

# ORDINANCES

—OF THE—

# YUKON TERRITORY

PASSED BY THE

YUKON COUNCIL

IN THE YEAR

# 1908

ALEXANDER HENDERSON, K. C.,  
COMMISSIONER



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

BY AUTHORITY

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



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## CHAPTER 1.

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An Ordinance to Amend the Roadhouse Ordinance.

*[Assented to 10th August, 1908.]*

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

1. Chapter 3 of the Ordinances of 1907, entitled "An Ordinance Respecting Roadhouses," is hereby amended by adding thereto the following section:

9. The keeper of every hotel and roadhouse shall keep a public register in which shall be entered the name of every person who is supplied with board or lodging on the premises.

Register for  
names of  
guests to be  
kept.



## CHAPTER 2.

An Ordinance to Amend the Health Ordinance.

[Assented to 10th August, 1908.]

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

1. Chapter 9 of the Consolidated Ordinances, entitled An Ordinance Respecting the Public Health, is amended by adding after section 20 thereof the following sections:

Nuisance ground may be established by Health Officer.

20a. The medical health officer or sanitary inspector may establish a nuisance ground within the immediate vicinity of any town or village in the Territory, within which all garbage and refuse shall be deposited in accordance with regulations made by the medical health officer.

Nuisance ground may be changed.

20b. The medical health officer or sanitary inspector may change any nuisance ground from time to time as occasion may require.



## CHAPTER 3.

### An Ordinance to Amend the Judicature Ordinance and Rules.

[Assented to 10th August, 1908.]

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

1. Section 2 of Chapter 8 of the Ordinances of 1907 is hereby repealed and the following substituted therefor:

2. Rule 515 of the Rules of Court as amended by section 48 of Chapter 22 of the Ordinances of 1903 is hereby amended by inserting after the word "fact" in the eighteenth line thereof the words "not inconsistent with the findings of the jury."

Rule 515 amended.

2. Rule 609 of the Rules of Court under Chapter 17 of the Consolidated Ordinances of 1902 is repealed and the following substituted therefor:

Rule 609 repealed and substituted.

609. In all claims and demands for debt, account, breach of contract or covenant or money demand, whether payable in money or otherwise, where the amount or balance claimed does not exceed \$100.00, and in all personal actions where the amount claimed does not exceed \$100.00 and in all actions of replevin where the value of the goods or other property or effects distrained, taken or detained, does not exceed the sum of \$100.00, the procedure shall,

Procedure in case of debt, etc., for \$100.00 or less.

unless otherwise ordered or allowed by a judge be as in this part provided.

Minor may sue.

609 (a) A minor may sue under this part for wages not exceeding \$100.00 in the same manner as if he were of full age.

Cause of action cannot be divided.

609 (b) A cause of action shall not be divided into two or more actions for the purpose of bringing the same within the jurisdiction of this part.

No jurisdiction in.

609 (c) Jurisdiction is not given under this part and no action can be maintained under this part in any of the following cases:

Actions for recovery of land, etc.

(1) Actions for recovery of land or actions in which the right or title to any corporeal or incorporeal hereditaments is bona fide in question, or any toll or franchise comes in question.

For libel, slander, etc.

(2) Actions for malicious prosecution, libel, slander, criminal conversation, seduction or breach of promise of marriage.

In disputes relative to a devise, bequest, etc.

(3) Actions in which the validity of any devise, bequest, or limitation under any will or settlement is disputed.

Against Justice of the Peace.

(4) Actions against any Justice of the Peace for anything done by him in the execution of his office.





## CHAPTER 4.

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An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Further Expenses of the Public Service of the Yukon Territory for the Twelve Months From June 30th, 1907, to June 30th, 1908, and for Purposes Relating Thereto; and for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Yukon Territory for the Twelve Months From June 30th, 1908, to June 30th, 1909, and for Purposes Relating Thereto.

*[Assented to 10th August, 1908.]*

Whereas, It appears by Message from Alexander Henderson, Esquire, K. C., the Commissioner of the Yukon Territory, and in the Supplementary Estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" are required to defray certain further expenses of the public service of the Yukon Territory, and for other purposes relating thereto for the twelve months ending June 30th, 1908; and, Preamble.

