

ORDINANCES  
OF THE  
**YUKON TERRITORY**

---

PASSED BY THE  
**YUKON COUNCIL**

IN THE YEAR  
**1925**

---

PERCY REID  
ACTING GOLD COMMISSIONER



---

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

BY

J. A. M. H. MALTBY, King's Printer.



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## CHAPTER 1

### AN ORDINANCE RESPECTING THE DEVOLU- TION OF ESTATES OF INTESTATES

(Assented to May 16th, 1925.)

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 Intestate Suc- Short title.  
cession Ordinance."
  
2. In this Ordinance, unless the context otherwise re- Interpre-  
quires: tation.
  - (1) "Issue" includes all lawful lineal descendants Issue.  
of the ancestor.
  - (2) "Court" means the Territorial Court of the Court.  
Yukon Territory.
  
3. (1) Where real estate is vested in any person with- Devolution  
out a right in any other person to take survivorship, of real  
it shall, on his death intestate, devolve upon and be- estate to  
come vested in his personal representative from time personal rep-  
to time as if it were personal property vesting in him. resentative.
  
- (2) This section applies only in cases of death after Application  
the commencement of this Ordinance. limited to  
death after  
commence-  
ment this  
Ordinance.
  
- (3) This Ordinance shall be construed in all Subject to  
respects subject to any provisions of The Land Titles Land Titles  
Act, R. S. C. 1906 C. 110. Act.

**Personal representative to hold as trustee.**

4. Subject to the powers, rights, duties and liabilities hereinafter mentioned, the personal representatives of an intestate shall hold the real estate as trustee for the persons by law beneficially entitled thereto, and those persons shall have the same power of requiring a transfer of real estate as persons beneficially entitled to personal estate have of requiring a transfer of such personal estate.

**Rules of law to apply.**

5. All enactments and rules of law relating to the effect of letters of administration as respects personal estate, and as respects the dealing with personal estate before administration, and as respects the payment of costs of administration and other matters in relation to the administration of personal estate, and the powers, rights, duties and liabilities of personal representatives in respect of personal estate, shall apply to real estate, so far as the same are applicable, as if that real estate were personal estate vesting in them, save that it shall not be lawful for some or one only of several joint personal representatives, without the authority of the Court or a judge thereof, to sell or transfer real estate.

**Administration of real estate.**

6. In the administration of the assets of a person dying intestate after the commencement of this Ordinance, his real estate shall be administered in the same manner, subject to the same liabilities for debts, costs and expenses and with the same incidents as if it were personal estate.

**Powers of sale of real estate.**

7. (1) The powers of sale conferred by this Ordinance on personal representatives may be exercised for the purpose not only of paying debts, but also of distributing the estate among the persons beneficially entitled thereto, whether there are or are not debts, and in no case shall it be necessary that the persons beneficially entitled shall concur in any such sale except where it is made for the purpose of distribution only.

**No sale of real estate for distribution only.**

(2) No sale of real estate for the purpose of distribution only shall be valid as respects any person beneficially entitled thereto unless he concurs therein;

but where a lunatic is beneficially entitled, or where there are other persons beneficially entitled whose consent to the sale is not obtained by reason of their place of residence being unknown, or where, in the opinion of a judge of the Court, it would be inconvenient to require the concurrence of such persons, he may, upon proof satisfactory to him that such sale is in the interest and to the advantage of the estate of the deceased and the persons beneficially interested therein, approve of such sale on behalf of such lunatic and non-concurring persons, and any such sale made with such approval shall be valid and binding upon such lunatic and non-concurring persons.

(3) Where an infant is interested in the real estate of an intestate, no sale thereof shall be valid without the written consent or approval of the Official Guardian, which he is hereby authorised to give, or, in the absence of such consent or approval, without an order of a judge of the Court.

Where infant interested in real estate.

(4) The personal representative shall have power, with the concurrence of the adult persons beneficially entitled thereto, with the approval of the Official Guardian on behalf of infants, and, in the case of a lunatic, with the approval of a judge of the Court, if any infants or lunatics are so entitled, to convey, divide or distribute the estate of the deceased person, or any part thereof, among the persons beneficially entitled thereto according to their respective shares and interests therein.

Distribution by personal representative.

(5) In this section the word "lunatic" includes an idiot and a person of unsound mind.

Lunatic.

8. The acceptance by an adult of his share of the purchase money in the case of a sale by the personal representative which has been made without the concurrence required by sub-section (2) of section 7, shall be a confirmation of the sale as to him.

Acceptance of share of purchase money to constitute confirmation.

Purchase of  
real estate in  
good faith.

9. (1) A person purchasing real estate in good faith and for value from the personal representative, or from a person beneficially entitled thereto to whom the same has been conveyed by the personal representative, shall hold the same freed and discharged from any debts or liabilities of the intestate except such as are specifically charged thereon, and, where the purchase is from the personal representative, freed and discharged from all claims of the persons beneficially interested.

Real estate  
remains  
liable for  
debts after  
distribution.

- (2) Real estate which has been conveyed by the personal representative to a person beneficially entitled thereto shall continue to be liable to answer the debts of the intestate so long as it remains vested in such person, or in any person claiming under him not being a purchaser in good faith and for value, as it would have been if it remained vested in the personal representative, and in the event of a sale thereof in good faith and for value by such person beneficially entitled he shall be personally liable for such debts to the extent of the proceeds of such real estate.

Powers of  
personal  
representative.

10. The powers of personal representatives under this Ordinance shall include:

Leasing  
from year  
to year.

- (a) Power to lease from year to year while the real estate remains vested in them:

Leasing for  
longer term.

- (b) Power, with the approval of the Court or a judge thereof, to lease for a longer term;

Mortgaging.

- (c) Power, with the approval of the Court or a judge thereof, to mortgage for the payment of debts, and for the repair or completion of buildings.

Widow and  
one child.

11. (1) If an intestate dies leaving a widow and one child, one-half of his real and personal estate shall go to each.

Widow and  
children.

- (2) If he dies leaving a widow and children, one-third of his real and personal estate shall go to the widow and the remaining two-thirds to the children in equal shares.



(3) If a child has died leaving issue, the estate shall be distributed in the same proportions as if such child had been living at the death of the intestate, and the distributive share of such child shall go to his issue who shall take according to the right of representation.

Child leaving issue.

(4) If there is no child of the intestate living at the time of his death, but a child or children have died leaving issue, the share of the estate which would have gone to such child or children, if living, shall go to the lineal descendants of the intestate. If all such descendants are in the same degree of kindred to the intestate they shall take equally, otherwise they shall take according to the right of representation.

If no child living, estate goes to lineal descendants.

12. (1) If an intestate dies leaving a widow but no issue his real and personal estate, where the net value thereof does not exceed \$20,000, shall go to his widow.

Widow and no issue.

(2) Where the net value exceeds \$20,000 the widow shall be entitled to \$20,000, and shall have a charge upon the estate for that sum with legal interest from the date of the death of the intestate.

Where net value exceeds \$20,000.

(3) Of the residue of the estate after payment of the said sum of \$20,000 and interest one-half shall go to the widow and one-half to those who would take the estate, if there were no widow, under section 14, 15 or 16, as the case may be.

Residue after payment to widow of \$20,000.

(4) In this section "net value" means the value of the real and personal estate after payment of the charges thereon and the debts, funeral expenses and expenses of administration, including succession duty.

Net value defined.

13. If an intestate dies leaving a child or children or issue and no widow, his whole estate, real and personal, shall go to his child or, in equal shares, to his children, if any are living, and if any of the children have died leaving issue, such issue shall take according to their right of repre-

Issue and no widow.

sentation. If there is no child living, the estate shall go to the lineal descendants of the intestate as in sub-section (4) of section 11.

No widow  
or issue.

14. If an intestate dies leaving no widow or issue, his whole estate, real and personal, shall go to his father and mother in equal shares, if both are living, but if either of them is dead the estate shall go to the survivor.

No widow,  
issue,  
father or  
mother.

15. If an intestate dies leaving no widow or issue or father or mother, his whole estate, real and personal, shall go to his brothers and sisters in equal shares, and, if any of his brothers or sisters be dead, the children of such deceased brother or sister shall take the share their parents would have taken, if living.

No widow,  
issue, parent,  
brother,  
sister, niece  
or nephew.

16. If an intestate dies leaving no widow, issue, father, mother, brother or sister or children of any deceased brother or sister, his estate, real and personal, shall go to his next of kin.

Estate of  
woman to be  
distributed  
in same  
manner as  
that of a  
man.

17. The real and personal estate of a woman dying intestate shall be distributed in the same proportions and in the same manner as the real and personal estate of a man so dying, the word "husband" for the purposes of this section being substituted for the word "widow," the word "her" for the word "his," the word "she" for the word "he," and the word "her" for the word "him" where such words respectively occur in sections 11, 12, 13, 14, 15, 16 and 21.

