he shall, upon a summary conviction thereof before any justice of the peace, for any and every such offence, be liable to a penalty not exceeding one hundred dollars.

No person to practice medicine unless registered.

13. Any person who, wilfully or falsely, pretends to be a physician, doctor of medicine, surgeon or general practitioner, or assumes any title, additions or description other than he possesses actually and is legally entitled to under this Ordinance, shall be liable, on conviction thereof, before a justice of the peace, to a penalty not exceeding one hundred dollars.

Penalty for pretending to be Physician or Doctor.

14. Any person not registered pursuant to this Ordinance who takes or uses any name, title, addition or description implying or calculating to lead people to infer that he is registered under this Ordinance or that he is recognized by law as a physician, surgeon or licentiate in medicine, surgery or midwifery, shall be liable upon summary conviction thereof before any justice of the peace to a penalty not exceeding one hundred dollars nor less than twenty-five dollars.

Penalty for improperly using title of Physician, etc.

15. No person shall be entitled to recover any charge in any court of law for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he may have prescribed, unless he is registered under this Ordinance, except in cases falling within the proviso to section 18 of this Ordinance.

Cannot recover in civil action unless registered.

16. No person shall be appointed as Medical Officer, physician or surgeon in any branch of the public service

Medical Health Officer must be registered.

of the Yukon Territory, or in any hospital or other charitable institution, unless he is registered under the provisions of this Ordinance.

Certificates invalid unless signed by registered Physician.

17. No certificate required by any Ordinance in force, or that may hereafter be passed, from any physician or surgeon or medical practitioner, shall be valid unless the person signing the same is registered under this Ordinance.

Prosecutions May be before one Justice of the Peace.

18. Any prosecutions under this Ordinance may be brought or heard before any one or more of His Majesty's Justices of the Peace, and such Justice or Justices may award payment of costs in addition to the penalty; and in case the penalty and costs awarded by him, or them, are not upon conviction forthwith paid, may commit the offender to the common gaol, there to be imprisoned for any term not exceeding one month, with or without hard labour, unless the penalty or costs are sooner paid. Provided that if it shall appear on any prosecution under this Ordinance that by reason of unforeseen and sudden sickness or accident any person has needed medical or surgical treatment and that no medical practitioner qualified under this Ordinance then resided within ten miles of the place where such person needed treatment the judge or other presiding magistrate may dismiss any complaint against any person who under such circumstance rendered medical or surgical assistance and may order the costs to be paid by the complainant.

Penalty.

Exception where no Medical Practitioner.

Burden of proof.

19. In any prosecution under this Ordinance the burden of proof as to registration shall be upon the person charged.

Proof of registration, production of Certificate signed by proper Officer.

20. In all cases where proof of registration under this Ordinance referred to is made, the production of a printed or other copy of the register certified under the hand of the Territorial Secretary for the time being shall be sufficient evidence of all persons, in lieu of the production of the original register, and any certificate on such printed or other copy of the register; signed by any person in his capacity of Territorial Secretary under this Or-

dinance shall be *prima facie* evidence that such person is such registrar, without any proof of his signature or of his being, in fact, such registrar.

21. Every prosecution under this ordinance shall be commenced within six months from the date of the alleged offence.

Prosecution within six months.

22. Any person may be prosecutor or complainant under this Ordinance.

23. All fines and penalties imposed under any of the provisions of this Ordinance, and all moneys to be received and levied thereunder, shall, after the receipt thereof by the person authorized to receive the same, be forthwith paid by such person to the Territorial Treasurer and shall form part of the consolidated fund of the Yukon Territory.

Fines and penalties form part of Consolidated Revenue.

24. The words "legally qualified medical practitioner" or other words implying legal recognition of any person as a medical practitioner when used in any Ordinance or law applied to this Territory shall be construed to mean a person registered under this Ordinance.

Meaning of qualified Medical Practitioner.

25. The fee for registration under any clause of this Ordinance is fifty dollars.

Fee for registration, \$50.00.

26. Homeopathic physicians may be registered under this Ordinance.

Homeopathic may practice.

