

RUSH EDITION

THE YUKON ACT

1908



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AN ACT TO PROVIDE FOR THE GOVERNMENT OF THE  
YUKON TERRITORY

CHAPTER 63, R.S. 1906

*As amended by Chapter 53 of 6-7 Edward VII, and by Chapter 76 of 7-8  
Edward VII.*

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## CHAPTER 63, R.S.C. 1906.

### An Act to provide for the Government of the Yukon Territory,

*As amended by Chapter 53, 6-7 Edward VII. and by Chapter 76, 7-8 Edward VII.*

(Note. This consolidation of Chapter 63 R.S. and its two amending Acts, above mentioned, is a Departmental consolidation for office purposes.)

Explanatory note having regard only to sections 1 to 10 inclusive:

Substituted words and paragraphs appear in *Italic*, and the authority for such substituted words and paragraphs also appear in *Italic*.

Eliminated words and paragraphs appear in small type inclosed in brackets.

#### SHORT TITLE.

1. This Act may be cited as the Yukon Act. 61 V., c. 6, s. 1. Short title.

#### INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.
  - (a) 'Territory' means the Yukon Territory;
  - (b) 'Commissioner' means the Commissioner of the Yukon Territory;
  - (c) 'Council' means the Council of the Yukon Territory. "Council" defined.
  - [ (c) 'Council' means the council elected and appointed to aid the Commissioner in the administration of the Yukon Territory.]
  - (d) 'Court' means the Territorial Court for the Yukon Territory;
  - (e) 'intoxicating liquor' means and includes all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors or intoxicating fluids;
  - (f) 'intoxicant' includes opium or any preparation thereof, and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance, and whether the same or any of them is liquid or solid. 61 V., c. 6, ss. 3 and 10; 62-63 V., c. 11, ss. 1 and 5; 1 E. VII., c. 41, s. 13, as amended by 7-8 E. VII., c. 76, s. 1.

"Commissioner in Council."

"(g) 'Commissioner in Council' means the Commissioner by and with the advice and consent of the Council." 7-8 E. VII., c. 76, s. 2.

TERRITORY.

Continued a separate territory.

3. The territory described in the schedule to this Act shall continue to be a separate territory under the name of the Yukon Territory. 1 E. VII., c. 41, s. 13.

COMMISSIONER.

Commissioner.

4. The Governor in Council may, by instrument under the Great Seal, appoint for the Territory a chief executive officer to be styled and known as the Commissioner of the Yukon Territory. 61 V., c. 6, s. 3.

Administration of government.

5. The Commissioner shall administer the government of the Territory under instructions from time to time given him by the Governor in Council or the Minister of the Interior. 61 V., c. 6, s. 4.

Appointment of Administrator.

"6. The Governor in Council may from time to time appoint an Administrator to execute the office and functions of the Commissioner during his absence or illness or other inability." 7-8 E. VII., c. 76, s. 3.

Provision for case of commissioner's death.

["6. In case of the death of the Commissioner, the senior member of the Council shall act as Commissioner until a successor is appointed. 61 V., c. 6, s. 21.]

Appointment of acting commissioner.

["2. The Governor in Council may, from time to time, appoint an Acting Commissioner to execute the office and functions of the Commissioner during his absence, illness or other inability." *As amended by 6-7 E. VII., c. 53, s. 1.*

Validity of past appointments and instructions.

Chapter 53, 6-7 E. VII. contains a second section. It is as follows:—  
["2. The validity of any appointment of an Acting Commissioner heretofore (\*) made by the Governor in Council or the Minister of the Interior, or of any instructions heretofore given by the Governor in Council or the Minister of the Interior to any person to act as or for the Commissioner during his absence, illness or other disability shall not be called in question on the ground that there was no authority in law to make such appointment or give such instructions at the time such appointment was made or such instructions were given."

(N.B. \*The 12th April, 1907, the date Chap. 53 was assented to).]

Oaths of Commissioner and Administrator.

6A. The Commissioner and every Administrator appointed under the said Act as so amended shall, before assuming the duties of his office, take and subscribe before the Governor General, or before some person duly authorized to administer such oaths, an oath of allegiance and an oath of office similar to those required to be taken by a lieutenant governor under the British North America Act, 1867. 7-8 E. VII., c. 76, s. 4.

Salaries.

6B. The salary of the Commissioner and of the Administrator shall be fixed by the Governor in Council and shall be payable out of the Consolidated Revenue Fund of Canada. 7-8 E. VII., c. 76, s. 5.

COUNCIL.

7. *There shall be a Council of the Yukon Territory, which shall be composed of ten members elected to represent the electoral districts to be named and described by the Commissioner in Council.* Elective council.

“2. *Any person shall be eligible for election as a member of the Council who is qualified to vote at an election of such a member.*” Qualification of councillor.  
7-8 E. VII., c. 76, s. 6.

[“7. There shall continue to be a Council constituted as heretofore, to aid the Commissioner in the administration of the Territory, consisting of not more than eleven members, five of them elected as provided by this Act and ordinances made thereunder, and the remainder appointed by warrant of the Governor General under his Privy Seal.”] Council continued.

2. Any person shall be eligible for election as a representative member of the Council who is qualified to vote at any election of a representative member. Qualification for election.

3. The members of the Council so elected shall hold office for two years from the date of the return of their election. Tenure of office.

4. A majority of the members of the Council including the Commissioner shall form a quorum. 62-63 V., c. 11, s. 1; 2 E. VII., c. 34, s. 1.”] Quorum.

8. The members of the Council shall, before entering upon the duties of their office, take and subscribe before the Commissioner such oaths of allegiance and office as the Governor in Council may prescribe. 62-63 V., c. 11, s. 1; 2 E. VII., c. 34, s. 1. Oaths of office and allegiance.

9. *The Commissioner in Council may prescribe the qualifications of those entitled to vote at an election of members to the Council; provided that only those persons shall be entitled to so vote who are natural born or naturalized male British subjects of the full age of twenty-one years, and who have resided in the Territory for a period of twelve months prior to the date of the election.* 7-8 E. VII., c. 76, s. 7. Qualification of electors.

[“9. The natural-born and naturalized male British subjects in the Territory who have attained the full age of twenty-one years and continually resided there for a period of not less than twelve months shall be qualified to vote at an election of representative members. 2 E. VII., c. 34, s. 1.”] Qualifications to vote.

[COMMISSIONER IN COUNCIL.

“10. The Commissioner in Council by ordinance,—

- (a) shall make all necessary provisions for the election of representative members of the Council; Ordinances respecting elections.
- (b) may provide for the division of the Territory into electoral districts for the purposes of the election of the representative members of the Council;
- (c) may prescribe residence in a district prior to the date of an election therein of a representative member as a qualification necessary to entitle any person to vote in such district at such election: Provided that no term of residence less than three months or more than twelve months shall be so prescribed.

2. Each of such electoral districts shall be represented in the Council by one or more of such members. 62-63 V., c. 11, s. 1; 4 E. VII., c. 42, s. 1.”] Repealed by 7-8 E. VII, c. 76, s. 8.

Note.—The following sections, “9” to “23,” both inclusive, were enacted by Chap. 76, 7-8 E. VII., under those numbers, respectively, and as provided by the last of such sections, “23” are in force on and after the first day of May, 1909:—

9. Until the Commissioner in Council otherwise provides, the laws in force in the Territory immediately before the coming into force of this Act relating to the Council and to the election of representative members of the Council, shall, subject to the provisions of this Act, apply to the Council as constituted under this Act and to the election of members of the Council.

Writs for  
first election.

10. The writs for the election of the first Council under this Act shall be issued by the Commissioner and be returned within four months after this Act comes into force.

Duration  
of council.

11. Every Council shall continue for three years from the date of the return of the writs for the general election, and no longer; but the Commissioner may, at any time, dissolve the Council and cause a new one to be elected.

Yearly  
session.

12. There shall be a session of the Council convened by the Commissioner at least once in every year after the first session thereof, so that twelve months shall not intervene between the last sitting of the Council in one session and its first sitting in the next session.

Sittings  
separate  
from Com-  
missioner.  
Sanction  
of bills.

13. The Council shall sit separately from the Commissioner and shall present bills passed by it to the Commissioner for his assent, and he may approve or disapprove of any of such bills or reserve them for the assent of the Governor in Council.

Quorum.

14. A majority of the Council, including the Speaker, shall form a quorum.

Yukon  
Consolidated  
Fund.

15. All public moneys and revenue over which the Commissioner in Council has the power of appropriation shall form a fund to be known as the Yukon Consolidated Revenue Fund.

Money bills.\*

16. Bills for appropriating any part of the public revenue of the Territory or for imposing any tax or impost, shall originate in the Council.

Recommendation  
of  
Commissioner.

17. It shall not be lawful for the Council to adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue of the Territory, or of any tax or impost, to any purpose that has not been first recommended to Council by message of the Commissioner, in the session in which such vote, resolution, address, or bill is proposed.

Sessional  
indemnity of  
councillors.

18. The Commissioner in Council may provide for the payment to each member in attendance in each session of the Council a sum not to exceed six hundred dollars, together with his actual travelling expenses, which allowance shall be payable out of the Yukon Consolidated Revenue Fund.



19. When any sum of money is granted to His Majesty by Parliament to defray expenses for any specified public service in the Yukon Territory, the power of appropriation by the Commissioner in Council over that sum shall be subject to the specified purpose for which it is granted.

Appropriation of moneys granted by Parliament.

20. The receipt and expenditure of territorial funds and of such portion of any moneys appropriated by Parliament for the territory as the Commissioner is authorized to expend by and with the advice and consent of the Council or any committee thereof, and the accounts with respect to such receipt and expenditure, shall be subject to examination and audit by the Auditor General in the same manner and to the same extent as are the receipt and expenditure of public moneys of Canada and the accounts with respect thereto under *The Consolidated Revenue and Audit Act*.

Audit by Auditor General.

2. The Auditor General shall within the first three months of each fiscal year depute an officer of his office to proceed to the Territory for the purpose of examining and auditing such receipt, expenditure and accounts, and reporting thereon to him.

Annual audit.

3. The public accounts of the Territory shall include the period from the first day of April in one year to the thirty-first day of March in the next year, which period shall constitute the fiscal year, both inclusive.

Fiscal year.

21. The Governor in Council may appoint a fit and proper person, being a barrister or advocate of at least five years' standing at the bar of any of the provinces of Canada, to be public administrator and official guardian in and for the Territory, under the name of "Public Administrator," and to hold office during pleasure.

Appointment of Public Administrator.

2. The public administrator shall perform such duties as are imposed upon him, and be invested with such powers as are bestowed upon him, by or under any Act of the Parliament of Canada, or any ordinance of the Governor in Council or the Commissioner in Council, and shall be otherwise subject to the provisions of any such Act or ordinance with respect to the said office of public administrator: Provided that no such Ordinance of the Commissioner in Council shall have force or effect except in so far as it is not inconsistent with any ordinance of the Governor in Council or any Act of the Parliament of Canada.

His duties and powers.

3. With respect to such services or duties as he is required to render or perform by order of the Governor in Council or under any ordinance of the Governor in Council or of the Commissioner in Council, the Public Administrator shall receive and be paid such fees or other remuneration as is prescribed by the Commissioner in Council.

Remuneration.

Oath of office and security.

4. Before entering upon his duties the public administrator shall take such oath of office and furnish such security for the faithful and proper performance of the duties of his office as are from time to time prescribed by the Governor in Council.

Audit of work of office.

5. The work and operation of the office of public administrator, and his dealings and accounts in connection with estates or property coming into his hands by virtue of his office, shall be subject to inspection, examination and audit by the Auditor General of Canada, or by any officer deputed by him for that purpose.

Powers of Auditor General.