Distribution  
among next  
of kin.

18. In every case where the estate goes to the next of kin it shall be distributed equally among the next of kin of equal degree of consanguinity to the intestate and those who legally represent them; but in no case shall representation be admitted among collaterals after brothers' and sisters' children.

Desertion  
and adultery  
by husband  
or wife.

19. (1) If a wife has left her husband and has lived in adultery after leaving him she shall take no part of his real or personal estate.

(2) If a husband has left his wife and has lived in adultery after leaving her he shall take no part of her real or personal estate.

20. For the purposes of this Ordinance degrees of kindred shall be computed according to the rules of civil law; and the kindred of the half blood shall inherit equally with those of the whole blood in the same degree.

Degrees of kindred by rules of civil law.

21. Descendants and relatives of the intestate begotten before his death but born thereafter shall in all cases inherit in the same manner as if they had been born in the lifetime of the intestate and had survived him.

Posthumous children.

22. (1) If any child of an intestate has been advanced by the intestate by settlement or by portion of real or personal estate or both of them and the same has been so expressed by the intestate in writing or so acknowledged in writing by the child, the value thereof shall be reckoned for the purposes of this section only as a part of the real and personal estate of such intestate distributable according to law; and, if such advancement is equal or superior to the amount of the share which such child would be entitled to receive of the real and personal estate of the intestate as above reckoned, then such child and his descendants shall be excluded from any share in such estate.

Advances to children.

(2) If such advancement is not equal to such share such child and his descendants shall be entitled to receive so much only of the real and personal estate of the intestate as is sufficient to make all the shares of the children in such estate and advancement to be equal as nearly as can be estimated.

If advancement not equal to full share.

(3) The value of any real or personal estate so advanced shall be deemed to be that which has been expressed by the intestate or acknowledged by the child in any instrument in writing, otherwise such value shall be estimated according to the value of the estate when given.

Determination of value of real estate or personal estate advanced.

Maintenance and education not deemed advances.

(4) The maintaining or educating or the giving of money to a child without a view to a portion or settlement in life shall not be deemed an advancement within the meaning of this Ordinance.

Estate not devised by will to be distributed hereunder.

23. All such estate, real and personal, as is not devised by will shall be distributed as if the testator had died intestate and had left no other estate.

No dower or estate by courtesy.

24. No widow shall be entitled to dower in the land of her deceased husband dying intestate, and no husband shall be entitled to an estate by the courtesy in the land of his deceased wife so dying.

Illegitimate children to inherit from mother.

25. Illegitimate children shall inherit from the mother as if they were legitimate, and they shall inherit through the mother, if dead, any real or personal estate which she would have taken, if living, by gift, devise or descent from any other person.

Mother inherits from illegitimate children.

26. If an intestate, being an illegitimate child, dies leaving no widow or issue, the whole of such intestate's estate, real and personal, shall go to his mother.

Construction of Ordinance.

27. This Ordinance shall be so interpreted and construed as to effect its general purposes of making uniform the law of those provinces which enact it.

## CHAPTER 2

AN ORDINANCE TO REGULATE THE SALE OF  
BEER

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(Assented to May 16th, 1925.)

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 Sale of Beer Ordinance." Short title.

2. In this Ordinance, unless the context otherwise requires: Interpre-  
tation.

(a) "Beer" includes beer, ale and porter, which has an alcoholic content of not more than four per cent. weight. Beer.

(b) "Bottle" means any vessel intended to contain liquids and having a capacity of not more than one quart, and includes bottles commonly known as pints and quarts. Bottle.

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

(d) "Club" means a corporation created by competent authority, which is the owner, lessee or occupant of an establishment operated solely for objects of a social, patriotic or athletic nature, but not for pecuniary gain and the property as well as the advantages Club.

belong to all members. It also means the establishment so operated.

**Club member.**

(e) "Club Member," or "Member of a club" means a person who, whether as a charter member or admitted in accordance with the by-laws of the club, has become a member thereof who maintains his membership by the payment of his annual dues in accordance with the rules of the club.

**Disorderly house.**

(f) The words "Disorderly house" shall have the meaning given them by part V. of The Criminal Code.

**Hotel.**

(g) "Hotel" or "Licensed Hotel" means any house or premises in respect to which a license is granted hereunder.

**Judge.**

(h) "Judge" means a Judge of the Territorial Court.

**Liquor.**

(i) "Liquor" means and includes any beverage, except beer, which contains alcohol obtained by distillation mixed with drinkable water or other substances in solution, and includes, among other things, alcohol, whisky, brandy, gin, rum, spirits and wine.

**Person.**

(j) "Person" includes partnership, corporation and club.

**Interdicted person.**

(k) "Interdicted person" means a person interdicted pursuant to any ordinance or law in force in the Territory.

**Inspector.**

(l) "Inspector" means any person duly appointed or constituted an inspector of licenses or licensed premises under this Ordinance and until other provision is made under section 5 hereof means also "Chief Inspector."

**License.**

(m) "License" means and includes every license granted hereunder for the sale of beer to be consumed on the premises on which the same is sold.

(n) "Licensed premises" means the premises in respect of which a license under this Ordinance has been granted and is in force and extends to every room, closet, cellar, yard, stable, outhouse, shed, or any other place whatsoever of belonging or in any way appertaining to such premises or place.

Licensed premises.

(o) "Sale" and "Sell" includes exchange, barter, and traffic.

Sale.

(p) "Sale by retail" means sale of beer in bottles known as either "pints" or "quarts" and in quantity not exceeding three such bottles to any one person at any one time and to be consumed on the licensed premises as herein provided. **Provided that during** any hours when the Government Liquor Store is not open for business the licensee may sell beer in such quantities to be taken off the premises and consumed elsewhere. This permission shall not in any event be construed to permit any such sale during prohibited hours.

Sale by retail.

Sale of beer to be taken off premises.

(q) The words "Prohibited hours" mean the time during which the sale of beer hereunder may not lawfully be made.

Prohibited hours.

(r) "Refreshment Room" means the room or place on the licensed premises where beer may lawfully be sold hereunder.

Refreshment room.

(s) "Town" includes the communities of Whitehorse and Mayo as proclaimed under the provisions of "The Assessment Ordinance," or any portion of the Territory which may hereafter be so proclaimed.

Town.

(t) "Commissioner" means the Gold Commissioner.

Commissioner.

3. Nothing in this Ordinance shall be held to prohibit the sale of beer in any canteen of the Royal Canadian Mounted Police. **Provided that such sale shall be restricted to members of that Force only.**

Sale of beer in police canteens permitted.

License districts to be established.

4. The Commissioner may establish districts for the purposes of this Ordinance to be called license districts and may from time to time alter and re-define the same: until the establishment of such districts the Yukon Territory shall form one license district.

License inspectors to be appointed.

5. The Commissioner may appoint one or more license inspectors for any license district or for the Territory, and fix the salaries or fees of such office and prescribe their duties. Until the appointment of such inspectors or inspectors by the Commissioner the Territorial Treasurer shall be the inspector for the Territory.

Duties of inspectors.

6. Every inspector shall:

Register of licenses to be kept.

(1) Keep a register to be called "The Register of Licenses" containing the particulars of all licenses granted in the district, and the premises in respect of which they are granted. There shall also be entered on the register all forfeitures of licenses, disqualifications of licensees, records of convictions and other matters relating to the licenses then on the register.

Record of applications.

(2) Keep a record of all applications made to him showing the names of the applicants, the nature of the applications, the premises in respect of which the applications are made, the date on which the applications were heard and the manner in which the same were disposed of, including in cases of refusal the cause or causes thereof.

Inspectors to visit and inspect and report to Commissioner.

7. It shall be the duty of every inspector at such intervals of time as can be conveniently arranged for, to visit and inspect every licensed premises in his district and to report to the Commissioner every case of infraction of the provisions of this Ordinance, and every inspector shall at once and in conformity with the provisions herein contained prosecute any person so offending and shall suffer no unnecessary delay to intervene between his obtaining the information and the prosecution.



8. In case any person gives to the inspector information justifying the prosecution of any person for any offence against this Ordinance, it shall be the duty of the inspector to lay the information in his own name and prosecute.

Inspector to lay informations.

9. Every license and renewal thereof shall be issued under the authority and at the discretion of the Commissioner, and shall be signed by the Commissioner. Such license to be in form (C) to this Ordinance.

Licenses to be issued under authority of Commissioner.

10. (1) Licenses may be issued in the name of a co-partnership when two or more persons are carrying on business in the same place. No person or firm shall have more than one license.

Licenses to partnerships.