27. A majority of the practicing physicians and surgeons at a meeting called for that purpose may make a tariff of fees for professional services to be rendered by them and such tariff when so made shall be submitted to the Commissioner of the Yukon Territory for approval, and such tariff so approved shall be forthwith filed with the Territorial Secretary.

Tariff of fees. How prepared.

(2) Such tariff of fees when so approved and filed shall contain the maximum fee which any physician or

surgeon may recover for professional services rendered by him.

(3) Every physician and surgeon shall be entitled to a copy of such tariff certified under the hand of the Territorial Secretary on payment of a fee of one dollar, and every copy of such tariff so certified shall be *prima facie* evidence in any court or before any justice of the peace of the fees to be recovered by physicians and surgeons for professional services under the provisions of this Ordinance in the Yukon Territory.

Exception
in case of
emergency.

28. Provided that nothing in this Ordinance shall be constructed to prevent any person from rendering surgical and medical aid in case of accident, or where such medical and surgical aid is immediately required, if at such time no physician or surgeon registered under this Ordinance is present or can at once be obtained.

Cap. 48
C. O. 1902
Rs. 1902
repealed.

29. "The Yukon Medical Ordinance," being Chapter 48 of the Consolidated Ordinances of the Yukon Territory, 1902, is hereby wholly repealed.



CHAPTER 2

An Ordinance to Amend Chapter 1 of the Consolidated Ordinances of the Yukon Territory, 1902, Being the Interpretation Ordinance.

[Assented to June 13th, 1912.]

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

1. Section 19 of Chapter 1 of the Consolidated Ordinances of the Yukon Territory, 1902, is hereby amended by striking out the word "and" in the eighth line thereof, and by adding to the said section the words "and the 17th day of August to be known as Discovery Day."

Discovery
Day a
holiday.



CHAPTER 3

An Ordinance to Amend Chapter 74 of the Consolidated Ordinances of the Yukon Territory, Being an Ordinance Respecting the Prevention of Prairie and Forest Fires.

[Assented to June 13th, 1912.]

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 Chapter 74 of the Consolidated Ordinances of the Yukon Territory is amended by striking out the figures "200" in sub-section (3) thereof and substituting therefor the figures "500."

Sec. 2,
Cap. 74,
C. O. 1902
amended.

Penalty
increased
to \$500.

2. Section 3 of said Chapter 74 is amended by striking out the figures "100" in the fifth line thereof and substituting therefor the figures "500."

Penalty \$500.

3. Sub-section (2) of section 4 is amended by striking out the figures "100" in the third line thereof, and substituting therefor the figures "500," and by adding

Penalty \$500.

thereto the following sub-section: "(3) No person shall kindle any such fire as is herein mentioned without first having obtained the written permission of the Commissioner of the Yukon Territory, or some person appointed by him for that purpose."

Written permission of Commissioner required.

4. Sub-section (2) of section 5 of the said Ordinance is amended by striking out the figures "100" in the seventh line thereof and substituting therefor the figures "500."

Penalty \$500.

5. Sub-section (2) of section 6 of the said Ordinance is amended by striking out the figures "100" in the seventh line thereof and substituting therefor the figures "500."

Penalty \$500.

6. Upon the conviction of any person or persons for any contravention of this Ordinance one-half of the fine imposed shall, upon payment by the person convicted, be paid to the prosecutor or complainant.

One-half fine payable to prosecutor.



CHAPTER 4

An Ordinance to Amend Chapter 5 of the Consolidated Ordinances of the Yukon Territory, Being the Yukon Territorial Public Service Ordinance.

[Assented to June 13th, 1912.]

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

1. Section 4 of Chapter 7 of the Ordinances of the Yukon Territory for the year 1909 is repealed.

Section 4,
Cap. 7,
Ordinances
1909
repealed.

2. Section 21 of Chapter 5 of the Consolidated Ordinances of the Yukon Territory is amended by adding thereto the following words: "and may, with the approval of the Commissioner of the Yukon Territory, employ such assistance as he requires."

Section 21,
Cap. 5, C. O.
amended.