22. The Auditor General, and, while he is engaged in any examination and audit under section 20, or in any inspection, examination and audit under section 21 of this Act, the officer so deputed by him, shall, in connection with such inspection, examination and audit, have all the powers which the Auditor General has under *The Consolidated Revenue and Audit Act* in connection with the examination and audit of the receipt and expenditure of public moneys of Canada and the accounts with respect thereto.

Commencement of Act.

23. This Act shall come into force on the first day of May, one thousand nine hundred and nine.

(N.B. Chap. 63 was not further amended, the repeal of Sec. 10 thereof by Sec. 8, Chap. 76, 7-8 E. VII. being the last amendment or repeal of any of its sections. Its remaining sections are as follows:—)

Other ordinances. Taxation. Juries.

11. The Commissioner in Council may make ordinances,—  
(a) imposing taxes for any purpose within his jurisdiction;  
(b) respecting the summoning of juries and the enforcement of the attendance of jurors for the trial of civil and criminal cases and respecting the payment of the costs and expenses in connection therewith;

Liquor traffic.

(c) for the control and regulation of the sale of and traffic in intoxicating liquor in the Territory, subject to the provisions of any ordinance of the Governor in Council and notwithstanding anything to the contrary in any Act of Parliament;

Game.

(d) for the preservation of game in the Territory. 62-63 V., c. 11, s. 2; 63-64 V., c. 34, s. 1; 2 E. VII., c. 34, s. 2; 3 E. VII., c. 73, s. 1.

Further powers to make ordinances.

12. The Commissioner in Council may also, subject to the provisions of this Act, and of any other Act of the Parliament of Canada applying to the Territory, and of any ordinances of the Governor in Council, make ordinances for the government of the Territory in relation to the classes of subjects next hereinafter mentioned, that is to say:—

Territorial offices and officers.

(a) The establishment and tenure of territorial offices and the appointment and payment of territorial officers out of territorial revenues;

- (b) The establishment, maintenance and management of prisons in and for the Territory, the expense thereof being payable out of territorial revenues; Prisons.
- (c) Municipal institutions in the Territory; Municipal institutions.
- (d) Shop, saloon, tavern, auctioneer and other licenses in order to raise a revenue for territorial or municipal purposes; Licenses.
- (e) The incorporation of companies with territorial objects, excepting railway companies (not including tramway and street railway companies) and steamboat, canal, telegraph and irrigation companies; Incorporation of companies.
- (f) The solemnization of marriage in the Territory; Marriage.
- (g) Property and civil rights in the Territory; Property and civil rights.
- (h) The administration of justice in the Territory, including the constitution, organization and maintenance of territorial courts of civil jurisdiction, including procedure therein, but not including the appointment of judicial officers, or the constitution, organization and maintenance of courts of criminal jurisdiction, or procedure in criminal matters; Administration of justice.
- (i) The defining of the powers, duties and obligations of sheriffs and clerks of the courts and their respective deputies; Sheriffs and clerks of court.
- (j) The conferring on territorial courts of jurisdiction in matters of alimony; Alimony.
- (k) The imposition of punishment by fine, penalty or imprisonment, for enforcing any territorial ordinances; Enforcing of ordinances.
- (l) The expenditure of territorial funds and such portion of any moneys appropriated by Parliament for the Territory as the Commissioner is authorized to expend by and with the advice of the Council or of any committee thereof; Expenditure of territorial funds.
- (m) Generally, all matters of a merely local or private nature in the Territory. Local and private.

2. The Commissioner in Council shall continue to have all the power and authority to make ordinances which he had at the time of the coming into force of this Act, and any power to repeal, re-enact or substitute provisions which, upon the coming into force of this Act, the Commissioner in Council had with respect to the provisions of the Northwest Territories Act, *The Revised Statutes of Canada*, chapter fifty, and the Acts in amendment thereof as applying to the Territory, is hereby preserved and shall continue with respect to the corresponding provisions of this Act, if any. 2 E. VII., c. 34, s. 2.

13. Nothing in the last preceding section contained shall be construed to give to the Commissioner in Council any greater powers with respect to the subjects therein mentioned than are given to provincial legislatures under the provisions of section Powers not to exceed those of provincial legislatures.

ninety-two of *The British North America Act*, 1867, with respect to the similar subjects therein mentioned. 2 E. VII., c. 34, s. 2.

Education.

14. The Commissioner in Council shall pass all necessary ordinances in respect to education; but it shall therein always be provided that a majority of the ratepayers of any district or portion of the Territory or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and in such case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof. 2 E. VII., c. 34, s. 2.

Ordinances to be laid before Parliament.

15. A copy of every ordinance made by the Commissioner in Council shall be despatched by mail to the Secretary of State of Canada within ten days after the passing thereof, and shall be laid before both Houses of Parliament as soon as conveniently may be thereafter.

Disallowance.

2. Any such ordinance may be disallowed by the Governor in Council at any time within two years after its passage. 61 V., c. 6, s. 7.

#### ORDINANCES BY GOVERNOR IN COUNCIL.

General powers.

16. Subject to the provisions of this Act, the Governor in Council may make ordinances for the peace, order, and good government of the Territory, and of His Majesty's subjects and others therein; Provided that no such ordinance shall,—

Proviso.

- (a) for the enforcement of any ordinance, impose any penalty exceeding five hundred dollars;
- (b) alter or repeal the punishment provided in any Act of the Parliament of Canada in force in the Territory for any offence;
- (c) appropriate any public land or other property of Canada without authority of Parliament, or impose any duty of Customs or any excise.

Specific.

2. Without limiting the generality of the powers so conferred the Governor in Council may make ordinances,—

Royalties on gold and silver.

- (a) imposing a tax or royalty, not exceeding five per centum thereof, upon gold or silver the output of mines in the Territory, to be levied from and after the date of the ordinance imposing it;

Collection thereof.

- (b) prescribing and regulating the place and manner of collection of such tax or royalty, and the methods of securing and enforcing the payment thereof;

- (c) providing for the confiscation and forfeiture of gold and silver upon which such tax or royalty has not been duly paid, as well as for the confiscation and forfeiture of any vessel, vehicle, cart or other receptacle containing it, or used or intended to be used for the transportation thereof; Forfeiture for non-payment.
- (d) giving to any officer of the Crown, in respect of searches, examinations, and other proceedings for the enforcement of the provisions of any such ordinance, all such powers, rights, privileges, and protection as officers of Customs have under the provisions of the Customs Act; Powers of officers.
3. No tax shall be imposed by ordinance except as in this Act provided. 2 E. VII., c. 34, s. 3. No tax except as authorized.

17. Every ordinance made under the authority of the last preceding section shall remain in force until the day immediately succeeding the day of prorogation of the then next session of Parliament, and no longer, unless during such session of Parliament such ordinance is approved by resolution of both Houses of Parliament. 2 E. VII., c. 34, s. 3. Ordinances must be approved by Parliament.

18. Every ordinance made by the Governor in Council under the provisions of this Act shall have force and effect only after it has been published for four successive weeks in the *Canada Gazette*. Publication.

2. All such ordinances shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof. 2 E. VII., c. 34, s. 3. Ordinances to be laid before Parliament.

LAWS APPLICABLE TO TERRITORY.

19. Subject to the provisions of this Act, the laws relating to civil and criminal matters and the ordinances in force in the Northwest Territories on the thirteenth day of June, one thousand eight hundred and ninety-eight, shall be and remain in force in the Territory, in so far as the same are applicable thereto, and in so far as the same have not been or are not hereafter repealed, abolished or altered by the Parliament of Canada, or by any ordinance of the Governor in Council or the Commissioner in Council made under the provisions of this Act. 61 V., c. 6, s. 9. Existing laws continued.

20. Every Act of the Parliament of Canada, except in so far as otherwise provided in any such Act, and except in so far as the same is, by its terms, applicable only to one or more of the provinces of Canada, or is, for any reason, inapplicable to the Territory, shall, subject to the provisions of this Act, apply to and be in force in the Territory. 61 V., c. 6, s. 9. Application of Acts of Parliament.

21. The Governor in Council may, by proclamation, from time to time, direct that any Act of the Parliament of Canada, Acts may be made to apply by proclamation.

or any part or parts thereof, or any one or more of the sections or any such Act not then in force in the Territory, shall be in force in the Territory generally, or in any part or parts thereof mentioned in such proclamation. 61 V., c. 6, s. 9.

*Wills.*

Who may  
make.

22. Every person of the full age of twenty-one years may devise, bequeath or dispose of by will, executed in manner hereinafter mentioned, all real and personal property to which he is entitled either at law or in equity at the time of his death, and which, if not so devised, bequeathed or disposed of, would devolve upon his heir-at-law, or upon his executor or administrator. 61 V., c. 6, s. 9.

Execution.

23. No will shall be valid unless it is in writing and signed at the foot or end thereof, by the testator or by some other person in his presence and by his direction; and such signature shall be made or acknowledged by the testator, in the presence of two or more witnesses present at the same time, who shall attest and subscribe the will in the presence of the testator.

Attestation.

2. No form of attestation shall be necessary and no other publication than as aforesaid shall be required. 61 V., c. 6, s. 9.

Incompetence  
of witness not  
to invalidate.

24. If any person who attests the execution of a will is, at the time of the execution thereof, or at any time afterwards, incompetent to be admitted as a witness to prove the execution thereof, such will shall not, on that account, be invalid. 61 V., c. 6, s. 9.

Executor  
may be  
witness.

25. No person shall, on account of his being an executor of a will, be incompetent to be admitted as a witness to prove the execution of such will, or as a witness to prove the validity or invalidity thereof. 61 V., c. 6, s. 9.

Devise or  
bequest to  
attesting  
witness void.

26. If any person attests the execution of any will, to whom, or to whose wife or husband, any beneficial devise or legacy affecting any real or personal property other than a charge for the payment of a debt is thereby given, such devise or legacy shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person, wife or husband, be null and void, and such person so attesting shall be admitted to prove the execution of such will, or the validity or invalidity of such will, notwithstanding such devise or legacy. 61 V., c. 6, s. 9.

Revocation.

27. No will or codicil, or any part thereof, shall be revoked otherwise than by,—

(a) marriage; or,

(b) another will or codicil executed in manner hereinbefore required; or,

- (c) some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed; or,
  - (d) the burning, tearing or otherwise destroying the same, by the testator or by some person in his presence and by his direction, with the intention of revoking the same.
- 61 V., c. 6, s. 9.

28. Every will shall be construed with reference to the real and personal property affected by it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by the will. 61 V., c. 6, s. 9.

Construed as if executed immediately before death.

29. If any real property is devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will, in such real property, unless a contrary intention appears by the will. 61 V., c. 6, s. 9.

Whole estate in realty to pass unless contrary intention appears.

*Married Women.*

30. All the wages and personal earnings of a married woman, and any acquisitions therefrom, and all proceeds or profits derived from any occupation or trade which she carries on separately from her husband, or from any literary, artistic or scientific skill, and all investments of such wages, earnings, moneys or property, shall be free from the debts or dispositions of the husband and shall be held and enjoyed by such married woman, and disposed of without her husband's consent, as fully as if she were a *feme-sole*.

Earnings, etc.

2. No order for protection shall be necessary in respect of any such earnings or acquisitions.

No order for protection.

3. The possession, whether actual or constructive, of the husband of any personal property of any married woman, shall not render the same liable for his debts. 61 V., c. 6, s. 9.

Possession not to make liable.

31. A married woman may make deposits of money in her own name in any savings or other bank, and withdraw the same by her own cheque; and her receipt or acquittance shall be a sufficient discharge to any such bank. 61 V., c. 6, s. 9.

Deposits in bank.