(2) A license granted to any firm or partnership shall without any formality enure to the benefit of the remaining partner or partners in the event of the withdrawal or removal of any of them by dissolution or any other determination of the partnership.

Licenses enure to benefit of survivors.

11. Licenses may be issued to and in the name of a Club having a bona fide membership of not less than twenty members in good standing. Sale of beer by or in any such club shall be made to club members only, and shall be by the bottle only, and such beer shall be consumed on the club premises. Provided that no club license shall be granted in respect to any premises having the accommodation required in the case of an hotel license.

Licenses to clubs.

12. Every person to whom a license to sell beer is hereafter granted shall, before receiving such license, be required to pay as a fee for such license the following amounts, that is to say:

Fees payable for licenses.

For an hotel license in Dawson, \$100.00.

For an hotel license in the Town of Whitehorse, Mayo, or the community known as Keno City, \$75.00.

For an hotel license at any other point in the Territory, \$50.00.

For a club license, \$10.00.

Expiration  
of licenses.

13. Every such license shall expire at midnight on the thirty-first day of July next after the date of the issue thereof.

Licensed  
hotels in  
cities and  
towns to  
have not less  
than ten  
bedrooms.

14. (1) Every hotel in respect to which a license to sell beer may be granted hereunder shall, during the continuance of the license contain in cities and towns and the community known as Keno City, not less than ten separate bedrooms, with suitable partitions for the use of guests, together with a suitable quantity of bedding and furniture.

Other  
licensed  
hotels to  
have not  
less than  
three  
bedrooms.

(2) Every licensed hotel other than those situated in cities or towns or in Keno City shall, during the continuance of the license, contain not less than three such separate bedrooms for the use of guests, with sufficient other sleeping accommodation for not less than six other guests which shall be provided with suitable bedding and furniture.

Stables and  
garages.

(3) There shall be attached to every licensed hotel mentioned in the preceding sub-section a proper log or frame stable for at least six horses, as well as suitable accommodation for at least two motor cars in places where such cars are commonly used. Every licensee so required to provide stable accommodation shall at all times keep upon said premises a sufficient and suitable supply of hay and oats for horses.

Meals to be  
supplied.

(4) Every licensed hotel not being within the limits of a city or town or in the community known as Keno City shall be shown to the satisfaction of the inspector to be well appointed with sufficient appliances for serving meals daily to travellers, and the licensee conducting any such hotel shall be obliged, unless for some valid reason unable to do so, to serve suitable meals to travellers at all reasonable times and at a

reasonable charge. Refusal or neglect to serve any meal to any traveller shall be an offence against this Ordinance.

Public sitting room.

(5) Every licensed hotel shall have a public sitting room separate and distinct from the refreshment room.

Privy.

(6) Every licensed hotel shall be provided with a suitable privy which shall at all times be kept properly cleaned and ventilated.

15. (1) Notwithstanding anything contained in "The Government Liquor Ordinance," being Chapter 1 of the Ordinances of 1921 (Second Session), of any law or Ordinance to the contrary under any licenses issued hereunder the licensee may sell and dispose of beer by retail on the licensed premises, to be consumed upon said premises, subject to the provision of this Ordinance.

Sale of beer by retail permitted.

(2) There shall be reserved and set apart in every licensed premises one room only for the sale and delivery of beer hereunder, such room to be known as the refreshment room. Said room shall in cities and towns and in the community known as "Keno City" be furnished with suitable tables and chairs or other seats for the use of patrons, and shall be open to the public except during prohibited hours, and no sale by retail or delivery of beer except as herein provided shall take place in any part of the licensed premises other than the said refreshment room, or with meals in the dining room at the regular meal hours. In cities and towns and the community known as "Keno City," except as herein otherwise provided, such beer shall be sold only in bottles (either "pints" or "quarts"), such bottles to be the unopened original bottles in which such beer was purchased by and delivered to the licensee, and no such bottle so sold shall be opened until delivered at one of the tables in the refreshment room, or dining room, and when so delivered and opened shall then and there be served to the customer in suitable glasses and shall be consumed only by persons sitting at such tables.

Refreshment room in cities towns and Keno City.

Delivery of  
beer to guest  
in his room.

(3) Provided that a bona fide guest occupying a room in said premises where such beer is sold may have the beer so sold to him delivered in the room so occupied by him by the bottle, but not more than three bottles at any one time and not during prohibited hours.

No compart-  
ments or  
boxes to be  
in refresh-  
ment room.

(4) Provided that no partition, curtain or screen shall be erected, placed or hung in any part of said refreshment room for the purpose of providing compartments or boxes and no sale, delivery or consumption of beer shall be permitted in any such compartment or box.

Refreshment  
room in  
places out-  
side cities  
and towns  
and Keno  
City.

(5) In every licensed premises in places in the Territory other than in cities and towns and the community known as "Keno City" there shall be reserved and set apart one room only for the sale and delivery of beer hereunder, to be known as the refreshment room, and no sale by retail or delivery of beer shall take place in any part of such premises other than in said refreshment room, or with meals in the dining room at the regular meal hours, nor in any other manner than by the bottle and in the unopened original bottles, in which such beer was purchased and delivered to the licensee. Provided that in the places mentioned in this section it shall not be necessary to deliver and serve such beer at tables. No partition, curtain or screen shall be erected, placed or hung in any part of said refreshment room for the purpose of providing compartments or boxes, and no sale, delivery or consumption of beer shall be permitted in any such compartment or box.

Applications  
for licenses.

16. (1) Every application for license hereunder shall be in writing in form (A) in the schedule hereto and accompanied by an affidavit in form (B), and shall, except as herein otherwise provided, be sent to the inspector, together with the required license fee so that it may reach him on or before thirtieth day of June. Should license not be granted to the applicant the sum so paid shall, forthwith after refusal of the application be returned to him.

(2) Provided that upon application for license at any other time than as above provided the same fees shall be payable and all things and proceedings may be done and taken as is herein provided in the case of applications made at the time above specified.

Applications after 30th June.

(3) No license shall be granted for any period less than one year except on payment of the full annual license fee hereby provided.

No license for period less than year.

(4) The affidavit in form (B) shall not be required in case of an application for a club license.

Affidavit not required for club license.

17. All moneys paid to the inspector for license fees hereunder shall forthwith upon the granting of the license be paid into and form part of the general revenue fund of the Territory.

Fees to form part of general revenue fund.

18. (1) On receipt of any application for a license the Commissioner may, in his discretion, require the attendance and make examination of witnesses concerning the matter.

Commissioner may examine witnesses on application for license.

(2) The applicant shall be notified in writing of the time and place of such hearing and shall attend thereat unless excused by the Commissioner, and the Commissioner may summon and examine on oath such witnesses as he thinks necessary and as nearly as may be in the manner directed by any law relating to the duties of Justices of the Peace on summary conviction proceedings, and upon any such hearing the Commissioner holding the same shall have the same powers of a justice of the peace, and every such hearing shall be open to the public.

Procedure on examination of witnesses.

(3) No objection to the granting of any such license shall be heard unless the nature of the objection shall be stated in writing and signed by the person objecting and delivered to the Commissioner. The Commissioner may of his own motion upon the hearing take notice of any matter or thing which, in his opinion, would be an objection to the granting of a license.

Procedure when objection made to granting license.

Adjournment  
of hearing.  
Discretion of

(4) Every hearing before the Commissioner may, at his discretion, be adjourned from time to time.

Commis-  
sioner to act  
upon other  
information.

(5) Where the applicant for a license resides in a place remote from the office of the Commissioner, or when for other reasons the Commissioner sees fit, he may, in dealing with the application, notwithstanding the foregoing provisions, act upon such information as satisfies him in the premises.

Costs of  
hearing.

(6) Any costs in connection with any such hearing in the nature of witness fees shall be payable by the applicant for license and recoverable in an action against the applicant by the witness, and such costs shall be the same as in an action in the Territorial Court.

License not  
to be void by  
death or  
transmis-  
sion.

19. A license under the provisions of this Ordinance shall not be void by:

(1) The death of licensee;

(2) Or a transfer of the licensee's business to some other person by operation of law. Unless in case of the licensee's death his legal representatives, or their assigns, or in the case of the licensee's transfer as above stated, his assignees fail within two months from such death or transfer to obtain the written consent of the Commissioner for the continuance of the business or the transfer of the license in the house or place in respect of which the same issued, and subject to the duties and obligations of the licensee named in the said license for the residue of the term named therein, otherwise the same shall become void. Application for such consent shall be in writing addressed to the Commissioner and shall be accompanied by a fee of \$5.00.

Number of  
licenses to  
be granted.

20. (1) The number of licenses to be granted hereunder shall be limited as follows:

Dawson.

In the City of Dawson, not more than eight licenses;

Whitehorse.