3. Chapter 5 of the Consolidated Ordinances of the Yukon Territory is further amended by adding thereto the following section:

44 No person who is a member of the Yukon Council shall be appointed an officer, clerk, or servant under

Member
Yukon
Council not
to be
appointed.

the provisions of this Ordinance; and in the event of such person being appointed as such officer, clerk or servant he shall forthwith cease to be a member of the Yukon Council.



CHAPTER 5

An Ordinance to Validate the Assessment of the Corporation of the City of Dawson.

[Assented to June 13th, 1912.]

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

1. The Assessment Rolls of the City of Dawson for the years A. D. 1905, A. D. 1906, A. D. 1907, A. D. 1908, A. D. 1909, A. D. 1910 and A. D. 1911, and all matters and acts and things done thereunder are and always were valid and of full force and effect, notwithstanding that the estimates for the City of Dawson were made by the Yukon Council or any other person or persons, and either at the proper time or at any other time, and notwithstanding the rate books were not properly prepared nor submitted to the City Clerk and the rate struck, and that such rate or rates was or were struck by some person unauthorized so to do, and notwithstanding that assessments were not made nor rates struck by the Assessor, but by some other person or persons, and notwithstanding any overvaluation or undervaluation of assessable property by the Assessor or by any other person engaged in the prepara-

Validating
Assessment
Rolls.

tion of any assessment roll or rate book, or the omission of any poll tax or other tax, and notwithstanding any act of omission or defect by the Yukon Council, the Commissioner of the Yukon Territory, the City Clerk of Dawson, the Assessor of the City of Dawson or any other person or persons whomsoever, and notwithstanding any non-compliance whatsoever with the Assessment Ordinance and any amendments thereto.

2. For the purpose of assessing real and personal property, improvements and income, and assessing and levying and collecting rates thereunder in the City of Dawson, the Commissioner of the Yukon Territory in Council, and any one appointed for that purpose, has, and always had, the power and authority of a municipal institution.

Commissioner, etc., to have power to assess and levy.

3. The word "income" in the second line of section 3 of Chapter 64 of the Consolidated Ordinances of the Yukon Territory, and being the Ordinance respecting Assessment, includes and always did include, the money described as "living allowance" paid by the Government of Canada to all persons in the Yukon Territory who hold office or appointment of any kind under the said Government of Canada, whether Federal or Territorial.

Income to include living allowance.



CHAPTER 6

An Ordinance to Amend the Yukon Health Ordinance, Being Chapter 9 of the Consolidated Ordinances of the Yukon Territory.

[Assented to June 13th, 1912.]

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

1. Section 3 of Chapter 9 of the Consolidated Ordinances of the Yukon Territory of 1902, and cited as The Yukon Health Ordinance, is hereby repealed and the following substituted therefor:

3. The Commissioner of the Yukon Territory may appoint a duly qualified medical practitioner or practitioners to act as Medical Health Officer or Officers for the Yukon Territory or any part thereof.

Commissioner to
appoint
Medical
Health
Officer.



CHAPTER 7

An Ordinance to Amend an Ordinance Relating to the
Decision of Constitutional and Other Territorial
Questions.

[Assented to June 13th, 1912.]

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

1. Section 1 of Chapter 6 of the Ordinances of the Yukon Territory for the year 1906 is amended by striking out the words "Territorial Court of the Yukon Territory" and substituting therefor the following: "The Court of Appeals for the Province of British Columbia." Section 1,
Cap. 6,
Ordinances
1906,
amended.
2. Section 2 of said Chapter 6 is amended by adding the word "Territorial" after the words "Judge of the," and the words "of the Yukon Territory" after the word "Court," in the third line of said section. Section 2
amended.
3. Section 7 of said Chapter 6 is amended by striking out the words "en banc" in the third line thereof and substituting therefor the words "of appeal of the Province of British Columbia." Section 7
amended.



CHAPTER 8

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 Ending 31st March, 1911, and for Purposes Relating Thereto; and 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 Ending 31st March, 1912, 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 April 1st, 1912, to 31st March, 1913, and for Purposes Relating Thereto.