32. Nothing hereinbefore contained in reference to moneys deposited or investments by any married woman, shall, as against any creditor of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditor; and any money so in fraud deposited or invested may be followed as if this Act had not been passed. 61 V., c. 6, s. 9.

Deposits or investments in fraud of creditors of husband not validated.

33. A husband shall not, by reason of any marriage, be liable for the debts of his wife, contracted before marriage, nor

Wife's debts. Husband not liable.

for any debts of his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts.

Wife liable for ante-nuptial debts.

2. The wife shall be liable to be sued for any debts by her contracted before marriage, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried. 61 V., c. 6, s. 9.

May sue in own name.

34. A married woman may maintain an action in her own name for the recovery of any wages, earnings, money or property, declared by this Act or which is hereafter declared to be her separate property, and shall have, in her own name, the same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such wages, earnings, money and property, and of any chattels or other her separate property, for her own use, as if such wages, earnings, money, chattels and property belonged to her as an unmarried woman. 61 V., c. 6, s. 9.

May be sued separately.

35. Any married woman may be sued or proceeded against separately from her husband in respect of any of her separate debts, engagements, contracts or torts, as if she were unmarried. 61 V., c. 6, s. 9.

#### TERRITORIAL COURT.

Territorial Court continued.

36. There shall continue to be a superior court of record in and for the Territory, called the Territorial Court, consisting of one or more judges appointed by the Governor in Council by letters patent under the Great Seal. 61 V., c. 6, s. 10.

Qualifications.

37. Any person may be appointed a judge of the court who is or has been a judge of a superior or a county court of any province of Canada or of the Northwest Territories, or a barrister or advocate of at least ten years' standing at the bar of any such province or of the Northwest Territories. 61 V., c. 6, s. 10.

Not to hold other office of emolument.

38. A judge of the court shall not hold any other office of emolument under the Government of Canada, or of any province of Canada or of the Territory: Provided that a judge of the court shall be eligible for appointment as a member of the Council of the Territory. 61 V., c. 6, s. 10.

Law as to rights, etc., of court and judges.

39. The law governing the rights, privileges, power, authority and jurisdiction of the court and the judge or judges thereof, shall be the same, *mutatis mutandis*, as the law governing the rights, privileges, power, authority and jurisdiction of the Supreme Court of the Northwest Territories and of the judges of that court, except as the same are expressly varied by this Act. 62-63 V., c. 11, s. 6.

Residence of judges.

40. Each judge of the court shall reside at such place in the Territory as the Governor in Council, in the commission to such judge, or by order in council, directs. 62-63 V., c. 11, s. 6.



41. The judges of the court shall hold office during good behaviour, but shall be removable by the Governor General, on address of the Senate and House of Commons of Canada. 62-63 V., c. 11, s. 6. Tenure of office.

42. Every judge shall, previously to entering upon the duties of his office as such judge, take an oath in the form following:— Oath of office.

'I \_\_\_\_\_, do solemnly and sincerely promise and swear that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as one of the judges of the Territorial Court. So help me God.'

2. Such oath shall be administered by the Commissioner or by a judge of the court. 62-63 V., c. 11, s. 6.

43. The Governor in Council may appoint such officers of the court and such other officers for the due administration of justice in the Territory, as are deemed necessary, and may define and specify the duties of such officers, and fix the fees or emoluments of such officers, and of witnesses and other persons attending or performing duties in relation to the administration of criminal justice, and provide the manner in which such fees and emoluments shall be paid. 61 V., c. 6, ss. 13 and 20. Officers of the court.

44. The court shall, within the Territory, and for the administration of the laws for the time being in force within the Territory, possess all such powers and authorities as by the law of England are incident to a superior court of civil and criminal jurisdiction; and shall have, use and exercise all the rights, incidents and privileges of a court of record, and all other rights, incidents and privileges, as fully to all intents and purposes as the same were on the fifteenth day of July, one thousand eight hundred and seventy, used, exercised and enjoyed in England by any superior court of common law, or by the Court of Chancery, or by the Court of Probate. 62-63 V., c. 11, s. 6. Powers of court.

45. The court shall have jurisdiction in all and all manner of actions, causes and suits as well criminal as civil, real, personal, and mixed, and shall proceed in such actions, causes and suits by such process and course as are provided by law, and as tend with justice and despatch to determine the same, and shall hear and determine all issues of law, and shall also hear, and with or without a jury, as provided by law, determine all issues of fact joined in any such action, cause or suit, and give judgment thereon and award execution thereof, in as full and as ample a manner as might at the said date be done in England in the Court of Queen's Bench, or the Court of Common Bench, or the Court of Chancery, or the Court of Probate, or in matters Jurisdiction.

regarding the public revenue, including the condemnation of contraband or smuggled goods, in the Court of Exchequer. 62-63 V., c. 11, s. 6.

Sittings in banc.

46. The Territorial Court shall sit in banc at such times and places as the Commissioner appoints; and the sittings thereof may be adjourned from time to time as may be necessary. 2 E. VII., c. 35, s. 5.

Jurisdiction.

47. At such sittings the court may hear and dispose of motions for new trials, appeals and motions in the nature of appeals, and any other business or matter within the jurisdiction of the court. 2 E. VII., c. 35, s. 6.

Quorum.

48. Two judges shall constitute a quorum of the court in banc: Provided that, where there are only two judges sitting upon an appeal, the trial judge or the judge from whose decision the appeal is taken shall not be one of them. 3 E. VII., c. 74, s. 1.

Sittings of the court.

49. Sittings of the court presided over by a judge or judges shall be held at such times and places as the Governor in Council or the Commissioner appoints, and such sittings shall be public. 2 E. VII., c. 34, s. 4.

Judicial districts may be formed.

50. The Governor in Council may, at any time, by proclamation divide the Territory into judicial districts, and give to each such district an appropriate name, and, in like manner, from time to time, alter the limits and extent of such districts. 62-63 V., c. 11, s. 6.

Powers of single judge.

51. Every judge of the court shall have jurisdiction throughout the Territory, but shall usually exercise the same within the judicial district, if any, to which he is assigned by the Governor in Council, and in all causes, matters and proceedings, other than such as are usually cognizable by a court sitting in banc, and not by a single judge thereof, shall have and exercise all the powers, authorities and jurisdiction of the court. 62-63 V., c. 11, s. 6.

*Certiorari.*

52. Subject to any statute prohibiting or restricting proceedings by way of *certiorari*, a single judge shall, in addition to his other powers, have all the powers of the court as to proceedings by way of *certiorari* over the proceedings, orders, convictions, and adjudications had, taken and made by justices of the peace, and, in addition thereto, shall have the power of revising, amending, modifying or otherwise dealing with the same; and writs of *certiorari* may, upon the order of a judge, be issued by the clerk of the court mentioned in such order returnable as therein directed. 62-63 V., c. 11, s. 6.

53. Whenever, under any Act in force in the Territory, any power or authority is to be exercised, or anything is to be done, by a judge of a court, such power or authority shall, in the Territory, be exercised or such thing shall be done by a judge of the Territorial Court, unless some other provision is made in that behalf by such Act. 62-63 V., c. 11, s. 6.

Powers of a judge.

54. Subject to the provisions of any Act or ordinance relating to the Territorial Court, the judges of the said court may make general rules and orders prescribing and regulating the procedure and practice of the court in civil matters. 2 E. VII., c. 35, s. 7.

Rules and orders.

SPECIAL PROVISIONS AS TO JURISDICTION IN CIVIL MATTERS.

55. Every judge of the court shall have jurisdiction, power and authority to hold courts, whether established by ordinance or not, at such times and places as he thinks proper, and at such courts, as sole judge, to hear all claims, disputes and demands whatsoever, except as herein provided, which are brought before him, and to determine any questions arising thereout, as well of fact as of law, in a summary manner; and such courts shall be open public courts.

Jurisdiction of judge.

2. On the application to set a cause down for trial, if the action be for slander, libel, false imprisonment, malicious prosecution, seduction or breach of promise of marriage, or if the case arises out of a tort, wrong or grievance in which the damages claimed exceed five hundred dollars, or if the action be for debt or founded on contract wherein the amount claimed or the damages sought to be recovered exceed one thousand dollars, or if the action be for the recovery of real property, and if either party signify his desire to have the issues of fact therein tried by a judge with a jury, or the judge so direct, the same shall be tried by a jury. 62-63 V., c. 11, s. 6.

Actions of slander, etc.

Jury.

56. In cases of disputed accounts, the judge may, in place of a trial by jury, direct the evidence to be taken by any clerk of the court, or by any other competent person; which clerk or other person shall be sworn to take the same truly, and to reduce it to writing. 62-63 V., c. 11, s. 6.

Disputed accounts.

57. The judge may give judgment on the verdict of the jury or upon the evidence taken by the clerk or other person as aforesaid, or may, in the case of a verdict, order a new trial, when justice seems to require it. 62-63 V., c. 11, s. 6.

Judgment in such cases.

58. In all cases a judge may give such judgment and make such orders and decrees, interlocutory and final, as appear just and agreeable to equity and good conscience. 62-63 V., c. 11, s. 6.

Equity and good conscience to direct.

Gambling debts.

59. No court or judge in the Territory shall have jurisdiction in respect of any action for a gambling debt, or of any action by any person on any promissory note, bill of exchange, cheque, draft or other document or writing whatsoever, the consideration or any part of the consideration for which was a gambling debt. 62-63 V., c. 11, s. 6.

Judgment, how given.

60. Every judgment of the judge shall be pronounced in open court as soon as may be after the hearing of the case; except that, in any case where the judge is not prepared to pronounce judgment at the close of the trial, he may postpone judgment and deliver and enter the same subsequently, and such judgment shall be as effectual as if rendered in court at the trial. 62-63 V., c. 11, s. 6.

Execution of judgment.

61. The proceedings to carry into effect any judgment, order or decree of the court whether interlocutory or final, shall be as prescribed by ordinance of the commissioner in council; or, if no such ordinance is in force when the judgment, order or decree is rendered, then in such manner as the judge who pronounced the same directs. 62-63 V., c. 11, s. 6.

Repeal of sections preceding.

62. The Governor in Council may, from time to time, by proclamation repeal the provisions of the seven sections next preceding, or any of them, from and after a day to be named in such proclamation. 62-63 V., c. 11, s. 6.

## ADMINISTRATION OF CRIMINAL LAW.

Procedure in criminal cases.

63. The procedure in criminal cases in the Territorial Court shall, subject to any Act of the Parliament of Canada, conform as nearly as may be to the procedure existing in like cases in the Northwest Territories on the thirteenth day of June, one thousand eight hundred and ninety-eight.

No grand jury.

2. No grand jury shall be summoned or sit in the Territory. 61 V., c. 6, s. 15.

Judge to have powers of one or more justices.

64. Every judge of the court shall have and may exercise the powers of a justice of the peace, or of any two justices of the peace, under any laws or ordinances in force in the Territory. 61 V., c. 6, s. 15.

Summary trial in certain cases.

65. Every such judge may in a summary way, and without the intervention of a jury, hear, try and determine any charge against any person of having committed in the Yukon Territory the offence of,—

Theft, etc.

(a) theft or attempt to steal, or obtaining money or property by false pretenses, or unlawfully receiving stolen property, in any case in which the value of the whole pro-

perty alleged to have been stolen, obtained or received, does not, in the opinion of such judge, exceed two hundred dollars; or,

(b) unlawfully wounding or inflicting any grievous bodily harm upon any other person, either with or without a weapon or instrument; or, Wounding.

(c) indecent assault on any female, or on a male person under the age of fourteen years, when such assault, if upon a female, does not, in his opinion, amount to an assault with intent to commit rape; or, Indecent assault.

(d) escaping from lawful custody or committing prison breach, or assaulting, resisting or wilfully obstructing any judge or any public or peace officer engaged in the execution of his duty, or any person acting in aid of such officer. Escape, etc.  
61 V., c. 6, s. 15.