In the Town of Whitehorse, not more than four licenses;

In the Town of Mayo, not more than four licenses; Mayo.

In the community known as Keno City, not more than four licenses. Keno City.

(2) In other parts of the Territory regard shall be had to the necessity of hotels or roadhouses being maintained for the accommodation of the travelling public, and the granting of licenses in such other parts of the Territory shall be in the discretion of the Commissioner. Other parts.

21. (1) Every licensee shall during the continuance of his license keep the same hung up and exposed in a conspicuous place in the room or place on the licensed premises where beer is sold, under a penalty of \$20.00 and costs for every day's wilful or negligent omission to do so, and in default of payment of such penalty, to one week's imprisonment for every day of such omission, not exceeding four weeks. License to be exposed in conspicuous place.

(2) Every such licensee shall also during the continuance in force of the license exhibit and keep constantly exhibited on the outside and over a front door of the licensed premises a sign in large letters bearing the words "Licensed to Sell Beer," under penalty as in the preceding sub-section (1) provided. Sign over door.

22. No sale of beer shall be permitted on any licensed premises or out of or from the same to any person from the hour of 12 o'clock on Saturday night until 7 o'clock on the Monday morning thereafter. Prohibited hours.

23. No sale or other disposal of beer shall take place in any licensed premises within the limits of a polling district on any polling day for or at any parliamentary election, or election of a member for the Yukon Council, or any municipal election from the hour of six o'clock in the morning of such day until after the close of the poll. No sale on polling day.

24. No person shall sell or shall keep or have in any house, or in any other place whatsoever, any beer for the purpose of selling, bartering or trading therein, without Selling or keeping beer for sale without license prohibited.

having first obtained a license authorizing him to do so. Any sale or other disposal of beer by any association, body of persons or club, or by the servant or agent thereof to the members thereof, or to any other person without license shall be a violation of this section.

No beer to be taken off premises. (See sub-section p. sec. 2.)

25. (1) No licensee licensed to sell shall take or carry or employ or suffer any other person to take or carry any beer out of or from the premises of such licensee for the purpose of 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 beer 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 beer was taken to be consumed thereon with intent to evade the conditions of the license.

Window facing public street.

(2) Every licensed premises not being a club shall have at least one window in the refreshment room 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 wide and shall be so placed that the bottom thereof shall not be lower than the sidewalk or more than four feet above it.

Commissioner may relieve from compliance with sub-section 2.

(a) Provided, however, that if it appear that the provisions of sub-section 2 of this clause will work a hardship in the case of any particular licensee, the Commissioner may, if satisfied that the spirit of this Ordinance will be respected by such licensee, relieve him from compliance with said sub-section. Such indulgence may at any time be withdrawn by the Commissioner by a notice in writing to the licensee, who shall within fourteen (14) days after receipt of such notice comply in all respects with the said sub-section.



(3) During prohibited hours no blind, screen, counter, box or other obstruction of any kind shall be allowed in connection with such window so as to conceal any part of the interior of the refreshment room from the view of persons on the street.

No blind over window during prohibited hours.

26. Violation of any of the provisions of the four next preceding sections shall be an offence for which the person violating shall be liable, on summary conviction:

Offences.

For the first offence to a penalty of not less than \$100.00 and costs, nor more than \$200.00 and costs, and, in default of payment forthwith after conviction, not less than two months nor more than four months' imprisonment;

First offence.

For the second offence, to a penalty of not less than \$200.00 and costs, nor more than \$400.00 and costs, and, in default of payment forthwith after conviction, to imprisonment for three months;

Second offence.

For the third or any subsequent offence, to imprisonment for three months, without the option of a fine.

Third or subsequent offence.

27. Every licensee who shall be convicted for the violation of any of the provisions of "The Government Liquor Ordinance" or of this Ordinance, shall, in addition to any other penalty provided by law, upon such conviction forfeit his license, and the same shall thereupon become absolutely forfeited, and shall be delivered up to be cancelled; and no license hereunder shall be granted to such licensee or for the premises where such person carried on business at the time of such offence for a period of twenty-four months after such conviction.

Conviction entails forfeiture of license.

28. Every licensee whose license becomes forfeited or cancelled under any provisions of this Ordinance who fails to forthwith deliver up his license to be cancelled or who permits any sign for sale of beer to remain exhibited upon any part of the premises referred to in the license shall be guilty of an offence against this Ordinance and liable, upon conviction, to a penalty of \$10.00 for each day upon which he has so failed to deliver up the license or so permitted such sign to remain exhibited, and costs.

Licensee failing to deliver up license or permitting sign to remain up after forfeiture.

Conviction for disorderly house entails forfeiture.

29. Any licensee who, after the passing of this Ordinance, is convicted of keeping a disorderly house, shall forthwith forfeit his license, and the Commissioner, upon receiving notice of such conviction, shall cancel said license.

Commissioner may cancel license.

30. The Commissioner may at any time cancel any license upon proof satisfactory to him that the conditions necessary to the granting of such license do not exist, and also in case it is known that the licensee is not keeping his premises in accordance with the provisions of this Ordinance, or is selling liquor other than beer.

Cancellation of license at request of licensee.

31. The Commissioner may at any time, upon application by a licensee, cancel a license and allow a rebate to such licensee of a portion of the moneys paid for the license. The license may be cancelled under this section on account of the destruction of the premises, or for any reason satisfactory to the Commissioner. In case such rebate is allowed it shall be the duty of the Territorial Treasurer to refund to such licensee the amount so allowed.

License only good for person named therein.

32. Subject to the provisions of this Ordinance as to removals and transfer of licenses, every license for the sale of beer shall be held to be a license only to the person named therein, and for the premises mentioned, and shall remain valid only so long as such person continues to be the owner of the business being carried on.

Drinking during prohibited hours to be prima facie evidence.

33. The fact of a person other than the licensee or an employee of the licensee being found and seen drinking within prohibited hours in the refreshment room or elsewhere on the licensed premises, except in the room of a bona fide guest, shall be prima facie evidence that beer has been sold therein contrary to the provisions of this Ordinance.

Disorderly conduct on premises, etc., offence against Ordinance.

34. Any licensee who permits drunkenness or any quarrelsome, riotous or disorderly conduct to take place on his premises, or sells or delivers any beer to any drunken person or permits or suffers persons of notoriously bad character to assemble or meet on his premises for improper or unlawful

purposes, shall, in addition to any other punishment provided by law be guilty of an offence and on summary conviction thereof be liable to a penalty of not less than \$20.00 and costs, and not more than \$100.00 and costs, and, in default of payment forthwith after conviction, to not less than one nor more than two months' imprisonment.

35. Any licensee may refuse to admit to the premises in respect of which his license is granted any person who is intoxicated, and may refuse to admit, and may turn out of the premises any person who is violent, quarrelsome, or disorderly, and any person whose presence on his premises would subject the licensee to a penalty under this Ordinance; and any such person who, upon being requested, in pursuance of this section by such licensee, his agent, servant, or any constable, to quit such premises, refuses, or fails to do so, shall be guilty of an offence and, upon summary conviction thereof, be liable to a penalty of not more than \$50.00 and costs, and, in default of payment forthwith after conviction, to one week's imprisonment, and all constables are required, on demand of such licensee, his agent or servant, to expel, or assist in expelling every such person from such premises, and may use such force as is necessary for that purpose.

Licensee may refuse to admit, or may evict, person intoxicated.

36. Any licensee who knowingly allows to be supplied in his licensed premises, by purchase or otherwise, any beer to any minor of either sex under the age of eighteen years, or who permits any such minor to be in any room or place on such premises known as the refreshment room, or to frequent such room or place, shall, as well as the person who actually gives or supplies the beer or permits any such minor to be so present whether a guest of the house or not, be guilty of an offence, and, on summary conviction thereof, be liable to a penalty of \$50.00 and costs for a first offence and, in default of payment forthwith of the conviction, to one month's imprisonment, and for a second or subsequent similar offence, to a penalty of \$100.00 and costs, and, in default of payment forthwith after conviction, to two months' imprisonment.

Offence to sell to person under eighteen.

37. Any hotel licensee who knowingly allows any male under the age of twenty-one years, or any female to dispose

Sale by male under 21 or by any female prohibited.

of any beer on the premises for which such license is granted shall be liable to all the penalties provided in the next preceding section. Provided that this shall not apply to female licensees or the wife of a licensee.

Preventing  
arrest, or  
facilitating  
escape.

38. Any one knowing or having reason to believe that an order to commit to jail has been issued against any person under this Ordinance, who prevents the arrest of such person, or procures or facilitates by any act or counsel or in any manner whatsoever, his avoidance of arrest, or who provides such person with the means of avoiding arrest, shall be guilty of an offence and, on summary conviction thereof, be liable to a penalty of \$50.00 and costs, and, in default of payment forthwith after conviction, to imprisonment for a period not exceeding two months, in addition to any other penalty provided by law.