Whereas, It appears by Message from Alexander Henderson, Esquire, K. C., the Commissioner of the Yukon Territory, and the Estimates accompanying the same, that Preamble.

the sums hereinafter mentioned in Schedule "B" to this Ordinance are required to defray certain expenses of the public service of the Yukon Territory, and for other purposes relating thereto for the twelve months ending June 30th, 1909;

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

Further appropriation for year ending June 30th, 1908.

1. From and out of the sums at the disposal of the Yukon Council, there shall and may be paid and applied a further sum not exceeding in the whole thirty-eight thousand one hundred and twenty-five dollars and twenty cents for defraying the several charges and expenses of the public service for the twelve months ending June 30th, 1908, as set forth in Schedule "A" to this Ordinance.

Appropriation for year ending June 30th, 1909.

2. From and out of the funds at the disposal of the Yukon Council there shall and may be paid and applied a sum not exceeding in the whole three hundred and twenty-six thousand dollars, for defraying the several charges and expenses of the public service for the twelve months ending June 30th, 1909, as set forth in Schedule "B" to this Ordinance.

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

SCHEDULE "A".

Further sums granted to the Commissioner by this Ordinance for the twelve months ending June 30th, 1908, and for the purposes for which they are granted.

To defray additional expenses of the Government of the Yukon Territory for the twelve months ending June 30th, 1908, as follows:

Roads, Bridges and Public Works.....	\$36,263.93
Town of Whitehorse .....	522.66
Streets and Sidewalks, City of Dawson .....	844.77
Street Lighting, City of Dawson .....	431.00
Maintenance of Dog Pound .....	62.84
	<hr/>
	\$38,125.20

## SCHEDULE "B".

Sums granted to the Commissioner by this Ordinance for the twelve months ending June 30th, 1909, and for the purposes for which they are granted.

To defray the expenses of the Government of the Yukon Territory for the twelve months ending June 30th, 1909, as follows:

Expenses in connection with election, ten Members, Yukon Council .....	\$13,000.00
Indemnity and Travelling Expenses, Members, Yukon Council .....	4,000.00
Salaries and Travelling Expenses .....	23,500.00
Preventive Service .....	950.00
Printing and Stationery .....	5,000.00
Whitehorse Free Reading Room .....	900.00
Schools .....	49,560.00
Dawson Free Library .....	4,300.00
Hospitals, Charity and Quarantine—	
Grant to St. Mary's Hospital.....	\$12,000
Grant to Good Samaritan Hospital	12,000
Grant to Whitehorse Hospital....	3,000
Special Grant to Whitehorse Hospital .....	600
In lieu of payment under Ordinance No. 10, Consolidated Ordinances, Yukon Territory, 1902, care of indigents, transportation, burial, rent of morgue, expenses in connection with public health, including salary of Health Officer and any assistance that may be required, and payment to W. T. Barrett, M. D., for special services rendered during outbreak of measles, \$500; to Zera Strong for work performed in the same connection, not to exceed \$280 .....	34,600.00
To provide for maintenance of Assay Office at Whitehorse .....	4,500.00
Miscellaneous Expenditure—	
Including sum of \$509.50 to be paid to Wilfrid Thibaudeau, formerly Territorial	
Carried forward.....	<u>\$140,310.00</u>

Brought forward . . . . .	\$140,310.00
Engineer, in full of amount expended by him for travelling expenses in 1900 and of all other claims and demands. To purchase books for Dawson Law Library, \$1,000. Grant of \$200 to Yukon Rifle Association. To payment of \$450 of grant to Conrad Free Reading Room for the months of October, November and December, 1907, and from January to June, 1908. . . . .	5,000.00
Contingencies . . . . .	5,000.00
Town of Whitehorse—	
To provide for fire protection, street lighting, repairs to streets, etc. . . . .	10,500.00
Roads, Bridges and Public Works . . . . .	107,090.00
Fire Department, City of Dawson . . . . .	34,300.00
Streets and Sidewalks, City of Dawson . . . . .	10,000.00
Street Lighting, City of Dawson . . . . .	3,500.00
Printing and Stationery, City of Dawson . . . . .	500.00
Maintenance of Dog Pound, City of Dawson . . . . .	2,000.00
Contingencies, City of Dawson . . . . .	1,000.00
Dawson Free Library, City of Dawson . . . . .	2,100.00
Salaries, City of Dawson . . . . .	4,700.00
	<hr/>
	\$326,000.00



## CHAPTER 5.

### An Ordinance to Secure Compensation for Personal Injuries Suffered by Workmen in Certain Cases.

[Assented to 10th August, 1908.]