[Assented to June 13th, 1912.]

Whereas, It appears by Message from George Black, Esquire, the Commissioner of the Yukon Territory, and in the Supplementary Estimates accompanying the same, that the sums hereinafter mentioned in Schedules "A" and "B" 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 March 31st, 1911, and are required to defray certain further expenses of the public services of the Yukon Territory, and for other purposes relating thereto for the twelve months ending March 31st, 1912; and,

Whereas, It appears by Message from George Black, Esquire, the Commissioner of the Yukon Territory, and the Estimates accompanying the same, that the sums hereinafter mentioned in Schedule "C" 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 March 31st, 1913:

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 be paid and applied a further sum not exceeding in the whole eighteen thousand seven hundred and eleven dollars and five cents for defraying the several charges and expenses of the public service for the twelve months ending March 31st, 1911, and March 31st, 1912, as set forth in Schedules "A" and "B" to this Ordinance.

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 thirty-six thousand five hundred and seventy dollars and eighty-three cents for defraying the several charges and expenses of the public service for the twelve months ending March 31st, 1913, as set forth in Schedule "C" to this Ordinance.

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

SCHEDULE "A"

Further sums granted to the Commissioner by this Ordinance for the twelve months ending March 31st, 1911, 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 March 31st, 1911, as follows:

Keystone Drill, Whitehorse District, \$587.54.

SCHEDULE "B"

Further sums granted to the Commissioner by this Ordinance for the twelve months ending March 31st, 1912, 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 March 31st, 1912, as follows:

Hospitals, Charities and Public Health, \$18,123.51.

SCHEDULE "C"

Sums granted to the Commissioner by this Ordinance for the twelve months ending March 31st, 1913, 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 March 31st, 1913, as follows:

GROUP I.—TERRITORIAL.

ESTIMATED EXPENDITURE.

SALARIES AND TRAVELLING EXPENSES—

Territorial Treasurer, 3 mos.	
at \$350.00	\$ 1,050.00
Assistant to Treasurer, 2 mos.	
at \$300.00	600.00
Clerk, 2 mos. at \$200.00.....	400.00
	<hr/>
Carried forward	\$ 2,050.00

SUPPLY.

25

Brought forward	\$ 2,050.00
Supt. Works and Buildings, 1½ mos. at \$350.00	525.00
Supt. Works and Buildings, 9 mos. at \$300.00	2,700.00
Territorial Treasurer, 10 mos. at \$275.00	2,750.00
Assistant Territorial Treasur- er, 10 mos. at \$225.00 . . .	2,250.00
Other assistance during session of Yukon Council, etc. . . .	250.00
Travelling expenses	2,000.00
	<hr/>
	\$ 12,525.00

SCHOOLS.

SCHOOLS GENERALLY—

Supt's. salary	\$4,020.00
Travelling expenses.	150.00
Purchase books, post- age and matric. examiner	500.00
	<hr/>
	\$ 4,670.00

DAWSON SCHOOL—

Two teachers, at \$250 per month	\$6,000.00
One teacher, at \$200 per month	2,400.00
One teacher, at \$185 per month	2,220.00
One teacher, at \$175 per month	2,100.00
One extra teacher for 1½ months at \$175 per month	262.50
Two months' retiring allowance to Miss	
	<hr/>
Carried forward.	\$12,982.50 \$ 4,670.00 \$ 12,525.00

Brought forward:	\$12,982.50	\$ 4,670.00	\$ 12,525.00
Clara Holtorf,			
at \$175.....	350.00		
Two teachers for			
night school, 5			
months each at			
\$50 per mo. each	500.00		
Drill instructor, 6			
months at \$30..	180.00		
Janitor, 12 months,			
at \$175	2,100.00		
Charman, 10 months,			
at \$75	750.00		
Stoker, 6 months, at			
\$90	540.00		
Fuel and heating			
plant	2,200.00		
Light	600.00		
Water	120.00		
Scavenger	120.00		
Stage service, Ogil-			
vie Bridge, 5			
months, at \$75.	375.00		
General repairs and			
maintenance	2,800.00		
		<u>23,617.50</u>	