Violations  
for which no  
penalty  
provided.

39. Any person who violates any of the provisions of this Ordinance, for which violation no penalty is herein specially provided, shall be guilty of an offence, and, on summary conviction, shall be liable to a penalty of not less than \$50.00 and costs, and not more than \$100.00 and costs, and, in default of payment forthwith after conviction, to imprisonment for not less than one month nor more than four months.

Violations by  
employee of  
licensee.

40. Any contravention of the provisions of this Ordinance by any servant, agent, or employee of a licensee shall be presumed to be the act of such licensee, but except in the case of prosecution under section 26, such presumption may be rebutted by proof of explicit instructions to the contrary by such licensee. Any such servant, agent or employee contravening any of the provisions of this Ordinance, and disobeying any such explicit instructions, shall be liable, on summary conviction, to imprisonment for not less than one week nor more than three months without the option of a fine.

Third  
conviction.

41. Every third conviction for an offence against the provisions of this Ordinance or any of them shall disqualify the person convicted from ever obtaining a license thereafter.

42. No magistrate shall have any power or authority to remit or compromise any penalty or punishment inflicted under this Ordinance.

No compromise or remission of penalty.

43. (1) Any money, penalty or portion thereof, recovered under this Ordinance shall be paid to the convicting magistrate and be by him paid to the Territorial Treasurer.

Penalties to be paid to Territorial Treasurer.

(2) All costs of any proceedings or prosecution made by the Inspector or by his authority with the approval of the Commissioner shall be paid out of the general revenue of the Territory.

Costs of prosecutions to be paid by Territory.

(3) Witness fees shall be taxed in all cases under this Ordinance on the same scale as that in force in the Territorial Court, and shall be costs in the cause.

Witness fees to be on scale in Territorial Court.

44. The Commissioner, Inspector, and any police officer, policeman, or constable shall, for the purpose of preventing or detecting the violation of any of the provisions of this Ordinance, at any time have the right to enter into any and every part of the hotel or other place wherein refreshments or beer is sold, or reputed to be sold, whether under license or not, and to make searches in every part thereof and of the premises connected therewith as he thinks necessary for the purpose aforesaid.

Officials to have right of entry.

45. Every person being therein or having charge thereof who refuses or fails to admit such Commissioner, Inspector, police officer, policeman or constable, demanding to enter in pursuance of this Ordinance in the execution of his duty, or who obstructs or attempts to obstruct the entry of such Commissioner, Inspector, police officer, policeman or constable, or any such searchers as aforesaid shall be guilty of an offence, and, on summary conviction thereof, be liable to a fine of \$50.00 and costs, and, in default of payment forthwith after conviction, to one month's imprisonment, in addition to any other punishment in such cases provided.

Penalty for refusing to admit officials.

46. Any person may be a prosecutor or complainant under this Ordinance.

Anyone may be complainant.

Prosecutions to be under Part XV., Criminal Code, and within six months.

47. Prosecutions for offences, created by this Ordinance, shall be had and taken under part XV. of The Criminal Code which is incorporated herewith, and shall be instituted within six months after the commission of the alleged offence.

Description of offences.

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

Several charges in one information.

49. Several charges of contravention of this Ordinance committed by the same person may be included in one and the same information or complaint. Provided that such information and complaint and the summons issued thereon contain specifically the time and place of each contravention.

Not necessary to state price, name of person to whom sold, etc.

50. In describing the offences respecting the sale or either disposal of beer, or the keeping or the consumption of beer in any information, summons or conviction, warrant or proceedings under this Ordinance, it shall be sufficient to state the sale, disposal, keeping or consumption of beer simply without stating the price thereof, or the name of any person to whom it was sold or disposed, or by whom it was consumed, and it shall not be necessary to state the quantity sold or disposed of or consumed except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity, as the case requires.

Onus upon defendant to prove license.

51. In any prosecution under this Ordinance whenever it appears that the defendant has done any act, or been guilty of any omission in respect to which, if he was not duly licensed he would be liable to some penalty under this Ordinance, it shall be incumbent upon the defendant to prove that he is duly licensed and that he did the said act lawfully.

52. When any licensee is charged with any offence against this Ordinance the magistrate before whom the charge is laid shall require such licensee to produce and deliver to him the license under which he carries on business, and the summons shall state that such production will be required.

Magistrate to require production of license.

53. If such licensee is convicted, the following provisions shall have effect :

Procedure upon conviction.

(1) The Magistrate shall cause short particulars of such conviction and the penalty imposed to be indorsed on the license.

Particulars to be endorsed on license.

(2) The license shall be retained by the Magistrate and notice of such forfeiture or disqualification shall be sent to the Commissioner.

License to be retained by magistrate.

(3) The Magistrate shall send forthwith to the Commissioner a certificate of such conviction.

Certificate of conviction to be sent Commissioner.

54. In all cases of prosecution for any offence against any of the provisions of this Ordinance for which any penalty or punishment is prescribed, the conviction or order of the Magistrate shall, except as is in this Ordinance otherwise provided, be final and conclusive, and except as is in this Ordinance otherwise provided, there shall be no appeal against such conviction or order to any court.

No appeal from any conviction.

55. In any prosecution or proceeding under this Ordinance no costs shall be allowed against any license inspector or other informant unless the Court or Judge before whom the proceedings are taken by appeal or otherwise, is of the opinion and certifies that there was no reasonable or probable cause for instituting the original proceedings.

No costs to be allowed unless reasonable cause for prosecution.

56. The forms which are or were provided and as contained in the schedule to Chapter 56 of "The Consolidated Ordinances, 1914," shall *mutatis mutandis* be applicable to matters and proceedings under this Ordinance, and when no forms are provided by said schedule, they may be framed in accordance with part XV. of The Criminal Code, or to meet the requirements of the case.

Forms to be employed.

Proceedings where previous conviction charged.

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

Enquiry to be first made concerning later offence.

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

Proof of previous conviction.

(2) Such previous conviction may be proved *prima facie* by the production of the license with such conviction indorsed thereon, or of a certificate purporting to be under the hand of the convicting Magistrate or the Clerk of the Court to whose office the conviction has been returned, without proof of signature or official character.

If conviction for subsequent offence becomes void.

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

Convictions for several offences on same day.

58. Convictions for several offences may be made under this Ordinance, although such offences may have been committed on the same day; but the increased penalty or



punishment hereinbefore imposed shall only be incurred or awarded in the case of offences committed on different days and after the information laid for a first offence.

59. In any prosecution or proceeding under this Ordinance, in which proof is required respecting any license, a certificate purporting to be under the hand of the Inspector shall be *prima facie* proof of the existence of such license and of the identity of the person to whom the license was granted or transferred, or against whom the order was under and the production of such certificate shall be *prima facie* evidence of the facts therein stated and of the authority of the Inspector without any proof of his appointment or signature.

Certificate by Inspector to be *prima facie* evidence.

60. In proving the sale of beer for the purpose of any proceeding relative to any offence under this Ordinance, it shall not be necessary to show that any money actually passed, or any beer was actually consumed, if the Magistrate hearing the case is satisfied that a transaction in the nature of a sale actually took place, or that consumption of beer was about to take place and proof of consumption or intended consumption of beer on the premises, in respect to which a licence is required under this Ordinance, by some person other than the occupier of the premises, shall be evidence that such beer was sold to the person consuming or being about to consume, or carrying away the same, as against the occupant of the said premises.

Not necessary to prove that money passed or that beer consumed.

61. (1) In any prosecution under this Ordinance, the Magistrate trying the case may summon any person he deems to be a material witness in relation thereto;

Magistrate may summon witnesses.

(2) If any person so summoned refuses or neglects to attend pursuant to such summons the Magistrate, at any time within six months after such refusal or neglect, and notwithstanding the said case has been determined, may issue a warrant for the arrest of such person for such refusal or neglect, or may instead of a warrant issue a summons to such person to attend at a time and place named in such summons to answer for such refusal or neglect, and when such

Arrest of person refusing to attend.

person is brought before such Magistrate or appears on said summons, the Magistrate may then and there inquire into the reasons for such refusal or neglect to so attend, and if the same do not, in his opinion, afford a good and sufficient excuse therefor, may impose on such person a penalty not exceeding \$50.00 and costs; and, in default of payment forthwith, to imprisonment for a period not exceeding one month.

**Person refusing to be sworn or to answer questions.**

(3) If any person upon being required by the Magistrate refuses to be sworn, or to affirm, or to answer to any question touching the case, he may be committed to the common jail, or to a lockup, there to remain until he consents to **be sworn, or to affirm**, or to answer, and this notwithstanding a penalty has been imposed upon him, as in this section previously provided, for refusal or neglect to attend as a witness in the same case.