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

#### SHORT TITLE.

1. This Ordinance may be cited as the "Employers' Liability Ordinance." Short title.

2. Unless otherwise declared or indicated by the context, wherever any of the following words or expressions occur in this Ordinance, they shall have the meanings hereinafter expressed, that is to say: Interpretation.

(1) The expression "superintendence" shall, unless a contrary intention appears, be construed as meaning such general superintendence over workmen as is exercised by a foreman or person in like position to a foreman, whether the person exercising superintendence is or is not ordinarily engaged in manual labour; "Superintendence."

(2) The expression "employer" shall, unless a contrary intention appears, include a body of persons, corporate or unincorporate, and also the "Employer"

legal personal representatives of a deceased employer, and the person liable to pay compensation under section 5 of this Ordinance;

"Workman" (3) The expression "workman" does not include a domestic or menial servant, but, save as aforesaid, means any railway servant, and any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner or otherwise engaged in manual labour, whether under the age of twenty-one years, or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Ordinance, be expressed or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour;

"Railway Servant." (4) The expression "railway servant" shall mean and include a railway servant and tramway servant;

"Packing." (5) The word "packing" shall mean a packing of wood or metal or some other equally substantial and solid material, of not less than two inches in thickness, and which, where filled in, shall extend to within two inches of the crown of the rails in use on any railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid.

Workmen entitled to compensation in following cases.

3: Where, after the commencement of this Ordinance, personal injury is caused to a workman—

- (1) By reason of any defect in the condition or arrangement of the ways, works, dredges, machinery, plant, buildings, or premises connected with, intended for, or used in the business of the employer or by reason of any defect in the construction of any stages, scaffolds or other erections erected by or for the employer, or in the materials used in the construction thereof; or
- (2) By reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him whilst in the exercise of such superintendence; or

- (3) By reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform and did conform, which such injury resulted from his having so conformed; or
- (4) By reason of the act or omission of any person in the service of the employer done or made in obedience to the rules or by-laws of the employer, or in obedience to particular instructions given by the employer or by any person delegated with the authority of the employer in that behalf; or
- (5) By reason of the negligence of any person in the service of the employer who has the charge or control of any signal points, locomotive, engine, machine or train upon a railway or tramway; or
- (6) By reason of the negligence of any telegraph operator or train despatcher in the service of the employer;

the workman, or, in case the injury results in death, the legal personal representatives of the workman, shall have the same right of compensation and remedies against the employer as if the workman had not been a workman of, nor in the service of the employer nor engaged in his work.

4. Where within this Territory personal injury is caused to a workman employed on or about any railway—

- (1) By reason of the lower beams or members of the superstructure of any highway, or other overhead bridge, or any other erection or structure over said railway, not being of a sufficient height, from the surface of the rails, to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then running on such railway, and the bottom of such lower beams or members; or
- (2) By reason of the space between the rails in any railway frog, extending from the point of such frog backward to where the heads of such rails are not less than five inches apart, not being filled in with packing; or
- (3) By reason of the space between any wing-rail and

Certain defects in railways to be deemed negligence.

any railway frog, and between any guard-rail and any other rail fixed and used alongside thereof as aforesaid, and between all wing-rails where no other rail intervenes (save only where the space between the heads of any such wing-rail where no other rail intervenes as aforesaid, is either less than one and three-quarters of an inch or more than five inches in width) not being at all times during every month of April, May, June, July, August, September and October, filled in with packing:

such injury shall be deemed and taken to have been caused by reason of a defect within the meaning of sub-section (1) of section 3 of this Ordinance. But nothing in this section contained shall be taken or construed, as in any respect or for any purpose restricting the meaning of said sub-section.

If the person for whom the work is done owns the plant he is liable in certain cases.