ST. MARY'S SCHOOL—

Two teachers at \$175.	\$4,200.00		
Rent, fuel, janitor,			
etc.	2,400.00		
		<u>6,600.00</u>	

WHITEHORSE SCHOOL—

One teacher, at \$225			
per month	\$2,700.00		
One teacher, at \$175			
per month	2,100.00		
		<u>4,800.00</u>	
Carried forward..	\$4,800.00	\$34,887.50	\$ 12,525.00

Brought forward..	\$4,800.00	\$34,887.50	\$ 12,525.00
Janitor, at \$50 per month	600.00		
Scavenger service...	120.00		
Water	45.00		
Light	100.00		
Fuel	150.00		
Supplies	200.00		
Maintenance and repairs. (This includes special vote of \$700 for new floors and repainting of building)	800.00		
	<hr/>	6,815.00	

ASSISTED SCHOOLS—

To provide for assisted schools should occasion demand at Bonanza, Gold Bottom, Granville, Selkirk and possibly Carcross...	5,000.00		
	<hr/>	46,702.50	

HOSPITALS, CHARITIES AND PUBLIC HEALTH—

Grant to St. Mary's Hospital.	\$10,000.00		
Grant to Good Samaritan Hospital	10,000.00		
Grant to Whitehorse Hospital	3,600.00		
	<hr/>	\$23,600.00	

To provide for care and burial of indigents, rent of morgue, assistance to public cemetery; also to meet any contingency that *may* arise, such as payment of

Carried forward	<hr/>	\$23,600.00	\$ 59,227.50
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Brought forward	\$23,600.00	\$ 59,227.50
physician or any other ex- penses in connection with the public health of the Territory	4,500.00	
	<hr/>	28,100.00

PREVENTIVE SERVICE—

Salary of Chief Preventive Officer, Dawson	\$ 600.00	
Salary of Assistant Chief Pre- ventive Officer, White- horse	250.00	
Postage, etc.	10.00	
	<hr/>	860.00

**INDEMNITY AND TRAVELLING EX-
PENSES—(Members Yukon Council.)**

Indemnity, 10 members of Council, at \$600.00 each.	\$ 6,000.00	
Travelling expenses	800.00	
	<hr/>	6,800.00
To provide for expenses incurred in connec- tion election 10 members Yukon Council		6,000.00

**MAINTENANCE ASSAY OFFICE, WHITE-
HORSE—**

Salary of Assayer, 12 months at \$225	\$ 2,700.00	
Maintenance and miscellan- eous supplies	800.00	
	<hr/>	3,500.00
Printing and stationery		2,500.00
Whitehorse Free Reading Room. (Included in this vote is \$150.00 (balance from 1910- 1911)		1,050.00
	<hr/>	
Carried forward	\$108,037.50	

, Brought forward \$108,037.50

TOWN OF WHITEHORSE—

Fire protection service.....	\$ 2,500.00	
Provide for purchase chemical engine	400.00	
Street lighting	1,000.00	
Salary, fire chief	360.00	
Allowance 8 volunteer firemen attending fires	160.00	
Allowance 8 volunteer firemen attending semi-monthly practice, \$2.00 each.....	384.00	
Services of night watchman.	600.00	
Fuel for fire hall	100.00	
Light for fire hall	100.00	
Purchase of 1,000 feet fire hose	1,200.00	
Salary, Chimney Inspector	90.00	
Street repairs	200.00	
Sanitary Inspector	100.00	
Contingencies	806.00	
		8,000.00
Territorial Agent at Whitehorse		120.00

DAWSON FREE LIBRARY—

Grant from Territory	\$ 2,875.00	
To provide for purchase of books	525.00	
		3,400.00
Contingencies		3,000.00

MISCELLANEOUS EXPENDITURE—

Grant to W. E. Thompson for services as Medical Health Officer	\$ 1,000.00	
Grant to Carcross Free Reading Room	300.00	
Grant to Yukon Rifle Association	200.00	
		1,500.00
Carried forward	\$ 1,500.00	\$122,557.50