**Production of books, papers, etc.**

62. Any person summoned as party to or as a witness in any proceeding under this Ordinance, may, by the summons, be required to produce at the time and place appointed for his attendance, all books and papers, accounts, deeds and other documents in his possession, custody or control, relating to any other matter connected with the said proceeding, saving all just exceptions to such production; and shall be liable to the same penalties for non-production of such books, papers, or documents, as he would incur by refusal or neglect to attend pursuant to such summons, or to be sworn or to answer any question touching the case.

**Obligation of person other than defendant to answer questions.**

63. Every person, other than the defendant, summoned or examined as a witness in any prosecution brought under this Ordinance shall be bound to answer all questions put to him which are pertinent to the issues, notwithstanding that his answers may disclose facts tending to subject him to any penalty imposed by this Ordinance, but such evidence shall not be used against him in any prosecution.

**Payment by defendant of travelling expenses of officer.**

64. In any prosecution under this Ordinance, if any Inspector or other officer attends Court as prosecutor, it shall be lawful for the Magistrate trying the case to order the defendant, in case of a conviction, to pay the Inspector or other officer his actual travelling expenses.

The foregoing expenses shall be verified by the oath of the Insepector or other officer.

In case the person convicted does not pay such expenses, but is committed to jail in default of payment, the Inspector or other officer shall be entitled to be paid the amount out of the general revenue fund.

If defendant does not pay travelling expenses.

In case of the prosecution by the Inspector or other officer when no conviction is procured, upon the written certificate of the Magistrate trying a case that there was reasonable grounds for the prosecution, the Inspector or other officer shall be entitled to be paid the said expenses out of the general revenue fund.

Payment of expenses in case of failure to convict.

65. (1) Any licensee who, directly or indirectly, sells or in any way procures or permits the sale, disposal, gift or delivery of beer to any interdicted person, shall be liable, upon summary conviction thereof, to a penalty of not less than \$25.00 and costs, and not more than \$100.00 and costs, and, in default of payment, to imprisonment for not more than one month.

Penalty for sale to interdicted person.

(2) Provided that notice of all orders of interdiction shall be given by the Territorial Secretary to all licensees, hereunder in manner provided by "The Government Liquor Ordinance" for such notices.

Notice of interdiction to be given licensees.

66. No licensee shall recover or be allowed to set off or counter claim for any charge for beer sold or delivered by him or on any licensed premises, and all bills, notes, agreements or accounts given or made therefor shall be void. It shall not be necessary for any person wishing to take advantage of this provision to raise the defence in the pleadings, but advantage may be taken thereof at any stage of the proceedings by way of defence to the action, counter claim or set off.

No recovery allowed for beer sold or delivered.

67. (1) No beer shall be kept or offered for sale or sold by any licensee except such as is purchased by him from or supplied to him by or through the Government in connection with the business being con-

Only beer sold by Government Liquor Stores shall be kept.

ducted in the Territory under "The Government Liquor Ordinance."

No responsibility on Government for failure to supply beer.

(2) Provided that no responsibility shall attach to the Government or any official or employee thereof for failure or refusal to supply beer because of not having same in stock in any Government Liquor Store.

Licensee to be furnished with copy of this Ordinance.

68. Every licensee shall at the time he receives his first license be furnished with a copy of this Ordinance, as well as with a copy of "The Government Liquor Ordinance."

Ordinance not to come into force until proclamation of Commissioner pursuant to plebiscite.

69. This Ordinance shall not come into force until the same shall be brought into force by Proclamation of the Commissioner, pursuant to the provisions of any Ordinance that may be passed providing for a plebiscite or vote of the people of the Territory upon the question of bringing the same into force.

## SCHEDULE

Form "A"—Sec. 16.

To the License Inspector:

The petition of the undersigned humbly sheweth That your petitioner makes application for (Insert description of license, as hotel or club) license to sell beer in the building occupied by your petitioner at \_\_\_\_\_, in the Yukon Territory, the same building being known as \_\_\_\_\_, and being (Insert full description of premises). Your petitioner sends you herewith \_\_\_\_\_, the fee payable for such license.

And your petitioner prays that a license may be granted accordingly.

Form "B"—Sec. 16

I, \_\_\_\_\_, applicant for a license to sell beer,  
make oath and say:

That I am of the full age of twenty-one years;

That I have never been convicted of any criminal offence  
subject to imprisonment for five years or upwards.

Sworn before me at \_\_\_\_\_ )  
in the Yukon Territory, \_\_\_\_\_ )  
this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ )

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

Form of License

Whereas, \_\_\_\_\_, of \_\_\_\_\_ in  
the Yukon Territory, \_\_\_\_\_, has made application  
under "The Sale of Beer Ordinance," and it having been  
made to appear to me that the said  
has complied with the provisions of the said Ordinance in  
that behalf:

This is to certify that the said \_\_\_\_\_ is  
hereby licensed as required by law to sell beer under the  
provisions of said Ordinance at \_\_\_\_\_, being  
the premises or place of business referred to in his said  
application, from the \_\_\_\_\_ day of \_\_\_\_\_, 192 \_\_\_\_\_,  
to midnight on the 31st day of July, 192 \_\_\_\_\_, except during  
prohibited hours.

Dated at \_\_\_\_\_, this \_\_\_\_\_, day of \_\_\_\_\_, 192 \_\_\_\_\_

Gold Commissioner.

## CHAPTER 3

### AN ORDINANCE TO PROVIDE FOR A PLEBISCITE ON THE QUESTION OF BRINGING INTO FORCE "THE ORDINANCE TO REGULATE THE SALE OF BEER."

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(Assented to May 16th, 1925.)

**Preamble.**     *Whereas*, The Yukon Council, at its present session, has passed an Ordinance entitled "An Ordinance to Regulate the Sale of Beer";

*And, Whereas*, The said Ordinance provides that it shall not come into force until brought into force by Proclamation of the Commissioner, pursuant to the provisions of any Ordinance that may be passed providing for a plebiscite or vote of the people of the Territory upon the question of bringing the same into force.

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

**Short title.**     1. This Ordinance may be cited as "The Beer Plebiscite Ordinance, 1925."

**Interpre-  
tation.**     2. The expressions "Returning Officer," "Election Clerk," "Deputy Returning Officer," and "Poll Clerk" wherever used herein shall respectively mean and include the said officials for each electoral district appointed and acting under the provisions of the Ordinance respecting elections, being Chapter 7 of the "Ordinances of the Yukon Territory, 1919," at the next election of members of the Yukon Council to be held in the Territory.

3. The vote to be taken hereunder shall be taken at the same time, during the same hours, and at the same polling places as the vote at the said election.

Vote to be taken at same time as next Council election.

4. Every person qualified to vote, and who votes at the said election, and no other persons, except as hereinafter provided, shall be entitled to vote on the question to be submitted hereunder.

Who entitled to vote.

5. The same oaths as are required to be taken and subscribed as provided by the said Ordinance respecting elections, by the Returning Officer, Election Clerk, Deputy Returning Officer, and Poll Clerk, or by any agent at said Yukon Council election, shall be taken and subscribed by such official or agent in relation to the vote or plebiscite to be taken hereunder, and the forms provided therefor by the said Ordinance respecting elections shall, *mutatis mutandis*, be applicable thereto.

Oaths to be taken by election officers.

6. The Returning Officer shall procure or cause to be procured and furnished for the purpose of said plebiscite the same number of ballot boxes as are required for said Yukon Council election. Such ballot boxes shall be made of the material and constructed in the manner, provided with lock and key, and in all other respects as provided in the said Ordinance respecting elections in regard to ballot boxes for said Yukon Council election.

Ballot boxes to be furnished.

7. The Returning Officer shall provide and cause to be posted up at the same time and at the same places as the proclamation provided by section 11 of the said Ordinance respecting elections, a proclamation stating that the vote or plebiscite hereunder will be taken at the same polling places and during the same hours as the votes to be polled at said Yukon Council election. Said proclamation shall set forth a copy of the ballot containing the questions to be submitted hereunder.

Proclamation to be posted.

Proclamation to contain copy of ballot.

8. The Returning Officer shall cause to be printed and furnished for the purposes of this plebiscite a sufficient number of ballot papers for each polling place. The ballot

Returning Officer to furnish ballots.

papers shall be provided with a counterfoil and a stub and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub. The ballot papers shall be numbered with the same number on the back of the stub and of the counterfoil, and shall be bound or stitched in books of convenient size.

How ballot papers to be numbered.

Form and color of ballot.

9. The said ballot papers shall be in the following form and shall be printed on paper of a color different from the ballots used for election of a member of the Council :

		Yes	No
Ballot on the Sale of Beer in licensed premises under "Beer Plebiscite Ordinance."	Are you in favor of the sale of beer in licensed premises as provided in the Ordinance passed at the last session of the Yukon Council?		