5. (1) Where the execution of any work is being carried into effect under any contract, and

- (a) The person for whom the work or any part thereof is done, owns or supplies any ways, works, dredges, machinery, plant, stages, scaffolds or the materials therefor, buildings, or premises used for the purpose of executing the work; and
- (b) By reason of any defect in the condition or arrangement of such ways, works, dredges, machinery, plant, stages, scaffolds or the materials therefor, buildings or premises, personal injury is caused to any workman employed by the contractor or by any sub-contractor; and
- (c) The defect or failure to discover or remedy the defect arose from the negligence of the person for whom the work or any part thereof is done, or of some person being in his service and entrusted by him with the duty of seeing that such condition or arrangement is proper;

the person for whom the work, or that part of the work, is done shall be liable to pay compensation for the injury as if the workman had been employed by him, and for that purpose shall be deemed to be the employer of the workman within the meaning of this Ordinance: Provided al-



ways that any such contractor or sub-contractor shall be liable to pay compensation for the injury as if this section had not been enacted, so, however, that double compensation shall not be recoverable for the same injury;

(2) Nothing in this section contained shall affect any rights or liabilities of the person for whom the work is done and the contractor or sub-contractor (if any) as between themselves.

6. In any action against an employer under this Ordinance, a workman shall not, by reason only of his continuing in the employment of the employer with knowledge of the defect, negligence, act or omission, which caused his injury, be deemed to have voluntarily incurred the risk of the injury.

Knowledge  
of defect  
alone not a  
bar to work-  
man's rights

7. A workman shall not be entitled under this Ordinance to any right of compensation or remedy against the employer in any of the following cases, that is to say:

Workman  
not entitled  
to compensa-  
tion under  
certain cir-  
cumstances.

(1) Under sub-section (1) of section 3, unless the defect therein mentioned arose from or had not been discovered or remedied owing to the negligence of the employer or of some person entrusted by him with the duty of seeing that the condition or arrangement of the ways, works, dredges, machinery, plant, or premises are proper, or that no defect exists in the construction of any stages, scaffolds or other erections erected by or for the employer, or in the materials used in the construction thereof;

(2) Under sub-section (4) of section 3, unless the injury resulted from some impropriety or defect in the rules, by-laws, or instructions therein mentioned; provided, that where a rule or by-law has been approved, or has been accepted as a proper rule or by-law, either by the Commissioner in Council, or under and pursuant to any provision in that behalf of any Ordinance of the Council of the Yukon Territory, or Act of Parliament of Canada, it shall not be deemed for the purposes of this Ordinance to be an improper or defective rule or by-law;

(3) In any case where the workman knew of the defect or negligence which caused his injury, and failed, without reasonable excuse, to give or cause to be given, within a reasonable time, information thereof to the employer or the person in superintendence, unless he was

aware that the employer or such superior already knew of the said defect or negligence.

Compensation not to exceed three years' wages or \$2,500.

8. The amount of compensation recoverable under this Ordinance shall not exceed either such sum as may be found to be equivalent to the estimated earnings during the three years preceding the injury of a person in the same grade employed during those years in the like employment within this Territory or the sum of two thousand five hundred dollars, whichever is larger; and such compensation shall not be subject to any deduction or abatement, by reason, or on account, or in respect of any matter or thing whatsoever, save such as is specially provided for in section 11 of this Ordinance.

Notice of injury within six months.

9. An action for the recovery under this Ordinance of compensation for an injury shall not be maintainable against the employer of the workman unless notice in writing that injury has been sustained is given by a person entitled to recover compensation or by anyone authorized in writing by such person, within six months, and the action is commenced within nine months from the occurrence of the accident causing the injury, or in case of death, within fifteen months from the time of death.

When workman can contract out of ordinance

10. No contract or agreement made or entered into by a workman shall be a bar or constitute any defence to an action for the recovery under this Ordinance for compensation for an injury;

- (1) Unless for such workman entering into or making such contract or agreement there was other consideration than that of his being taken into or continued in the employment of the defendant; nor
- (2) Unless such other consideration was, in the opinion of the court or judge before whom such action is tried, ample and adequate; nor
- (3) Unless, in the opinion of such court or judge, such contract or agreement, in view of such other consideration, was not on the part of the workman improvident, but was just and reasonable;

and the burthen proof in respect of such other consideration and of the same being ample and adequate, as aforesaid, and that said contract was just and reasonable and

was not improvident as aforesaid, shall, in all cases, rest upon the defendant: Provided, always, that notwithstanding anything in this section contained, no contract or agreement whatsoever made or entered into by a workman shall be a bar or constitute any defence to an action for the recovery under this Ordinance of compensation for any injury happening or caused by reason of any of the matters mentioned in section 4 of this Ordinance.