Brought forward	\$1,500.00	\$122,557.50
Grant to Yukon Law Library, Dawson	350.00	
Grant to Yukon Law Library, Whitehorse	50.00	
Grant to Chrysler, Bethune & Larmouth, professional services re. 1910 Ordinances.	50.00	
Grant toward erecting a mon- ument to the late R. L. Ashbaugh	200.00	
Grant to B. Vanvolkenburgh for services of meat and slaughter house inspector	850.00	
Grant to A. R. Boyes, 3 months' retiring allow- ance	900.00	
Grant to A. J. Dewar, 3 months' retiring allow- ance	600.00	
Grant to D. R. Macfarlane, holidays and retiring al- lowance	2,100.00	
Grant for fencing and other- wise improving old ceme- tery, North Dawson	300.00	
Grant to Dawson Men's Club	200.00	
Grant to W. J. Elliott, com- pensation for injuries ..	200.00	
Grant to J. B. LeClaire for services as messenger in the past, full settlement	600.00	
		<hr/> 7,900.00
Assistance in the development of quartz min- ing		5,000.00
Subsidy to Side Streams steamers; 12 trips during season to Mayo Landing, at \$350 per trip		4,200.00
Grant to provide for purchase of a chemical engine for town of Carcross.....		300.00
		<hr/>
Carried forward		\$139,957.50

Brought forward \$139,957.50

ROADS, BRIDGES AND PUBLIC

WORKS.

CONSTRUCTION—

Glacier winter road via Swede Creek	\$ 5,000.00
Klondike City-Dion Gulch trail	300.00
Carmacks-Tantalus Coal Mine road	300.00
Matson Creek trail	1,000.00
Cut-offs, Dawson Fortymile trail	1,500.00
Black Hills-Scroggie road...	10,000.00
Scroggie-Pelly River road	18,000.00
Right Fork Scroggie road	8,000.00
White River trail	800.00
Nansen Creek road	2,000.00
	\$46,900.00

MAINTENANCE AND REPAIRS—

Hunker Dominion road	\$7,000.00
Dome-Sulphur roads	4,000.00
Bonanza, Eldorado, Calder Quartz roads	6,000.00
Indian River-Black Hills roads.....	5,000.00
Montana - Eureka roads. (Includ- ed in this are ac- counts payable from 1911 and 1912, \$249.00)..	1,000.00

Carried forward.	\$23,000.00	\$46,900.00	\$139,957.50
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Brought forward.	\$23,000.00	\$46,900.00	\$139,957.50
Barker Creek road..	1,000.00		
Upper Stewart district, (Included in this are accounts pay- able for Black Creek bridge, \$200.00)	9,000.00		
Thistle Creek road. (Included in this are accounts pay- able, \$344.25)..	1,500.00		
Henderson Creek road	1,000.00		
Dawson-Glacier road	5,000.00		
Dawson Cable Ferry. (Included in this are accounts pay- able, \$325.00)..	4,000.00		
Fortymile-Moosehide trails. (This in- cludes accounts payable, \$270.50)	800.00		
Dawson Ogilvie bridge road	500.00		
Sunnydale road	500.00		
Klondike River road. (This includes accounts payable, \$2,543.50 and \$881.40 and \$500 for Goring Gulch trail.)	9,000.00		
Tahkena ferry	500.00		
Minto Bluff road...	750.00		
Whitehorse Yukon Crossing road. (Included in this are accounts pay- able, \$810.00)..	9,250.00		
Carried forward.	\$65,800.00	\$46,900.00	\$139,957.50

Brought forward.	\$65,800.00	\$46,900.00	\$139,957.50
Livingstone Creek road. (Included in this are accounts payable, \$222.39)	2,000.00		
Big Thing Mine road. (included in this are accts. payable \$4,000.)	5,700.00		
Carcross drawbridge	800.00		
Kluane road	3,500.00		
Wheaton road	4,000.00		
Winter roads	5,000.00	86,800.00	
		<u>\$133,700.00</u>	
Contingencies		6,686.75	140,386.75
			<u>\$280,344.25</u>

GROUP II.—CITY OF DAWSON.