Persons entitled to ballot on taking oath of qualification.

10. (1) Upon taking the oath of qualification as provided by section 38 of the Ordinance respecting elections, the voter shall be entitled to receive from the Deputy Returning Officer, in addition to the ballot provided by the said Election Ordinance, a ballot in the form prescribed by this Ordinance, and the said ballot shall, subject to the provisions of this Ordinance, be dealt with by the Deputy Returning Officer and by the elector in the same manner as required by the said election Ordinance in regard to voting.

Ballot—how dealt with.

Poll Clerk to make entry of each vote.

(2) The Poll Clerk shall make entry in the Poll Book opposite the name of each voter in the column provided for such entry, of the fact of his having voted or refused to take the oath.



11. Notwithstanding that only one candidate may remain in nomination at said Yukon Council election and that no poll is granted for an election in any electoral district under the election Ordinance, the Returning Officer shall grant a poll and make all necessary appointments and provisions for the purpose of taking the vote of the electors under the provisions and for the purpose of this Ordinance. In such case every man and woman seeking to vote shall, before receiving a ballot paper, take, or take and subscribe, the oath of qualification required under section 38 of the Election Ordinance to be taken or taken and subscribed.

Poll to be granted and vote taken although no poll granted for election of councillor.

Oath of qualification to be taken before receiving ballot.

12. The Deputy Returning Officer may require any person tendering his vote to take the oath in Form "N" in the Schedule to the Election Ordinance, after the same has been read over to him in an audible voice.

Voter may be required to take oath in Form "N".

13. No person shall vote or be permitted to vote who refuses, when required by the Deputy Returning Officer to take either of the oaths referred to in sections 38 and 39 of the said Election Ordinance.

No person refusing to take oaths shall be allowed to vote.

14. An affirmative vote on the question submitted and contained in the ballot shall be made by marking a cross, thus "X", opposite the question under the word "Yes", and a negative vote shall be made by marking a cross, thus "X", under the word "No".

How to mark ballot.

15. Every person voting shall answer the question on the ballot paper either in the affirmative or the negative in the manner above prescribed.

Question to be answered either in affirmative or negative.

16. The Returning Officer shall cause to be posted up near to the copies of the proclamation provided by section 7 hereof, and at the same time as the said proclamation is posted, copies of Form "A" in the Schedule hereto, containing information to electors, and the Deputy Returning Officer shall cause to be posted up a copy of said form outside the door of and also within the polling place on polling day.

Proclamation and information to electors to be posted up.

Taking of vote and all proceedings to be in same manner as that provided by Election Ordinance.

17. The taking of the vote or plebiscite and all proceedings hereunder, shall, subject to the provisions of this Ordinance, be conducted in the same manner as provided in the said Ordinance Respecting Elections, and the provisions thereof as to dealing with and the secret marking of ballots, proceedings on a recount, corrupt practices and penalties and proceedings after the close of the poll, and in all other respects, shall, so far as the same are not inconsistent with the provisions of this Ordinance, *mutatis mutandis*, apply and extend to the taking of and completing the said plebiscite or vote.

Statement of result of vote to be furnished.

18. After summing up and ascertaining the result of the vote hereunder, the Deputy Returning Officer shall post in the polling place a certificate of the number of the affirmative and negative votes respectively on the question submitted hereunder, and shall then place all the ballots, used as well as unused, and the oaths and other papers in reference to the voting in the ballot box and seal up the said box in the presence of at least three electors and return the same to the Returning Officer, together with a written statement of the result of the vote.

Oaths and other papers to be returned with ballot box.

Returning Officer to make return within fourteen days.

19. The Returning Officer shall within fourteen days after the day on which the plebiscite is held sum up the result of the returns of all the Deputy Returning Officers and make return to the Commissioner of the result of the plebiscite.

If majority of votes in affirmative Commissioner to bring Beer Ordinance into force by a proclamation.

20. If a majority of the votes polled is in the affirmative the Commissioner shall forthwith publish a proclamation declaring that "The Ordinance to Regulate the Sale of Beer" shall come into force on a date to be named in the said proclamation.

SCHEDULE

Form "A"

INFORMATION TO ELECTORS UNDER SECTION 16, REGARDING  
MANNER OF VOTING UNDER "BEER PLEBISCITE  
ORDINANCE, 1925."

(a) Every man and woman (not being an Indian) who is a British subject of the full age of 21 years and has resided in the Yukon Territory for at least twelve months immediately prior to the date of taking the vote and has resided in the electoral district in which he seeks to vote for at least one month immediately prior to said date, shall be entitled to vote.

(b) Every person, otherwise qualified to vote, who is, at the date of taking the vote, a resident of any electoral district, and who has been a resident of the Yukon Territory for one year immediately prior to said date, but has not been a resident of such electoral district for one month immediately prior to said date, shall be entitled to vote in the electoral district of and within which he was last a resident for one month during said period of one year.

(c) No person other than those so qualified shall be entitled to vote, and no person shall vote more than once.

(d) The voter, on entering the polling booth, shall state his name, occupation and residence to the Deputy Returning Officer, and, after taking the oath of qualification as required by the Election Ordinance and receiving a ballot as provided for the purpose of this plebiscite, the voter shall go to the compartment provided for the secret marking of the ballot, and with a pencil provided in the compartment, if he desires to vote in favor of the sale of beer in licensed premises, mark with a cross, thus "X", in the space underneath the word "Yes". If he desires to vote against such sale of beer he shall mark the cross in the space beneath the word "No".

(e) The voter shall, before leaving the compartment, fold up the ballot paper so as to show the initials of the

BEER PLEBISCITE ORDINANCE

Deputy Returning Officer on the back of it, and so that the number on the counterfoil can be seen without opening it, and shall then leave the compartment, and, without showing the face of the ballot to anyone, shall deliver such ballot, so folded, to the Deputy Returning Officer, to be by him put in the proper ballot box in the presence of the voter, and shall then forthwith leave the polling place.

(f) Every elector must answer the questions on the ballot paper in the manner above stated, either in the affirmative or the negative, and unless he so answers the same, his ballot will be treated as a spoiled ballot and will not be counted.

(g) If the voter places on the ballot paper any mark other than such cross or any mark by which he can be identified, his ballot will be void and will not be counted.

(h) If the voter inadvertantly spoils a ballot paper he shall return it to the Deputy Returning Officer, who will, if satisfied of such inadvertance, give him another ballot paper.

(i) Any voter who fails to return to the Deputy Returning Officer the ballot paper handed him by such officer or hands the Deputy Returning Officer any paper other than the ballot paper so delivered to him or by any means causes to be put into the ballot box any other paper than the ballot handed him by the Deputy Returning Officer, shall be liable to a fine not exceeding five hundred dollars and costs, or to be imprisoned for a term not exceeding one year, or both.

(j) The ballot to be used is in the following form:

		Yes	No
Ballot on the Sale of Beer in licensed premises under "Beer Plebiscite Ordinance."	Are you in favor of the Sale of Beer in licensed premises as provided in the Ordinance passed at the last session of the Yukon Council?		

## CHAPTER 4

### AN ORDINANCE TO AMEND THE "ORDINANCE RESPECTING THE OFFICE OF PUBLIC ADMINISTRATOR"

*(Assented to May 16th, 1925.)*

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

1. "An Ordinance Respecting the Office of Public Administrator," being Chap. 74 of the Consolidated Ordinances, 1914, is hereby amended by inserting the following immediately after section 7 thereof:

(1) Rule 520 of the said Rules of Court shall apply to the Public Administrator.

Rule 520 to apply to Public Administrator.

2. The said Ordinance is further amended by adding the following section immediately after section 10 thereof:

11. Whenever the Public Administrator, with a view to passing his accounts in any estate, has taken out a summons calling upon creditors, next of kin and all persons interested in such estate, to attend upon such passing of accounts, he may serve such summons upon all such persons by giving notice thereof at least one month prior to the date fixed for passing the accounts, in a newspaper published in the district where the deceased person resided, or, if there be no such newspaper, in some other newspaper published in the Territory.

In passing accounts service of summons may be effected by publication in newspaper.

## CHAPTER 5

AN ORDINANCE TO AMEND "THE DENTAL  
ORDINANCE "

(Assented to May 16th, 1925.)

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

Sub-section 1  
of sec. 10  
amended.

1. Sub-section (1) of section 10 of "The Dental Ordinance," Chapter 7 of the Ordinances of 1920, is hereby amended by striking out the words "and domiciled" in the second line thereof.

Sub-section 2  
of sec. 10  
amended.

2. Sub-section (2) of said section 10 is hereby amended by striking out the words "and domiciled" in the second line thereof.