11. There shall be deducted from any compensation awarded to any workman or representatives of a workman, or persons claiming by, under, or through a workman in respect of any cause of action arising under this Ordinance, any penalty or damages or part of a penalty or damages, which may in pursuance of any Act of the Parliament of Canada or Ordinance of the Council of the Yukon Territory, have been paid to such workman, representatives, or persons in respect of the same cause of action; and where an action has been brought under this Ordinance by any workman, or the representatives of any workman, or any persons claiming by, under, or through such workman for compensation in respect of any cause of action arising under this Ordinance, and payment has not previously been made of any penalty or damages, or part of a penalty or damages, under any such Act of the said Parliament, or Ordinance of the said Council, in respect of the same cause of action, such workman, representatives or persons shall not, so far as the said Council has power, so to enact, be entitled thereafter to receive in respect of the same cause of action, any such penalty or damages, or part of a penalty or damages, under any such last-mentioned Ordinance.

Effects of this ordinance on workman's rights under other acts or ordinances.

12. (1) Notice in respect of any injury under this Ordinance shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which it was sustained, and shall be served on the employer, or if there is more than one employer, upon one of such employers;

Notice of injury, how to be given.

(2) The notice may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served;

(3) The notice may also be served by post, by a registered letter, addressed to the person on whom it is to be served at his last known place of residence or place of

business, and if served by post shall be deemed to have been served at the time when a letter containing the same would be received in the ordinary course of post, and in proving the service of such notice it shall be sufficient to prove that the notice was properly addressed and registered;

(4) Where the employer is a body of persons corporate or unincorporate the notice shall be served by delivering the same at or by sending it by post in a registered letter addressed to the office, or if there be more than one office any one of the offices of such body;

(5) A notice under this section shall be deemed sufficient if in the form or to the effect following:

Form of  
notice.

To A. B. of (here insert employer's address)  
or to the Company (or as the case may be).  
Take notice that on the day of  
19 , C. D., of (here insert address of injured person) a  
workman in your employ, sustained personal injury (add  
"of which he died," if such be the case) and that such injury  
was caused by (state shortly the cause of the injury,  
e. g., the fall of a beam).

Date

Yours, etc.,

X. Y.

Notice of  
intention to  
rely for de-  
fence on  
want of no-  
tice, or not  
being  
employer.

13. If the defendant in any action against an employer for compensation for an injury sustained by a workman in the course of his employment intends to rely for a defence on the insufficiency of notice, or on the ground that he was not the employer of the workman injured, he shall, not less than seven days before the hearing of the action or such other time as may be fixed by the rules regulating the practice of the Court in which the action is brought, give notice to the plaintiff of his intention to rely on that defence, and the Court may, in its discretion, and upon such terms and conditions as may be just in that behalf, order and allow an adjournment of the case for the purpose of enabling such notice to be given and subject to any such terms and conditions, any notice given pursuant to and in compliance with the order in that behalf, shall, as to any such action and for all purposes thereof, be held to be a notice given pursuant to and in conformity with sections 9 and 12 of this Ordinance.

14. When in any action under this Ordinance com-

pensation is awarded in the case of the death of a workman for an injury sustained by him in the course of his employment, the amount recovered after deducting the costs not recovered from the defendant, may, if the Court or Judge before whom the action is tried so directs, be divided between the wife, husband, parent and child of the deceased in such shares as the Court or Judge, with or without assessors, as the case may be, or if the action is tried by a jury, as the jury may determine.

Court may direct to whom damages shall be paid.

15. Notwithstanding anything contained in this Ordinance an action under sections 3, 4 and 5 of this Ordinance shall lie against the legal personal representatives of a deceased employer.

Liability extends to legal representatives of deceased employer.

16. In any action brought under this Ordinance the particulars of demand or statement of claim shall state in ordinary language the cause of the injury, and the date at which it was sustained, and the amount of compensation claimed; and where the action is brought by more than one plaintiff, the amount of compensation claimed by such plaintiff and where the injury of which the plaintiff complains shall have arisen by reason of the negligence, act or omission of any person in the service of the defendant, the particulars shall give the name and description of such person.

Statement of claim.

17. (1) Upon the trial of any action for the recovery of compensation under this Ordinance before a Judge without a jury, one or more assessors may be appointed by the Court or Judge for the purpose of ascertaining the amount of compensation and the remuneration (if any) to be paid to such assessors shall be fixed and determined by the Judge at the trial;

How assessors may be applied for.