FIRE DEPARTMENT—

Salaries:			
Chief's salary for February and March, 1912	\$	500.00	
Chief for 12 months, at \$250.		3,000.00	
One inspector, 12 months, at \$200		2,400.00	
Three hosemen, 12 months, at \$150		5,400.00	
One driver, 12 months, at \$150		1,800.00	
Two hosemen, 7 months, at \$150		2,100.00	
		<u>\$</u>	15,200.00
Rental, 15 hydrants, at \$75 each per month	\$	13,500.00	
Water service, hall, \$15 per month		180.00	
		<u>\$</u>	13,680.00
Carried forward		\$13,680.00	\$ 15,200.00

SUPPLY.

Brought forward	\$13,680.00	\$ 15,200.00
100 tons coal, at \$14	1,400.00	
10 cords wood, at \$12	120.00	
Telephone service	360.00	
Maintenance fire alarm system	200.00	
Electric light service	350.00	
4 tons hay, at \$95	380.00	
4 tons oats	380.00	
Bran and salt	50.00	
Horseshoeing	200.00	
Contingencies	300.00	
Difference in exchange of old horses	500.00	
Accounts payable from 1911- 1912	300.00	
Horse hire	300.00	18,520.00
		<hr/>
		\$ 33,720.00
Street lighting	3,800.00	
Printing and stationery	500.00	
Free Library (amount contributed by city).	2,100.00	
Contingencies	700.00	
Accounts payable (C. W. C. Tabor, profes- sional services)		200.00
Salaries:		
Assistance for City Assessor, License Inspector, etc.:.	\$ 1,000.00	
Health Inspector	300.00	
		<hr/>
		1,300.00
Maintenance Dog Pound		600.00
Streets and sidewalks		13,306.58
		<hr/>
		\$ 56,226.58
		280,344.25
		<hr/>
		\$336,570.83

Surplus at
disposal of
Commis-
sioner.

In the event of there being a surplus of moneys standing to the credit of any item voted for roads, bridges and public works, after the work, construction, or repairs provided for have been completed to the satisfaction of the Superintendent of Public Works, such surplus moneys

shall forthwith, on the acceptance of such work or repairs by the Commissioner of the Yukon Territory, be taken from the said item and become part of and be added to the amount provided for contingencies to such roads, bridges and public works, and shall thereafter be at the disposal of the Commissioner of the Yukon Territory for roads, bridges and public works.



CHAPTER 9

An Ordinance to Amend the Ordinance Respecting the Council of the Yukon Territory, Being Chapter 2 of the Consolidated Ordinances, 1902.

[Assented to June 13th, 1912.]

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

New Voters Lists not necessary.

1. Section 4 of Chapter 2 of the Consolidated Ordinances of the Yukon Territory, 1902, is amended by adding thereto the following sub-sections:

Oath of voter not on list.

(1) It shall not be necessary to prepare new voters' lists for the purpose of any election to be held in consequence of a vacancy in the Yukon Council caused by the death or resignation of any member thereof, or by a vacancy from any cause whatsoever, when such election takes place within twelve months from the date of a previous election in the Electoral District where such vacancy occurs, but the list prepared for such previous election shall be used.

(2) If the name of any person otherwise entitled to vote at such election, and who is not otherwise disqualified from voting, does not appear upon the said voters list, such person shall be entitled to vote, and his name

shall be placed upon the voters' list by the Deputy Returning Officer, and shall receive a ballot paper upon taking and subscribing to the oath following:

I, _____ of _____
in the Yukon Territory, _____ do solemnly
swear:

1. That I am a natural born male British subject of the full age of twenty-one years.

2. That I have continuously resided in the Yukon Territory for a period of not less than twelve months, and in this Electoral District not less than one month prior to this date, and that I have not voted before at this election, at this or any other polling place.

So help me God.

Sworn before me at
in the Yukon Territory,
this _____ day of
A. D. 19 _____

Deputy Returning Officer.

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