66. When any person is charged with a criminal offence not within the next preceding session, and which is not otherwise by any law made summarily triable without the consent of the accused, the charge shall be heard, tried, and determined by the judge with the intervention of a jury: Provided that in any case the accused may, with his own consent, be tried by a judge in a summary way and without the intervention of a jury. Trial with jury.  
Summary trial with consent.  
61 V., c. 6, s. 15.

67. In any case of trial with the intervention of a jury, the jury shall be composed of six jurors. Jury of six.  
61 V., c. 6, s. 15.

68. Whenever upon a trial before a judge in a summary way such judge is not satisfied that the accused is guilty of the offence with which he stands charged, but the circumstances are such that, upon a trial before a jury under the Criminal Code for the like offence, the accused might be found guilty of some other offence, the judge shall have the same power as to findings as a jury would have in the like circumstances under the Criminal Code, and may convict the accused of such other offence, notwithstanding that such offence is one for which under the preceding sections, the accused could not, without his own consent, have been tried in a summary way. Accused summarily tried for one offence may be convicted of another.

2. The person so convicted shall be liable to the punishment by the Criminal Code or otherwise by law prescribed for the offence of which he is so found guilty. Punishment in such case.  
61 V., c. 6, s. 15.

69. The judge shall, upon every such trial, take or cause to be taken down in writing full notes of the evidence and other proceedings thereat; and all persons tried as aforesaid shall be admitted, after the close of the case for the prosecution, to make full answer and defence by counsel, attorney or agent. Conduct of trial.  
61 V., c. 6, s. 15.

Capital offences.

70. When any person is convicted of a capital offence and is sentenced to death, the judge shall forward to the Minister of Justice full notes of the evidence, with his report upon the case; and the execution shall be postponed, from time to time, by the judge, if found necessary, until such report is received and the pleasure of the Governor General thereon is communicated to the Commissioner. 61 V., c. 6, s. 15.

Summoning of jurors.

71. Subject to the provisions of any ordinance of the Commissioner in Council, persons required as jurors for a trial shall be summoned by a judge from among such male persons as he thinks suitable in that behalf; and the jury required on such trial shall be called from among the persons so summoned as such jurors, and shall be sworn by the judge who presides at the trial. 61 V., c. 6, s. 15; 3 E. VII., c. 73, s. 1.

Peremptory challenge by accused.

72. Any person arraigned for treason or an offence punishable with death, or an offence for which he may be sentenced to imprisonment for more than five years, may challenge peremptorily and without cause any number of jurors not exceeding six; and every peremptory challenge beyond that number shall be void.

By the Crown.

2. The Crown may peremptorily challenge any number of jurors not exceeding four.

Challenges for cause.

3. Challenges for cause shall be the same as are provided for in the Criminal Code. 61 V., c. 6, s. 15.

Summoning of additional jurymen.

73. Subject to the provisions of any ordinance of the Commissioner in Council, if by reason of challenges or otherwise, the number of jurors summoned for the trial is exhausted, the judge shall direct some constable or other person to summon by word of mouth from among the bystanders or from the neighbourhood, such number of persons as are necessary to make up a jury, who shall be subject to challenge as if summoned by the judge in the first instance; and the like proceedings shall be repeated, if necessary, until a jury is obtained, competent to try the case. 61 V., c. 6, s. 15; 3 E. VII., c. 73, s. 1.

Penalty for non-attendance.

74. Subject to the provisions of any ordinance of the Commissioner in Council, any person so summoned to serve as a juror who makes default or refuses to serve as such juror, without lawful excuse to the satisfaction of the judge, may be fined by him in a sum not exceeding ten dollars, and committed to prison until such fine is paid. 61 V., c. 6, s. 15; 3 E. VII., c. 73, s. 1.

Attendance of witnesses.

75. Any person duly summoned, whether on behalf of the prisoner or against him, to attend and give evidence on any such trial, shall be bound to attend on the day appointed for the

same, and shall remain in attendance throughout the whole trial; and, if he fails so to attend, he shall be deemed guilty of contempt of court and may be proceeded against therefor. 61 V., c. 6, s. 15.

76. Upon proof to the satisfaction of the judge of the summoning of any witness who fails to attend, and upon such judge being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause such witness to be apprehended and forthwith brought before him to give evidence and to answer for his contempt; and such witness may be detained on such warrant with a view to secure his presence as a witness, or may be released on recognizance, with or without sureties, conditioned for his appearance to give evidence as therein mentioned, and to answer for his contempt. 61 V., c. 6, s. 15.

Bench warrant.

77. The judge may, in a summary manner, examine and dispose of the charge of contempt against such witness who, if found guilty of contempt, may be fined or imprisoned, or both, such fine not to exceed one hundred dollars, and such imprisonment to be with or without hard labour, and not to exceed the term of ninety days. 61 V., c. 6, s. 15.

Charge of contempt.

78. Returns of all trials and proceedings, civil and criminal, shall be made to the Commissioner in such form and at such times as he directs. 61 V., c. 6, s. 9.

Returns of trial.

79. The Governor in Council may at any time by proclamation declare that the thirteen sections last preceding shall be repealed from and after the date named in such proclamation. 61 V., c. 6, s. 9.

Governor in Council may repeal 13 sections preceding.

80. No person shall be summoned or sworn as a juryman on any trial in the Territorial Court, unless he is a British subject. 61 V., c. 6, s. 17.

Jurymen to be British subjects.

81. The trial of any person charged with a criminal offence shall be commenced by a formal charge in writing setting forth as in an indictment the offence wherewith he is charged. 61 V., c. 6, s. 15.

Charge in writing against accused.

82. Every justice of the peace or other magistrate holding a preliminary investigation into any criminal offence which may not be tried under the provisions of Part XV. of the Criminal Code shall, immediately after the conclusion of such investigation, transmit to the clerk of the court, or the clerk of the court for the judicial district in which the charge was made, all informations, examinations, depositions, recognizances, inquisitions and papers connected with such charge, and such clerk

Justices holding preliminary investigation to transmit papers to court.

shall notify the senior judge of the court or the judge for the district of such investigation and the result thereof. 61 V., c. 6, s. 15.

Notice by sheriff to judge of committal for trial.

83. Whenever any person charged is committed to gaol for trial, the sheriff or other person in charge of such gaol shall, within twenty-four hours, notify a judge of the court, in writing, that such prisoner is so confined, stating his name and the nature of the charge preferred against him; whereupon, with as little delay as possible, one of the judges of the court shall cause the prisoner to be brought before him for trial, either with or without a jury, as the case requires. 61 V., c. 6, s. 15.

Establishment of gaols and lock-ups.

84. The Governor in Council may, from time to time, direct that any building, or any part thereof, or any inclosure, in any part of the Territory, shall be a gaol or lock-up for the confinement of prisoners charged with the commission of any offence or sentenced to any punishment or confinement therein; and confinement therein shall thereupon be held lawful and valid, whether such prisoners are being detained for trial or are under sentence of imprisonment in a penitentiary, gaol or other place of confinement. 61 V., c. 6, s. 9.

Disestablishment.

85. The Governor in Council may, at any time, direct that any building, or any part thereof, or any inclosure shall cease to be a gaol or lock-up, and thereupon such building or part thereof, or such inclosure, shall cease to be a gaol or lock-up. 61 V., c. 6, s. 9.

Terms and conditions of confinement of offenders under ordinances, etc.

86. The Governor in Council may, from time to time, prescribe the terms and conditions upon which persons convicted or accused of any offence under any ordinance in force in the Territory, or any municipal by-law or regulation, or sentenced to confinement under any such ordinance, by-law or regulation, or arrested under any civil process, shall be received and kept in any gaol or lock-up created under the authority of the two next preceding sections; and he may, from time to time, specify what gaols and lock-ups shall be available for the confinement of such persons. 61 V., c. 6, s. 9.

Police guard-rooms, etc., to be penitentiaries, gaols and places of confinement.

87. Every lock-up, guard-room, guard-house or place of confinement provided by or for or under the direction of the Royal Northwest Mounted Police Force, or the regular military force, or a municipal body, or by the Commissioner or Commissioner in Council of the Territory, shall be a penitentiary, gaol, and place of confinement for all persons sentenced to imprisonment in the Territory, and the Commissioner shall direct in which such penitentiary, gaol or place of confinement any person sentenced to imprisonment shall be imprisoned. 61 V., c. 6, s. 18.



88. The Governor in Council may make rules and regulations respecting the management, discipline and policy of every penitentiary, gaol or place of confinement used as such in the Territory. 61 V., c. 6, s. 18.

Their management and discipline.

POLICE MAGISTRATES AND THEIR SPECIAL JURISDICTION.

89. The Governor in Council may appoint police magistrates for Dawson and Whitehorse in the Territory, who shall reside at those places, respectively, and shall ordinarily exercise their functions there, but who shall have jurisdiction respectively in such portions of the Territory as are defined in their commissions. 1 E. VII., c. 41, s. 1.

Appointment.

90. Such police magistrates shall hold office during pleasure and shall be debarred from practising professionally while holding office. 1 E. VII., c. 41, s. 2.

Tenure of office.

91. The annual salary of each of such police magistrates shall be four thousand dollars, and such salaries may be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Salaries.

2. Such magistrates may be paid in addition to the said salaries such living allowances as may be fixed by the Governor in Council. 1 E. VII., c. 41, s. 3; 2 E. VII., c. 36, s. 1.

Living allowances.

92. No person shall be appointed a police magistrate hereunder unless he has been admitted and has practised as an advocate, barrister or solicitor in one of the provinces of Canada for a period of not less than three years. 1 E. VII., c. 41, s. 4.

Qualification.

93. Each of the police magistrates so appointed shall *ex officio*, within the territorial limits of his jurisdiction, be a justice of the peace and have and exercise the authority and jurisdiction of two or more justices of the peace sitting or acting together. 1 E. VII., c. 41, s. 5.

*Ex Officio* justices.

94. Each such police magistrate shall also, within such limits, be a magistrate for the purpose of Part XVI. of the Criminal Code, and shall have and exercise all the jurisdiction of such a magistrate, including that vested in police magistrates of cities and incorporated towns by the said Part; and his jurisdiction under the said Part shall be absolute without the consent of the person charged, except in cases where such jurisdiction is dependent upon the provision of the said Part with respect to police magistrates of cities and incorporated towns, or where the accused is charged with theft or with obtaining property by false pretenses, or with unlawfully receiving stolen property, and the value of the property stolen, obtained or received exceeds ten dollars, in which cases, unless the accused

And magistrates for summary trials.

consents to be tried by the police magistrate, or unless he is a person in respect of whom the magistrate has absolute jurisdiction under the said Part, he shall be dealt with as in ordinary cases of indictable offences. 1 E. VII., c. 41, s. 5.

Civil jurisdiction.

95. The Governor in Council may, subject to the limitations hereinafter mentioned, if he thinks proper, vest any police magistrate so appointed with civil jurisdiction,—

- (a) in cases of claims and demands of debt, or account, or breach of contract or covenant, or money demand, whether payable in money or otherwise, where the amount does not exceed five hundred dollars;
- (b) in other personal actions where the amount claimed does not exceed three hundred dollars, or, if the parties consent in writing, does not exceed five hundred dollars;
- (c) in all cases of claims for the recovery of a debt or money demand where the amount or balance of the claim does not exceed one thousand dollars exclusive of interest as hereinafter mentioned, and such amount or balance is ascertained by the signature of the defendant or of the person whom as executor or administrator the defendant represents, notwithstanding that the claim with the interest accrued or accumulated since such ascertainment exceeds the sum of one thousand dollars. 1 E. VII., c. 41, s. 6.