(2) Any person who shall, as hereinafter provided, be appointed to act as an assessor in such action, shall be qualified so to act;

(3) In any such action a party who desires assessors to be appointed shall, eight clear days at least before the day for holding the Court at which the action is to be tried, file an application stating the number of assessors he proposes to be appointed, and the names, addresses, and occupations of the persons who may have expressed their willingness in writing to act as assessors. If the applicant has obtained the consent of the other party to the persons

named being appointed, he shall file such consent with his application;

(4) Where the application for the appointment of assessors has been made by one party to an action only, he shall, five clear days at least before the day for holding the Court at which the action is to be tried, serve a copy of the application so filed, upon the other party, who may then either file an application for assessors, or file objections to one or more of the persons proposed;

(5) An application for the appointment of assessors may be in the form following, or to the like effect, namely: In the Territorial Court of the Yukon Territory.

Form of application.

“The Employers’ Liability Ordinance.”

Between:

Plaintiff,

—and—

Defendant.

The plaintiff (or defendant) applies to have an assessor (or assessors) appointed to assist the Court in ascertaining the amount of compensation to be awarded to the plaintiff, should the judgment be in his favour, and he submits the names of the following persons, who have expressed their willingness in writing to act as assessors should they be appointed. (Here set out the names, addresses and occupations of the persons above referred to). (If the other party consent to the appointment, add the following):

The defendant (or plaintiff) consents to the appointment of any of the persons above named to act as assessors in this action, as appears by his consent thereto filed herewith.

Dated this                    day of                    ”  
A. B.

The above named plaintiff  
(or as the case may be.)

(6) Where separate applications are filed by the parties no objections to the persons proposed shall be made by either party, but the Court or Judge may appoint from the persons named in each application one or more assessor or assessors provided that the same number of assessors be appointed from the names given in such applications respectively;

(7) Where application for the appointment of as-

sessors is granted the Court or Judge shall appoint such of the persons proposed for assessors as by the Court or Judge may be deemed fit, subject to the provisions contained in this Ordinance;

(8) In any such action where an application for the appointment of assessors has been filed, the Court or Judge may, at any time prior to the trial thereof, nominate one or more additional persons to act as assessors in the action. Where no application for assessors has been made, the Court or Judge may appoint any one or more persons to act as assessor or assessors in the action before or on the trial of the action;

(9) If at the time and place appointed for the trial all or any of the assessors appointed shall not attend, the Court or Judge may either proceed to try the action with the assistance of such of the assessors, if any, as shall attend, or may adjourn the trial generally, or upon any terms which the Court or Judge may think fit, or may appoint any person who may be available and who is willing to act, and who is not objected to, or who, if objected to is objected to on some insufficient ground or the Court or Judge may try the action without assessors;

(10) Every person requiring the Court or Judge to be assisted by assessors shall, at the time of filing his application, deposit therewith the sum of five dollars for each assessor proposed and a further sum of five dollars for each assessor nominated by him and acting on each day of said trial after the first day, and such payments shall be considered as costs in the action, unless otherwise ordered by the Court or Judge: Provided, that where a person proposed as an assessor shall have in writing agreed and consented that he will not require his remuneration to be so deposited, no deposit in respect of such person shall be required;

(11) Where an action shall be tried by the Court or Judge with the assistance of any assessors in addition to or independently of any assessors proposed by the parties, the remuneration of such assessors shall be borne by the parties or either of them, as the Court or Judge shall direct;

(12) If after an assessor has been appointed the action shall not be tried, the Court or Judge shall have pow-

er to make an allowance to him in respect of any expense or trouble which he may have incurred by reason of his appointment, and direct the payment to be made out of any sum deposited for his remuneration :

(13) The assessors shall sit with and assist the Court or Judge when required with their opinion and special knowledge for the purpose of ascertaining the amount of compensation, if any, which the plaintiff shall be entitled to recover.

Consolidation of actions.