3. The said Ordinance is further amended by adding the following section immediately after the said sub-section (2):

Practitioner  
present for  
eight  
calendar  
months to be  
considered  
resident.

(a) A practitioner who, during any calendar year, is present in the Territory for a period of eight months, whether consecutively or not, shall be considered a resident for the purposes of this section with respect to any fees which may fall due for payment during such calendar year.

Sub-section 3  
of sec. 10  
amended.

4. Sub-section (3) of said section 10 is hereby amended by striking out the words "and domiciled" in the fifth line thereof.

Ordinance to  
take effect  
as from  
1st Jan.,  
1925.

5. This Ordinance shall take effect as from the first day of January, 1925.

## CHAPTER 6

### AN ORDINANCE TO AMEND "THE YUKON GAME ORDINANCE"

—

*(Assented to May 16th, 1925.)*

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

1. The Yukon Game Ordinance, being Chapter 1 of the Ordinances of 1920, is hereby amended by adding the following as section 32A immediately after sub-section 6 of section 32 of the said Ordinance:

32A. Notwithstanding anything to the contrary in this Ordinance, licenses without fee may be issued for the killing of male caribou and moose over one year of age at any time of the year to persons bona fide engaged in the raising of fur bearing animals in captivity, for the feeding of such animals; and it shall furthermore be lawful for any licensed hunter to sell such game to such persons for the said purpose. This provision and any license issued hereunder shall remain in force until the first day of June, 1926. Provided that every such licensee shall at the termination of his license return the same to the Territorial Secretary, together with an affidavit taken before a Game Guardian setting forth full particulars of all game killed under the authority of such special license.

Licenses may issue for killing of male caribou and moose over one year old at any time of year for feeding fur bearing animals.

Licensed hunters may sell game for such purpose.

Every licensee to make return of all game killed.

## CHAPTER 7

### AN ORDINANCE TO AMEND "THE YUKON MEDICAL ORDINANCE"

*(Assented to May 16th, 1925.)*

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

1. "The Yukon Medical Ordinance," being Chapter 64 of The Consolidated Ordinances, 1914, as amended by Chapter 6 of the Ordinances of 1924, is hereby further amended by repealing sub-section (d) of section 12B of said Ordinance and substituting the following therefor:

Sub-section  
(d) of sec.  
12B repealed  
and new  
sub-section  
substituted.

May treat by  
prayer or  
spiritual  
means.

(d) Persons treating human ailments by prayer or spiritual means as an enjoyment or exercise of religious freedom.



## CHAPTER 8

### AN ORDINANCE FOR GRANTING TO THE COMMISSIONER CERTAIN SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY AND THE CITY OF DAWSON.

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(Assented to May 16th, 1925.)

*Whereas*, It appears by Message from Percy Reid, Esquire, the Acting Gold 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 the City of Dawson, and for the purposes relating thereto for the year ended March 31st, 1925; and,

*Whereas*, It appears by Message from Percy Reid, Esquire, the Acting Gold 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 the purposes relating thereto for the twelve months ending March 31st, 1926; and,

*Whereas*, It appears by Message from Percy Reid, Esquire, the Acting Gold Commissioner of the Yukon Territory, and in 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 City of Dawson and for the purposes relating thereto for the twelve months ending March 31st, 1926.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of said Territory, therefore enacts 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 fifty-seven thousand eight hundred thirty-eight dollars and ninety-nine cents for defraying the several charges and expenses of the Public Service of the Yukon Territory for the year ended March 31st, 1925, as set forth in Schedule "A" to this Ordinance; and 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 one thousand three hundred thirty-two dollars and forty-eight cents, for defraying the several charges and expenses of the Public Service of the City of Dawson for the year ended March 31st, 1925, as set forth in Schedule "A" 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 on the whole two hundred and eight thousand three hundred sixty-two dollars and sixty-seven cents for defraying the several charges and expenses of the Public Service of the Yukon Territory for the twelve months ending March 31st, 1926, as set forth in Schedule "B" to this Ordinance.

3. 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 thirty-five thousand two hundred eighty dollars and seventy cents for defraying the several charges and expenses of the Public Service of the City of Dawson for the twelve months ending March 31st, 1926, as set forth in Schedule "C" to this Ordinance.

4. 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 ended March 31st, 1925, and the purposes for which they are granted:

Schools generally .....	\$ 74.51
Whitehorse School .....	683.12

Carried forward .....	<u>\$757.63</u>
-----------------------	-----------------

**SUPPLY**

Brought forward .....	\$757.63	
Mayo School .....	136.47	
Assisted Schools .....	575.00	
		\$1,469.10
Public Health and care Indigents .....	1,219.44	
Territorial Assay Office.....	695.15	
Roads, Bridges and Public Works.....	2,149.08	
The Government Liquor Ordinance.....	52,306.22	
		\$57,838.99
City of Dawson:		
Fire Department .....	\$803.73	
Printing and Stationery .....	248.10	
Contingencies .....	280.65	
		1,332.48

**SCHEDULE "B"**

Sums granted to the Commissioner by this Ordinance for the twelve months ending March 31st, 1926, and the purposes for which they are granted:

**SALARIES AND TRAVELLING EXPENSES**

Salaries .....	\$10,200.00	
Travelling expenses .....	1,000.00	
		\$11,200.00

**YUKON COUNCIL**

Indemnity and travelling expenses	\$1,600.00	
Election Members and Plebiscite..	2,400.00	
		4,000.00

**SCHOOLS**

Schools generally .....	\$ 4,550.00	
Dawson School .....	20,000.00	
St. Mary's School.....	3,300.00	
Whitehorse School .....	8,250.00	
Carried forward .....	\$36,100.00	\$15,200.00

## SUPPLY

Brought forward .....	\$36,100.00	\$15,200.00
Mayo School .....	3,600.00	
Keno School .....	2,000.00	
Assisted Schools .....	5,125.00	
	<hr/>	46,825.00

## HOSPITALS, CHARITIES AND PUBLIC HEALTH

Grant to St. Mary's Hospital.....	\$12,000.00	
Bonus to St. Mary's Hospital.....	3,000.00	
Grant to Mayo General Hospital..	7,000.00	
Bonus to Mayo General Hospital..	1,000.00	
Grant to Whitehorse Hospital.....	4,500.00	
Medical Health Officer.....	1,200.00	
Two Assistant Medical Health Officers .....	1,200.00	
Public Health and care Indigents	5,000.00	
	<hr/>	34,900.00

## GRANTS TO LIBRARIES, READING ROOMS, ETC.

Dawson Free Library .....	\$1,000.00	
Whitehorse Reading Room.....	500.00	
Mayo Circulating Library.....	200.00	
Yukon Law Library.....	200.00	
Whitehorse Law Library.....	50.00	
City of Dawson.....	9,000.00	
	<hr/>	10,950.00

## MISCELLANEOUS EXPENDITURES

Territorial Agent, Whitehorse.....	\$ 450.00	
Town of Whitehorse.....	5,650.00	
Assay Office, Keno City.....	6,000.00	
Printing and stationery.....	2,650.00	
Town of Mayo, fire protection.....	3,000.00	
Town of Mayo, streets and side- walks .....	1,000.00	
Refund, Treadwell Yukon Co.....	738.00	
Contingencies .....	2,500.00	
Cost of collection Poll Tax.....	300.00	
	<hr/>	22,288.00
Carried forward .....		<hr/> \$130,163.00

SUPPLY

Brought forward ..... \$130,163.00

ROADS, BRIDGES AND PUBLIC WORKS

Glacier Summer and Winter roads	\$1,400.00	
Dawson cable ferry.....	1,850.00	
Bonanza to Indian road.....	2,000.00	
Hunker-Dominion road .....	11,000.00	
Dome-Sulphur road .....	800.00	
Klondike road .....	1,600.00	
Mayo District roads.....	21,000.00	
Klondike to Crooked Creek road..	7,500.00	
Mayo to Yukon road.....	2,000.00	
Whitehorse District roads.....	7,080.00	
Whitehorse to Yukon Crossing road .....	1,800.00	
Winter roads .....	5,300.00	
Contingencies .....	4,519.67	
Equipment purchases .....	10,350.00	
		78,199.67
		\$208,362.67

SCHEDULE "C"

CITY OF DAWSON

Fire Department .....	\$24,300.00	
Street lighting .....	2,550.00	
Printing and stationery	350.00	
Salaries .....	1,400.00	
Contingencies .....	700.00	
Streets and sidewalks.....	5,980.70	
		\$35,280.70

5. 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 construction or repairs provided for have been completed to the satisfaction of the Superintendent of Works and Buildings, such surplus of moneys shall forthwith, on the acceptance of such works or repairs by the Commissioner of the Yukon Territory, be taken from 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.

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