Replevin up to \$300.

96. Such police magistrates, if given civil jurisdiction, shall also have jurisdiction in cases of replevin where the value of the goods or other property or effects distrained, taken or detained, does not exceed three hundred dollars. 1 E. VII., c. 41, s. 7.

Jurisdiction excluded in certain cases.

97. Such police magistrates shall not have jurisdiction, in respect of actions,—

- (a) for gambling debts;
- (b) for spirituous or malt liquors drunk in a hotel, tavern, or house of public entertainment;
- (c) on notes of hand given wholly or partly in consideration of a gambling debt or for such liquors;
- (d) for the recovery of land or in which the right or title to any corporeal or incorporeal hereditament, or to any toll, custom or franchise, comes in question;
- (e) in which the validity of any devise, bequest or limitation under a will or settlement is disputed;
- (f) for malicious prosecution, libel, slander, criminal conversation, seduction, or breach of promise of marriage;
- (g) against a justice of the peace for anything done by him in the execution of his office, if he objects to such jurisdiction. 1 E. VII., c. 41, s. 8.

98. Each of the judges of the Territorial Court shall have, and may exercise in any part of the Territory, the criminal jurisdiction vested by this Act in police magistrates, and, in the exercise of such jurisdiction, shall have all the powers of a police magistrate. 2 E. VII., c. 35, s. 1.

Judges to have criminal jurisdiction of police magistrates.

99. The Governor in Council may, from time to time, assign to one of the judges of the said court the duty of ordinarily exercising such jurisdiction. 2 E. VII., c. 35, s. 2.

Judge may be assigned.

100. There shall be an appeal to the Territorial Court from the final judgment of a police magistrate in any civil case where the amount in dispute, exclusive of costs, exceeds one hundred dollars.

Appeal to Territorial Court.

2. The appeal in such case shall be heard upon the evidence taken before the police magistrate, and the judgment of the Territorial Court shall be final. 1 E. VII., c. 41, s. 9.

Hearing and decision.

101. The Commissioner in Council shall have full power, from time to time, to make ordinances,—

Procedure and practice.

- (a) prescribing and regulating the procedure and practice to be observed in connection with the exercise of the civil jurisdiction of police magistrates under this Act; or,
- (b) empowering the judges of the Territorial Court to make general rules and orders prescribing and regulating such procedure and practice. 1 E. VII., c. 41, s. 10.

APPEAL IN CRIMINAL CASES.

102. For the purpose of Part XIX. of the Criminal Code the court of appeal from the verdict or judgment of the Territorial Court or a judge thereof shall be the Supreme Court of Canada. 1 E. VII., c. 41, s. 11.

Appeal from Territorial Court.

103. For the purpose of Part XIX. of the Criminal Code the court of appeal from the judgment of a police magistrate in a case where his jurisdiction is dependent upon the provision of the said Part with respect to police magistrates of cities and incorporated towns shall be the Territorial Court in banc.

Court of Appeal for purposes of Part XIX. of Criminal Code.

2. The judgment of the Territorial Court upon any such appeal from a police magistrate shall be final and conclusive if the judges of the Court are unanimous therein, otherwise there shall be an appeal therefrom to the Supreme Court of Canada. 1 E. VII., c. 41, s. 11.

Appeal from police magistrate.

104. In the Territory the appeal from a summary conviction or order under Part XV. of the Criminal Code shall be to a judge of the Territorial Court sitting without a jury at the place where the cause of the information or complaint arose, or the nearest place thereto where a court is appointed to be held. 1 E. VII., c. 41, s. 11.

Appeal from summary convictions.

## JUSTICES OF THE PEACE.

Justice with  
authority of  
two justices.

105. While in the Territory, the Commissioner, each member of the Council, every judge of the court, and every commissioned officer of the Royal Northwest Mounted Police, shall *ex officio* have, possess and exercise all the powers of a justice of the peace, or of two justices of the peace, under any laws or ordinances, civil or criminal, in force in the Territory, and the Governor in Council may, by commission, appoint such other persons justices of the peace or police commissioners, having each the power of two justices of the peace within the Territory, as may be deemed desirable. 61 V., c. 6, s. 16.

## CORONERS.

Coroners,  
who to be.

106. All persons possessing the powers of two justices of the peace in the Territory shall also be coroners in and for the Territory. 61 V., c. 6, s. 19.

Inquests,  
when only to  
be held.

107. Except as hereinafter provided, no inquest shall be held upon the body of any deceased person by any coroner, unless it has been made to appear to such coroner that there is reason to believe that the deceased died from violence or unfair means, or by culpable or negligent conduct either of himself or of others, under such circumstances as require investigation, and not through mere accident or mischance. 61 V., c. 6, s. 9.

Death of  
prisoner.

108. Upon the death of any prisoner, the gaoler or officer in charge of the gaol wherein such prisoner dies shall immediately give notice to the nearest resident coroner, and such coroner shall proceed forthwith to hold an inquest upon the body. 61 V., c. 6, s. 9.

Coroner's  
jury.

109. It shall not be necessary in any case that a coroner's jury shall exceed six persons, but in every case of an inquest six jurors must agree in order to render the verdict valid. 61 V., c. 6, s. 9.

Power to  
summon  
witnesses,  
etc.

110. Coroners shall have the same power to summon witnesses and to punish them for disobeying a summons to appear or for refusing to be sworn or to give evidence as are possessed by justices of the peace. 61 V., c. 6, s. 9.

Fees of  
coroners.

111. The fees of coroners, jurors and witnesses attending inquests may be fixed, from time to time, by the Governor in Council, and paid in such manner as he directs. 61 V., c. 6, s. 20.

ENFORCEMENT OF TERRITORIAL ORDINANCES.

112. Unless otherwise therein specially provided, proceedings for the imposition of punishment by fine, penalty or imprisonment for enforcing any ordinance in force in the Territory may be brought summarily before a justice of the peace under the provisions of Part XV. of the Criminal Code. 61 V., c. 6, s. 9.

Enforcement of fines, etc.

PROHIBITION OF INTOXICANTS.

113. No intoxicating liquor or intoxicants shall be manufactured, compounded, or made in the Territory; and no intoxicating liquor or intoxicants shall be imported or brought into the Territory from any province or territory in Canada or elsewhere, except by permission of the Governor in Council. 62-63 V., c. 11, s. 3.

Manufacture, or importation prohibited.

114. All intoxicating liquors or intoxicants imported or brought from any place out of Canada, into the Territory, shall be subject to the Customs and excise laws of Canada. 62-63 V., c. 11, s. 4.

Such importation subject to customs and excise law.

SCHEDULE.

The Yukon Territory shall be bounded as follows:—On the south, by the province of British Columbia and the United States Territory of Alaska; on the west, by the said United States Territory of Alaska; on the north, by that part of the Arctic Ocean called Beaufort Sea; and on the east, by a line beginning at the point of intersection of the left bank of the Liard River, by the northern boundary of the province of British Columbia in approximate longitude 124° 16' west of Greenwich; thence northwesterly along the line of the watershed separating the streams flowing into the Liard River below the point of beginning, or into the Mackenzie River, from those flowing into the Liard River above the point of beginning, or into the Yukon River, to the line of watershed of the basin of Peel River; thence northerly along the line of watershed between the Peel and Mackenzie Rivers to the sixty-seventh degree of north latitude; thence westerly along the parallel of the sixty-seventh degree of north latitude to the line of watershed between the Peel and Yukon Rivers; thence northerly along the said line of watershed to the trail across the portage in McDougall Pass between Rat and Bell Rivers; thence due north to the northern limit of the Yukon Territory; the said Territory to include the islands within twenty statute miles from the shores of the Beaufort Sea as far as the aforesaid due north line from McDougall Pass. 1 E. VII., c. 41, sch.



**EXPERIMENTAL FARM**  
**MILE 1019, ALASKA HIGHWAY**  
**YUKON TERRITORY**

**PROGRESS REPORT**  
**1953-1959**

EXPERIMENTAL FARMS SERVICE  
CANADA DEPARTMENT OF AGRICULTURE

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

Cat. No. A56-432/1959



## PROFESSIONAL STAFF

J. W. ABBOTT	Officer in Charge
W. H. HOUGH, B.Sc., M.Sc.	Superintendent
J. Y. TSUKAMOTO, B.Sc.	Agronomist
J. W. MORRISON, B.Sc., M.Sc., Ph.D.	Acting Superintendent

### Changes in Staff

J. W. Abbott, who became Officer in Charge in 1945, retired in March, 1956, and J. Y. Tsukamoto was appointed Acting Officer in Charge. In June, 1956, W. H. Hough, Experimental Farms Service, Ottawa, was appointed Superintendent.

In June, 1959, Mr. W. H. Hough died. From July to September, 1959, Dr. J. W. Morrison acted as Superintendent. J. Y. Tsukamoto was Acting Superintendent until the end of that year.

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## INTRODUCTION

The first progress report of the Experimental Farm at Whitehorse covered the period from 1945 to 1952. This report is a summary of studies and results obtained from 1953 to 1959.

The Farm is situated at Mile 1019 on the Alaska Highway, in the Yukon Territory. It is 103 miles northwest of Whitehorse, at north latitude 60° 45', west longitude 137° 35', and is 1965 feet above sea level.

The Farm is in a gently rolling lake basin. The soils are mainly Brown Wooded, and are derived from a light-textured overlay of fine sand to silt loam. This material is underlain by stratified silt and clay loam. Occasional lake beaches and lake-current sortings are found on the faces of the lake basin. Depressional areas usually have an organic deposit overlying the heavy-textured lacustrine materials.

The climate is described in the meteorological section of this report. The physiography of the area is dominated by the nearby Coastal Range. The mountains affect the climate by moderating air masses moving inland from the Pacific Ocean. The Farm is within the rain shadow caused by the mountains. The growing season is usually cool and dry. Frosts may occur in each month of the year. Crops that are susceptible to light frosts, such as beans, tomatoes and cucumbers, seldom mature.

In the early development of the Farm, primary emphasis was placed on determining what crops could be grown in these northern latitudes. Oats and barley grew and matured satisfactorily, but wheat seldom ripened without frost damage in early fall. Forage grasses generally thrived. Legumes were difficult to establish because of the damaging effects of brown root rot, caused by *Plenodomus meliloti*.

Livestock and poultry were introduced after it was found that feed for them could be produced at the Farm. At present a small herd of beef cattle, a herd of pigs, and a flock of laying hens are maintained to study adaptation and reactions of these birds and animals to sub-Arctic farming conditions.

Gardening of hardy vegetables and flowers has been satisfactory.

In 1957, construction of an administration building and a superintendent's residence improved physical facilities on the Farm. In 1958-59, a garage, a machinery shed, a poultry building, and two staff residences were erected.

## WEATHER

Generally the climate of the Yukon is cool and dry. The total annual precipitation is 11.5 inches, of which about 7 inches is rainfall. The rainfall is fairly evenly distributed over the growing season. A low rate of evaporation permits a greater utilization of moisture than is usual in comparable areas of low rainfall.

The frequent frosts recorded at the Farm are the main features of the climate. These are caused by the cooling of the prevailing winds, which come over the glacier-covered peaks of the St. Elias mountain range. During the winter, temperatures are sometimes 40° F. or higher for two to four days. These mild spells during the winter are due to movement of warm air from the Pacific.

Records of evaporation, precipitation, sunshine, and temperature have been taken for the past 15 years in cooperation with the Meteorological Branch of the Department of Transport. Tables 1-10 give the details for 1953 to 1959 along with the long-term averages.