18. (1) Where several actions shall be brought under this Ordinance against a defendant in the same Court in respect of the same negligence, act or omission, the defendant shall be at liberty to apply to the Judge that the said actions shall be consolidated ;

(2) Applications for consolidation of actions shall be made upon notice to the plaintiffs affected by such consolidation ;

(3) In case several actions shall be brought under this Ordinance against a defendant in the same Court in respect of the same negligence, act or omission, the defendant may, on filing an undertaking to be bound so far as his liability for such negligence, act or omission, is concerned by the decision in such one of said actions as may be selected by the Court or Judge, apply to the Court or Judge for an order to stay the proceedings in the actions other than in the one so selected, until judgment is given in such selected action ;

(4) Applications for stay of proceedings shall be made upon notice to the plaintiffs affected by stay of proceedings or ex parte ;

(5) Upon the hearing of any application for consolidation of actions or for stay of proceedings, the Court or Judge shall have power to impose such terms and conditions and make such order in the matter as may be just ;

(6) If any order shall be made by a Court or Judge upon an ex parte application to stay proceedings it shall be competent to the plaintiffs affected by such order to apply to the Court or Judge (as the case may be) upon notice or ex parte, to vary or discharge the order so made and upon such last-mentioned application such order shall



be made as the Court or Judge shall think fit, and the Court or Judge shall have power to dispose of the costs occasioned by such order or orders as may be deemed right;

(7) In case a verdict or judgment in the selected action shall be given against the defendant, the plaintiffs in the actions stayed shall be at liberty to proceed for the purpose of ascertaining and recovering their damages and costs;

(8) A defendant may, by notice to the opposite party to be given or served at least six days before the day appointed for the trial of the action, admit the truth of any statement of his liability for any alleged negligence, act or omission as set forth or contained in the plaintiff's statement or particulars of claim in the action, and after such notice given the plaintiff shall not be allowed any expense thereafter incurred for the purpose of proving the matters so admitted;

(9) Where two or more persons are joined as plaintiffs under sub-section (1) of this section, and the negligence, act or omission which is the cause of action shall be proved, the judgment shall be for all the plaintiffs, but the amount of compensation, if any, that each plaintiff is entitled to shall be separately found and set forth in the judgment, and the amount of costs awarded in the action shall be ordered to be paid to such person and in such manner as the Court or Judge may think fit. Should the defendant fail to pay the several amounts of compensation and the costs awarded in the action, execution may issue as in an ordinary action, and should the proceeds of the execution be insufficient, after deducting all costs, to pay the whole of the amounts awarded, a dividend shall be paid to each plaintiff, calculated upon the proportion of the amount which shall have been awarded to the respective plaintiffs to the total amount realised after the deduction of all the costs of the action as aforesaid.

19. In any action brought to recover compensation under this Ordinance the forms and methods, and the rules and orders in force in the Territorial Court of the Yukon Territory shall, subject to and save as otherwise provided by the terms and provisions of this Ordinance, apply to and regulate all matters of pleading, practice and procedure in such action, and notwithstanding anything in this Ordinance contained, the forms and methods and the

Rules of  
Court to  
prevail.

pleadings, practice and procedure in any such action shall conform to and be regulated by any rules or orders in that behalf hereafter lawfully and duly made or prescribed with respect to actions brought in said Court.

20. This Ordinance shall not come into force until the 1st day of September, 1908.



## CHAPTER 6.

An Ordinance to Amend the Ordinance Respecting the Preservation of Game in the Yukon Territory.

[Assented to 10th August, 1908.]

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

1. Sub-section (2) of section 1 of Chapter 72 of the Consolidated Ordinances, entitled an Ordinance Respecting the Preservation of Game in the Yukon Territory, is hereby repealed and the following substituted therefor:

(2) The time within which beasts and birds may be hunted and killed under this Ordinance is called the "Open Season," and the time within which such hunting and killing is prohibited is called the "Close Season." Seasons.

2. Sub-section (3) of section 3 of said Ordinance as amended by section 3 of Chapter 5 of the Ordinances of 1905 and section 1 of Chapter 3 of the Ordinances of 1906, is hereby repealed, and the following substituted therefor:

(3) Wild swans, wild ducks, wild geese, snipe, sandpipers or cranes, between the 1st day of June and the tenth day of August in each year. Close season birds, etc.

3. Sub-section (4) of said section is hereby repealed and the following substituted therefor:

Number of animals to be killed.

(4) No one person shall have the right to kill during the Open Season, except as hereinafter provided, more than two elk or wapiti, two moose, two musk-oxen, six deer, six caribou, two mountain sheep and two mountain goats, and no females shall be killed at any time except as provided by section 18 of said Ordinance as amended by section 6 of this Ordinance.