**Table 1.—Monthly and Annual Mean Maximum Temperatures (° F. at 4 Feet Above Ground), 1953-59, and Long-term Averages, Experimental Farm, Mile 1019, Alaska Highway, Y.T.**

Year	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual
1953	— 6.0	26.6	28.1	44.4	57.0	68.4	69.0	63.4	52.1	37.3	15.2	16.4	39.3
1954	10.6	13.0	32.0	33.7	54.7	66.1	63.1	66.0	54.7	45.5	28.4	2.9	39.2
1955	14.5	20.6	27.4	38.8	50.3	61.1	68.5	59.6	53.7	36.8	3.5	— 2.8	36.0
1956	0.4	10.2	25.2	44.3	55.9	60.6	67.1	63.4	53.3	34.0	30.8	— 0.2	37.1
1957	2.7	17.9	33.4	40.6	55.2	69.9	65.8	70.5	62.9	44.3	28.6	2.9	41.2
1958	12.3	14.4	30.6	48.8	58.0	70.8	70.4	62.1	54.6	34.8	20.2	6.0	40.3
1959	— 9.4	21.9	21.2	41.2	54.5	69.3	65.2	62.1	55.1	38.2	25.5	19.3	38.7
Average, 1953-59	3.6	17.8	28.3	41.7	55.1	66.2	67.0	63.9	55.2	38.7	21.7	6.4	38.8
1945-59	6.0	15.8	29.6	40.9	55.5	65.9	67.6	64.5	55.3	39.7	21.1	6.2	39.0

2 **Table 2.—Monthly and Annual Mean Minimum Temperatures (° F. at 4 Feet Above Ground), 1953-59, and Long-term Averages, Experimental Farm, Mile 1019, Alaska Highway, Y.T.**

Year	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual
1953	—26.5	— 1.7	— 6.8	22.4	29.8	40.3	42.9	39.2	28.9	19.9	— 6.1	— 3.8	14.9
1954	—16.3	—17.5	— 0.7	8.8	28.6	34.7	39.1	36.3	28.0	22.4	13.6	—15.5	13.5
1955	— 5.7	— 7.1	— 4.6	14.4	25.7	32.4	40.2	35.7	26.3	11.5	—20.1	—26.7	10.2
1956	—23.0	—13.3	— 3.9	18.6	27.9	33.5	40.7	38.2	28.3	15.3	12.4	—19.9	12.9
1957	—20.5	—12.6	— 0.4	18.3	30.3	38.8	39.2	39.1	33.8	16.4	7.4	—16.2	14.5
1958	— 8.7	—10.5	— 4.5	21.5	29.5	38.5	41.7	37.0	26.7	10.1	10.0	—12.3	14.9
1959	—30.2	— 7.1	— 4.0	18.2	29.5	39.8	38.0	37.8	31.0	14.2	2.7	— 4.7	13.8
Average, 1953-59	—18.7	—10.0	— 3.6	17.5	28.8	36.9	40.3	37.6	29.0	15.7	2.8	—14.2	13.5
1945-59	—17.3	—12.5	— 1.6	17.5	28.4	35.9	39.8	36.5	29.1	16.3	1.4	—14.9	13.2

**Table 3.—Monthly and Annual Mean Temperatures (° F. at 4 Feet Above Ground), 1953-59, and Long-term Averages, Experimental Farm, Mile 1019, Alaska Highway, Y.T.**

Year	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual
1953 .....	-16.3	-12.4	10.7	33.4	43.4	54.4	55.9	51.3	40.5	28.6	4.5	6.3	25.0
1954 .....	- 2.9	- 2.3	15.7	21.3	41.7	50.4	51.1	51.1	41.3	34.0	21.0	- 6.3	26.3
1955 .....	4.4	6.8	11.4	26.6	38.0	46.8	54.4	47.6	40.0	24.1	- 8.3	-14.8	23.1
1956 .....	-22.6	- 1.5	10.7	31.5	41.9	47.0	53.9	50.8	40.8	24.6	21.6	-10.1	24.1
1957 .....	- 8.9	2.6	16.5	29.5	42.8	54.3	52.5	54.8	48.4	30.4	18.0	- 6.6	27.9
1958 .....	1.8	1.9	13.0	35.2	43.7	54.7	56.0	49.5	40.1	22.5	15.1	- 6.3	27.3
1959 .....	-19.8	7.4	8.6	29.7	42.0	54.6	51.6	50.0	43.1	26.2	14.1	7.3	26.2
Average, 1953-59 .....	- 9.0	0.4	12.4	29.6	41.9	51.7	53.6	50.7	42.0	27.2	12.3	- 4.4	25.7
1945-59 .....	- 7.2	0.02	13.9	28.3	41.1	49.8	52.8	49.5	41.2	27.7	10.9	- 5.4	25.2

**Table 4.—Monthly Extremes in Temperature (° F. at 4 Feet Above Ground), Experimental Farm, Mile 1019, Alaska Highway, Y.T., 1945 to 1959**

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Lowest .....	-65.0	-65.0	-45.0	-23.0	12.0	20.0	26.0	12.0	1.0	-23.0	-53.0	-54.0
Year .....	1947	1947	1951	1954	1948	1945	1947	1948	1946	1958	1948	1955
Highest .....	54.0	48.0	52.0	66.9	82.0	86.0	88.0	83.0	75.2	65.0	56.5	47.0
Year .....	1949	1945	1951	1958	1947	1950	1946	1950	1957	1958	1956	1955

**Table 5.—Monthly and Annual Precipitation, Inches, 1953-59, and Long-term Averages, Experimental Farm, Mile 1019, Alaska Highway, Y.T.**

Year	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual snow-fall	Annual rain-fall	Annual precipitation <sup>1</sup>
1953 .....	.26	.73	.23	.95	.64	.84	2.41	.96	.78	2.81	.39	.82	49.8	6.84	11.82
1954 .....	.35	.58	.16	.43	1.11	.70	3.27	1.27	1.78	1.35	1.32	4.36	48.4	11.84	16.68
1955 .....	.53	.14	.80	.07	.03	.41	.67	1.15	.92	.28	.71	.65	31.0	3.26	6.36
1956 .....	.57	.16	.08	.27	.14	3.05	1.86	.58	.59	.22	7.29	1.63	66.6	9.76	16.42
1957 .....	.28	.66	.12	.07	.55	.80	1.59	1.63	.89	1.73	.53	1.11	26.8	7.28	9.96
1958 .....	1.58	.27	.27	.71	.02	.66	.15	2.40	.49	.91	1.02	1.53	55.6	4.45	10.01
1959 .....	.54	.47	.84	.04	.41	1.07	.10	1.60	1.45	.90	1.90	1.54	53.3	5.53	10.86
Average, 1953-59 .....	.59	.43	.36	.36	.41	1.08	1.44	1.37	.99	1.17	1.88	1.60	47.4	6.99	11.73
1945-59 .....	.71	.41	.32	.37	.47	1.16	1.35	1.10	1.21	1.54	1.48	1.35	46.4	6.83	11.47

<sup>1</sup>Ten inches of snow equals 1 inch of rain.

**Table 6.—Extreme Monthly and Annual Precipitation, Inches, Experimental Farm, Mile 1019, Alaska Highway, Y.T., 1945-59**

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual snow-fall	Annual rain-fall	Annual precipitation <sup>1</sup>
Lowest .....	.22	.05	0.0	0.0	.02	.30	.41	.05	.39	.15	.39	.32	26.80	3.26	6.36
Year .....	1951	1951	1949	1946	1958	1948	1955	1945	1951	1950	1953	1949	1957	1955	1955
Highest .....	1.73	.75	.84	2.50	1.11	3.05	3.27	2.40	3.44	3.59	7.29	4.36	66.60	11.81	16.68
Year .....	1948	1950	1959	1945	1954	1956	1954	1958	1954	1949	1956	1954	1956	1954	1954

<sup>1</sup>Ten inches of snow equals 1 inch of rain.

**Table 7.—Monthly and Annual Hours of Bright Sunshine, 1953-59, and Long-term Averages,  
Experimental Farm, Mile 1019, Alaska Highway, Y.T.**

Year	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual
1953 .....	19.3	66.0	191.7	157.3	245.1	211.5	216.1	197.3	106.4	48.6	24.7	0.0	1484.0
1954 .....	12.8	103.1	165.6	235.7	277.8	263.2	200.6	262.2	152.7	113.2	16.9	0.0	1803.8
1955 .....	7.7	72.9	147.3	210.2	278.4	248.7	286.6	200.7	177.0	94.0	23.8	0.3	1747.6
1956 .....	17.1	70.4	149.8	247.2	320.5	239.1	304.5	200.5	132.7	64.9	3.2	0.2	1750.1
1957 .....	31.3	68.7	196.9	200.2	161.7	277.7	225.4	263.2	163.9	12.3	12.3	0.0	1613.6
1958 .....	18.3	69.6	215.4	274.9	288.0	328.4	293.4	209.3	161.2	111.6	25.4	2.1	1997.6
1959 .....	26.4	71.1	155.4	222.2	276.7	267.0	289.0	165.5	153.7	126.8	30.2	0.0	1784.0
Average, 1953-59 .....	19.0	74.5	174.6	221.1	264.0	262.2	259.4	214.1	149.7	81.6	19.5	.4	1740.1
1946-59 .....	20.7	75.8	165.4	197.3	262.1	258.2	249.8	213.5	148.8	87.5	21.4	.4	1703.3
Lowest .....	7.7	55.7	124.4	144.3	161.7	172.0	184.7	163.2	106.4	12.3	3.2	0.0	
Year .....	1955	1946	1946	1952	1957	1949	1946	1947	1953	1957	1956		1949, 1951 1953, 1954 1957, 1959
Highest .....	31.3	110.0	215.4	274.9	320.5	328.4	304.5	263.2	186.8	126.8	34.2	2.1	
Year .....	1957	1951	1958	1958	1956	1958	1956	1957	1950	1959	1946	1958	

**Table 8.—Monthly Evaporation, Inches, 1953-59, and Long-term Averages and Monthly Extremes, Experimental Farm, Mile 1019, Alaska Highway, Y.T.**

Year	May	June	July	Aug.	Sept.
1953 .....	3.38	4.06	2.91	2.83	1.26
1954 .....	2.61	3.50	3.24	2.47	1.58
1955 .....	3.05	4.93	3.40	2.85	1.12
1956 .....	4.34	6.65	3.86	2.28	.48
1957 .....	4.55	3.60	3.40	3.20	1.70
1958 .....	4.13	5.32	5.34	3.26	.53
1959 .....	2.57	4.07	4.59	.76	.23
Average, 1953-59 ....	3.52	4.59	3.82	2.52	.96
1946-59 ....	3.59	4.64	3.87	2.71	1.19
Lowest .....	2.57	3.50	2.91	.76	.07
Year .....	1959	1954	1953	1959	1948
Highest .....	4.81	6.65	5.34	3.81	1.86
Year .....	1948	1956	1958	1951	1949



**Table 9.—Dates of Frost and Frost-free Periods, 1953-59, and Long-term Averages, Experimental Farm, Mile 1019, Alaska Highway, Y.T.**

Year	Frost <sup>1</sup>		Consecutive		Killing frost <sup>2</sup>				Crop days above 28° F.	
	Last in spring		First in fall		frost-free days	Last in spring		First in fall		
	Date	° F.	Date	° F.		Date	° F.	Date		° F.
1953 .....	July 10	31.5	Aug. 9	29.0	30	June 17	26.5	Aug. 22	27.0	67
1954 .....	July 14	31.0	July 23	31.5	9	July 2	28.0	Aug. 16	26.0	45
1955 .....	July 15	30.5	Aug. 12	30.0	28	July 12	28.0	Aug. 16	24.0	35
1956 .....	July 11	32.0	July 23	32.0	12	June 24	27.5	Aug. 5	27.0	41
1957 .....	July 11	32.0	July 24	31.5	13	May 31	27.0	Aug. 20	28.0	81
1958 .....	June 30	30.0	Aug. 2	32.0	33	May 29	28.0	Aug. 16	28.0	79
1959 .....	July 4	31.0	July 18	30.0	14	June 6	28.0	July 24	26.5	48
Average, 1953-59 ..	July 9	31.1	July 29	30.9	20	June 19	27.6	Aug. 14	26.6	56
1945-59 ..	July 6	31.1	July 29	30.0	23	June 19	27.2	Aug. 11	25.9	53
Extremes, <sup>3</sup> 1945-59										
Longest season ..	July 10, 1952	31.5	Aug. 18	27.0	39	May 31, 1957	27.0	Aug. 20	28.0	
Shortest season .	July 14, 1954	31.0	July 23	31.5	9	July 2, 1949	27.0	July 30	—	
Earliest frost ....	June 20, 1951	29.0	July 16, 1948	31.0	—	May 31, 1957	27.0	July 24, 1959	26.5	
Latest frost .....	July 15, 1955	30.5	Aug. 18, 1952	27.0	—	July 13, 1947	26.0	Aug. 25, 1948	12.0	

<sup>1</sup> Frost: 32° F. or lower.

<sup>2</sup> Killing frost: 28° F. or lower.

<sup>3</sup> Midseason date: July 15.

**Table 10.—Mean Monthly Soil Temperatures (° F.) taken at 8 a.m. and 5 p.m. during the Growing Season at Two Depths, Experimental Farm, Alaska Highway, Y.T., 1953-59**

Year	May		June		July		August		September	
	4	8	4	8	4	8	4	8	4	8
1953 .....	—	—	60.6	58.4	62.0	60.0	58.7	57.8	46.9	48.0
1954 .....	48.9	45.4	57.4	54.7	57.1	55.8	56.7	56.1	45.6	45.7
1955 .....	43.8	39.8	52.3	49.3	62.9	60.9	56.1	55.3	47.2	47.5
1956 .....	49.9	45.4	57.5	53.7	65.2	61.5	58.2	56.4	46.4	45.8
1957 .....	50.2	45.3	63.0	58.7	59.1	57.1	59.0	58.7	50.3	50.3
1958 .....	50.9	46.5	65.2	61.8	66.4	63.3	58.4	57.0	44.8	44.4
1959 .....	—	—	61.6	58.0	62.3	59.1	56.5	54.6	46.6	45.4
Average .....	48.7	44.5	59.7	56.4	62.1	59.7	57.7	56.6	46.8	46.7

## **ANIMAL HUSBANDRY**

*W. H. Hough*

### **Beef Cattle**

A herd of 10 to 30 registered Shorthorn cattle was maintained for observations on their adaptability and tolerance to cold in the area. Beef cattle production was shown to be practical and satisfactory.

The health of the herd was very good. All animals were negative in reaction to tests for tuberculosis and brucellosis. Each cow produced a healthy calf each year from 1954 to 1958.

The cattle were fed home-grown feed and were allowed free access to minerals and salt at all times. The herd wintered well with access to small shelter pens for protection from draughts and precipitation.

Studies are being undertaken on the value of various shelters.

### **Pigs**

Two sows and a boar were obtained in 1957 to observe their tolerance to cold and adaptability to the area.

The animals were housed in a single-storey log barn without supplementary heat. They were self-fed with a ration of 40 percent protein supplement and home-grown grains, at 500 pounds of barley and 300 pounds of oats to 200 pounds of supplements. The daily feed consumption during the winter was nine pounds of the mixture per sow.

All animals wintered each year in good condition. Evidently pigs can tolerate the prolonged winter.

### **Poultry**

A flock of about 100 pullets was maintained to observe their adaptability to the climate.

Until 1956, poultry feed was purchased from Vancouver, B.C. Since then most of the feed has been prepared by mixing home-grown grain and 40 percent protein concentrate obtained from Vancouver.

The pullets were housed in a single-storey log poultry house. During the severe winter weather, four 250-watt heat lamps were used to keep the laying house above freezing.

From 1953 to 1959, Barred Plymouth Rock, Sussex, Leghorn and Leghorn hybrid pullets were compared in their performance and production. Because of the small flock and differences in strains from year to year the results were inconclusive.

A new experimental laying house was completed in 1959 to provide improved facilities for testing egg production, and to determine whether production of eggs in the area is economical.

## **CEREAL CROPS**

*J. Y. Tsukamoto*

The studies on cereal crops consisted chiefly in testing new varieties of oats, barley, spring wheat, winter wheat, and winter rye. Improved varieties were introduced from various breeding institutions. For a brief period in 1958 and 1959 some studies were conducted on cereal crops for forage.

## Oats

Oats are an important cereal crop in the area because they can be used as grain and as roughage. Twenty-five varieties and strains were tested. The important factor in recommending varieties is early maturity, as late-maturing varieties are damaged by early-fall frosts. The performances of the varieties Abegweit, Gold Rain (which is widely grown in Alaska), and Victory from 1953 to 1959 were:

<i>Variety</i>	<i>Days to mature</i>	<i>Length of straw, in.</i>	<i>Resistance to lodging<sup>1</sup></i>	<i>Pounds per bushel</i>	<i>Bushels per acre</i>
Abegweit	97.9	31.8	1.8	38.4	65.2
Gold Rain	103.2	35.5	1.3	40.3	63.4
Victory	— <sup>2</sup>	34.9	1.9	39.7	65.3

<sup>1</sup>Scale: 1, erect, to 9, prostrate.

<sup>2</sup>Variety often frozen.

Abegweit matured earliest, had shorter straw than Victory, and was similar to Victory in yield and resistance to lodging.

Other varieties that mature earlier than Abegweit, such as Shefford, Vicland and Larain, yielded less.

## Barley

Barley is one of the most important grain crops tested because it matures earlier than any other tested. Prolonged dry weather, which often occurs during early spring and early summer, usually causes barley to be very short. Of 18 varieties tested from 1953 to 1959, three performed well:

<i>Variety</i>	<i>Days to mature</i>	<i>Length of straw, in.</i>	<i>Resistance to lodging<sup>1</sup></i>	<i>Pounds per bushel</i>	<i>Bushels per acre</i>
Edda	95.7	28.0	1.5	48.3	50.0
Gateway	94.9	27.6	1.3	50.5	45.1
Olli	92.2	28.1	1.8	49.4	41.3

<sup>1</sup>Scale: 1, erect, to 9, prostrate.

Edda, the highest-yielding variety, is not suitable for malting. Olli matured earliest and gave grain of good quality but yielded the least. Gateway was intermediate in maturity and yield, gave grain of satisfactory quality, and is smooth-awned.

Asa performed well in 1957 and 1958. It matured early, yielded well, and gave good-quality grain, but further testing is necessary before it is recommended.

## Spring Wheat

Spring wheat is not recommended because it matured only in 1953 and in 1957. In other years it was damaged by early-fall frost. In a normal season the grain makes poor-grade feed, Saunders being the best of 25 varieties and strains tested.

## Winter Grains

Biennial cereal crops, namely, winter rye and winter wheat, grow satisfactorily in the area. In some years a mild spell of warm weather removes snow from the fields, and subsequent cold weather may seriously damage these crops.

Sitnikoff winter rye is recommended because it was more winter-hardy than Dakold and the other varieties tested, though it yielded slightly less. The

four-year averages for Sitnikoff and Dakold were 35.4 and 38.8 bushels per acre respectively.

The most critical factor in suitability of winter wheat is winterhardness. In normal seasons it matured better than spring wheat and gave better-quality grain. Karkov M.C. 22 is recommended for its winterhardness and Yogo is almost equally suitable. The four-year average yields were 25.9 and 24.7 bushels per acre. The wheat should be sown about August 1, so that it may develop vigorous rosettes before freeze-up.

### Cereal Crops

Use of annual cereal crops as roughage to supplement the hay crop is important in wintering livestock in the area. The forage was studied in cooperation with the Experimental Farm at Beaverlodge, Alberta, in 1958 and 1959.

Oats, barley and wheat were tested and harvested at various stages of growth. Results to date indicated that oats were the most satisfactory. Cutting at the boot stage appeared most satisfactory for quality and yield of forage from oats.

## FIELD HUSBANDRY

*J. Y. Tsukamoto*

The main studies in field husbandry were on the use of fertilizers. From 1953 to 1959 the weather was cool and dry during April, June, and July, so that grains germinated irregularly and the seedlings developed slowly. In August, rains usually allowed grains to recover, but seldom benefited hay crops because they were harvested from mid- to late-July. Frosts in mid-August usually ended plant growth. Despite this adverse weather, satisfactory grain crops were harvested except for spring wheat, which matured only in 1953 and 1957. Particular attention was given to promoting maturity of grain crops by the use of phosphorus fertilizers.

### Fertilizers

Experiments indicated that the soil lacks nitrogen and phosphorus. Phosphorus hastened the maturity of grain crops, and nitrogen increased the yields of hay and pasture.

The average yields of Beaver oats in bushels per acre in an oats-oats-fallow rotation from 1956 to 1959 when barnyard manure and various commercial fertilizers were applied were:

<i>Treatment</i>	<i>Pounds per acre</i>	<i>On fallow</i>	<i>On stubble</i>
Barnyard manure	20,000	66.5	43.3
16-20-0	50	47.8	36.9
Untreated	—	53.1	35.4
11-48-0	100	58.5	35.3
11-48-0	50	57.0	31.8
11-48-0 and 0-0-60	50 } 33	55.4	30.0

Application of ten tons of barnyard manure per acre gave the highest yields. The manure was incorporated into the soil as shallowly as possible. Placing the manure where the soil temperature was highest allowed maximum decomposition. In addition to providing nutrients as reflected by increased yields, manure visibly improved soil structure and water-holding capacity.

Phosphorus fertilizers (11-48-0) gave slight increases in yield on fallow but none on stubble. Nitrogen fertilizers (16-20-0) gave no increase. Addition of potash appeared to lower yields.



Figure 1.—Olli barley 45 days after a late-spring frost. The crop responded quickly to phosphorus but remained retarded in the check plots and where only ammonium nitrate or potash was used.

Figure 1 shows the differences in response of Olli barley to fertilizer. All of the plots were damaged by spring frosts. Plots receiving phosphate recovered quickly and matured. Those that received nitrogen fertilizers did not recover as quickly and failed to mature.

Pastures responded well to commercial fertilizers. Ammonium nitrate at 250 pounds per acre allowed continuous use and increased the protein content of the forage. Without fertilizer, pastures declined by the third year after seeding.

## FORAGE CROPS

*J. Y. Tsukamoto*

Studies were conducted to select the species and varieties of grasses and legumes that are best adapted to the area as feed for livestock.

### Grasses

Bromegrass was the hardiest grass tested and produced satisfactory forage. It was used as the main species in pasture and hay mixtures for upland areas. It was relatively easy to establish, tolerated drought, and was damaged little by insects or disease. The varieties Manchac and Canadian Commercial were found to be suitable.

Crested wheatgrass is hardy and adapted to the area. Because of its early spring growth, it was used in pasture mixtures. It withstood considerable drought.

Intermediate and slender wheatgrasses tolerate drought and are hardy in the area. They were readily established on light-textured soils.

Russian wild ryegrass is winter-hardy and adapted to the area, and was used in pasture mixtures.

Reed canarygrass and timothy were satisfactory for lowland hay, and gave good-quality hay.

Engmo, a recently introduced variety of timothy, was very promising. Creeping red fescue and Kentucky bluegrass are winter-hardy and were easily established, but were often damaged by snow mold. Other promising species as secondary grasses in pasture mixtures were Siberian wild ryegrass, Canada wild ryegrass, big bluegrass, and tall fescue. The wheatgrasses, fescues, and bluegrasses in recent years have been damaged by the insect *Labops hirtus*. Spraying with dieldrin aided in controlling the insect.

### Legumes

Ninety-nine species, varieties, and strains of legumes were tested. Yellow-flowered alfalfa, *Medicago falcata*, is the only legume that survived each season. All others were attacked by brown root rot and did not survive through the winters.

Brown root rot, caused by *Plenodomus meliloti*, was first noted at the Farm in 1952. The organism thrives in cool soils. It has since been found to be common in Yukon soils.

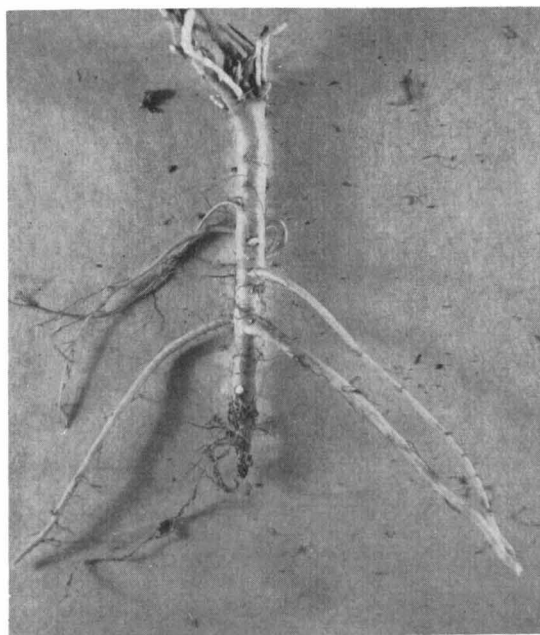


Figure 2.—Typical root of *Medicago falcata* showing brown root rot infection and damage to the tap root. Only the lateral roots were temporarily sustaining plant growth.

Yellow-flowered alfalfa tolerates this organism (Figure 2), evidently because, unlike *M. media*, it has a more extensive lateral root system. Yellow-flowered alfalfa flowered well (Figure 3) and set seed in abundance, but seed seldom matured.

### Hay and Pasture Mixtures

Studies on hay and pasture mixtures were begun in 1956. Although alfalfa did not survive more than a few years, the mixture of alfalfa, bromegrass, and crested wheatgrass appeared the most promising for hay and pasture.

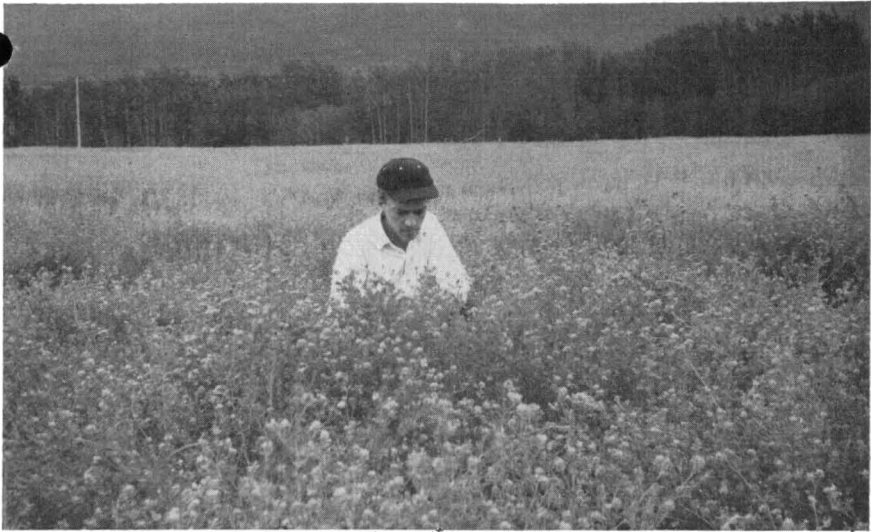


Figure 3.—*Medicago falcata* flowers profusely, but seed production is often light and not dependable because of early-fall frosts.

## HORTICULTURE

J. Y. Tsukamoto

Because of adverse weather during the growing season, few garden crops grow well without special treatment. Tender vegetables, such as beans, cucurbits, and corn, require protection from frost. Since the growing season is short, many vegetables and annual flowers are best started indoors in spring and transplanted outdoors after killing frosts are past. Satisfactory vegetables were produced in this way.

### Annual Flowers

The following flowers tolerated light frost and produced attractive bloom.

For borders:—Alyssum (*Lobularia maritima*): Carpet of Snow, Violet Queen. China aster (*Callistephus chinensis*): Kirkwell Dwarf. Lobelia (*Lobelia erinus*): Crystal Palace. Nemesia (*Nemesia strumosa*), mixed colors. Phlox (*Phlox drummondii*), mixed colors.

For bedding:—African daisy or Cape marigold (*Dimorphotheca aurantiaca*), mixed colors. Butterfly-flower or poor man's orchid (*Schizanthus wisetonensis*), mixed colors. California poppy (*Eschscholzia*), mixed colors. Candytuft (*Iberis amara*): Giant Hyacinth, white. China aster (*Callistephus chinensis*): Queen of the Market, California Giant, Giant Crego. Clarkia (*Clarkia elegans*): Royal Bouquet, mixed colors. Cornflower (*Centaurea cyanus*), mixed colors. Toadflax (*Linaria maroccana*): Fairy Bouquet. Dwarf morning glory (*Convolvulus tricolor*), mixed colors. Love-in-a-mist (*Nigella damascena*): Miss Jekyll. Mignonette (*Reseda odorata*): Sweet Scented. Petunia (*Petunia hybrida*): Fire Chief, Rose of Heaven, Red Satin. Pot marigold (*Calendula officinalis*): Orange King. Flowering flax (*Linum grandiflorum* var. *coccineum*), scarlet. Snapdragon (*Antirrhinum majus*): Majestic varieties. Strawflowers (*Helichrysum bracteatum* var. *monstrosum*).

For background:—Painted tongue (*Salpiglossis sinuata*): Emperor, mixed colors. Burning bush (*Kochia scoparia* var. *trichophila*). Baby's breath (*Cosmosphila elegans*): Covent Garden, Carmine. Sweet pea (*Lathyrus odoratus*): Spencer varieties.

### Perennial Flowers

Few perennial flowers are adapted to the area. The following were found hardy or (with asterisk) semihardy.

For borders:—Pink (*Dianthus plumarius*).

For bedding:—Bleeding heart (*Dicentra spectabilis*).\* Columbine (*Aquilegia* sp.): Long-spurred Hybrid.\* Daylily (*Heemerocalis* sp.): Dr. Rigel, *H. thunbergi*. Iris (*Iris setosa* ssp. *interior*), native iris. Gaillardia (*Gaillardia aristata*). Lychnis (*Lychnis chalconica*).\* Poppy (*Papaver* spp.), oriental poppies, Iceland poppies. Peony (*Paeonia* spp.): Festiva Maxima, Sarah Bernhardt. Speedwell (*Veronica spicata*).

For background:—Larkspur (*Delphinium*): Pacific Hybrid.

### Ornamental Trees and Shrubs

A very few species of imported ornamental trees and shrubs survived the winters. The following shrubs appeared winter-hardy and adapted to the area: bush cinquefoil (*Potentilla fruticosa*), cotoneaster (*Cotoneaster lucida*), oriental spiraea (*Spiraea media*), Preston lilacs (*Syringa prestoniae*), Golden clematis (*Clematis tangutica*), and Altai Scotch rose (*Rosa spinosissima* var. *altaica*).

Mugo pine (*Pinus mugo* var. *mughus*) is the only ornamental conifer that appeared to be winter-hardy. There are, however, native trees that can easily be transplanted and used as ornamental plants. They are: paper birch (*Betula papyrifera*), lodgepole pine (*Pinus contorta* var. *latifolia*) and native junipers (*Juniperus communis* var. *saxatilis* and *J. horizontalis*).

### Fruits

Of the tree fruits, bush fruits, and small fruits tested, only a few bush fruits were adaptable to the area. Raspberry plants survived the winter, but were heavily infested by mites during the growing season. Pixwell gooseberry was winter-hardy and produced satisfactory fruits. Saskatoon was the hardiest of all the fruit plants tested, bore fruit each season, and was injured little or not at all during the winter. Plums, apples, crabs, and pears were not winter-hardy. Sandcherries formed fruits in some seasons, but the fruit did not mature.

Cultivated strawberries did not survive the winters consistently well. In studies on crossing cultivated varieties with local wild strawberries, promising hybrids were obtained.

### Vegetables

Figure 4 shows the value of starting cauliflower indoors and growing it in flats until danger of frost has passed.

The following varieties gave vegetables of good quality from seed sown outdoors:—Broad beans: Windsor. Beets: Detroit Dark Red, Flat Egyptian. Carrots: Amsterdam, Goldinhardt, Red Cored. Leaf lettuce: Salad Bowl, Grand Rapids. Onions: onion sets. Parsnips: Short Thick, Hollow Crown. Peas: Alaska, Little Marvel, Laxton's Progress. Radishes: Cherry Belle, Comet. Rutabagas: Laurentian. Spinach: America, King of Denmark, Bloomsdale. Swiss chard:





Figure 4.—Mature cauliflower, started indoors and transplanted (left row); and immature cauliflower, seeded directly in the garden (right row).

Lucullus, Fordhook Giant. Turnips: Early White Milan, Purple Top Milan. Rhubarb: Macdonald, Canada Red.

The following varieties were satisfactory when grown in the greenhouse for transplanting to the garden:—Broccoli: Da Cicco, Italian Early Green Sprouting. Cabbage: Golden Acre, Viking, Badger Market, Copenhagen Market, Glory of Enkhuizen. Savoy cabbage: Early Drumhead. Cauliflower: Codania, Early Snowball, Alte. Head lettuce: Premier Great Lakes, Imperial, Great Lakes.

The following variety was satisfactory when grown in the greenhouse for transplanting to cold frames and later to the garden:—Celery: Utah 15.

The following varieties yielded satisfactory crops when grown in the greenhouse:—Cucumbers: Surecrop Hybrid, Marketer. Peppers: Tendersweet. Tomatoes: Quebec No. 152, Early Chatham, Early Lethbridge.

Many varieties and seedlings of potatoes were studied in 1956 and 1957 to select a potato that is scab-free and early. Promising selections were obtained from Early Gem. The earliest variety, though susceptible to scab, was Warba.

### Irrigation for Gardens

In 1956 and 1957, irrigation of garden crops was studied. Contrary to earlier findings at the Farm, irrigation favored plant growth and increased the yields of root and leafy vegetables.

Tests in 1956 and 1959 showed that sprinkler irrigation prevented damage to tender garden plants from late-spring and early-fall frosts. The plants were not damaged even when the air temperature reached as low as 18.5° F. This method of protection is useful mainly in prolonging the growth of late-maturing vegetables and the blooming period of flowers.

### Growing Tender Vegetables under Plastic Shelter

In 1958 and 1959, tender garden plants were grown under plastic A-shelters, each of which covered an area of 9 by 28 feet. Corn, tomatoes, beans, and cucumbers yielded satisfactory crops. In 1959 annual flowers were

grown, and yielded the bouquet that was presented to her Majesty Queen Elizabeth II in Whitehorse on July 19. The shelters gave higher soil and air temperatures, reduced evaporation of soil moisture, and gave protection from late-spring and early-fall frosts.

### **OFF-STATION TESTS**

*J. Y. Tsukamoto*

Off-station test plots were established from 1947 to 1956 to determine local adaptabilities of various cereal and forage crops. These were arranged on 13 sites from the southern to the west-central part of the Territory. Because of the limited extent of the tests, the results were inconclusive. However, cereal and forage crops that are adapted at the Farm are evidently suitable for other areas in the Yukon, especially the central area.

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