Non-residents of Territory to obtain license.

4. No person who is not a resident of this Territory shall have the right to hunt, take, kill, shoot at or carry away any of the beasts and birds mentioned in this Ordinance unless he is possessed of a license to that effect, signed by the Commissioner of the Yukon Territory or any person appointed by him for that purpose, which license shall be granted only upon payment of a fee of one hundred dollars (\$100.00), which will form part of the General Revenue Fund of this Territory.

Licenses to make declaration.

(4a) All persons obtaining a license under the next preceding section shall, before leaving the Territory, be required to make oath before a Game Guardian that they have not violated any of the provisions of this Ordinance giving any particulars with relation thereto that may be required by the Game Guardian.

5. Section 13 of said Ordinance is hereby repealed and the following substituted therefor:

One-half of fine paid to informer.

13. In all cases of a conviction under this Ordinance one-half of the fine shall be paid to the informer and one-half shall form part of the General Revenue Fund of this Territory.

S. 18, Cap. 72, C. O. Y. T., amended

6. Section 18 of said Ordinance is hereby amended by adding after the word "purposes" in the third line the words "or for food," and by striking out the words "not exceeding four" in the fourth line and inserting in lieu thereof the words "to be fixed by the Commissioner."

7. No person shall be allowed to export from the Territory except as herein provided.

Exportation of trophies.

8. No trophies shall be allowed to be exported until the same have been declared to a game guardian with particulars as to when and where killed.

Licenses and permits.

9. It shall be the duty of game guardians to issue licenses and permits for the export of trophies under this Ordinance.

10. The Commissioner may, by proclamation, set aside any portion of the Territory from the operation of this Ordinance for such period of time as he desires in order to provide sustenance for isolated camps, and when any locality is so set aside under this section, the Commissioner may license one or more hunters to hunt for said district under such restrictions as he deems necessary.

Commis-  
sioner may  
set aside  
portion of  
Territory  
from opera-  
tion of  
ordinance.



## CHAPTER 7.

An Ordinance to Amend the Ordinance Respecting the  
Council of the Yukon Territory.

[Assented to 10th August, 1908.]

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

Sec. 9, Ch.  
2, Con. Ord.  
as amended  
is repealed  
and  
substituted.

1. Section 9 of Chapter 2 of the Consolidated Ordi-  
nances as amended by section 2 of Chapter 17 of the Ordi-  
nances of 1904 is repealed, and the following substituted  
therefor:

Members to  
receive  
travelling  
expenses.

9. There shall also be paid to each member of the  
Council his actual travelling expenses from his place of  
residence in attending the sittings of the Council and of  
any Committees thereof and returning to such place of  
residence.

Schedule  
amended.

2. The Schedule to said Chapter 17 of the Ordi-  
nances of 1904 is hereby amended by striking out the last  
two words in each section, and inserting in lieu thereof  
the words "two members."

Ordinance  
in force  
May 1st,  
1909.

3. This Ordinance shall not come into force until the  
first day of May, 1909.



**CHAPTER 8.**

An Ordinance to Further Amend the Judicature Ordinance and Rules.

[Assented to 10th August, 1908.]

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

1. Forms "H" and "J" in the schedule to the Rules of Court under Chapter 17 of the Consolidated Ordinances, entitled An Ordinance Respecting the Administration of Civil Justice, are hereby repealed and the following substituted therefor:

Forms "H" and "J."

**FORM "H"**

(Rule 612.)

**Small Debt Summons A.**

**IN THE TERRITORIAL COURT OF THE YUKON TERRITORY.**

Between:

of  
—and—

Plaintiff,

of

Defendant.

To the above named defendant:

You are notified that the plaintiff has entered an ac-

Form "H."

tion against you in the above named Court for the recovery of the claim or demand a statement of which is filed in Court and attached or indorsed hereon. You are notified that this summons is returnable on the \_\_\_\_\_ day after the day of the service thereof upon you. If you dispute the claim or any part thereof you are to leave with the Clerk of this Court at \_\_\_\_\_ in said Territory, within \_\_\_\_\_ days after the said service upon you, the dispute note hereto attached or one to the like effect. Otherwise after such return day has passed the clerk may sign judgment against you by default for the plaintiff's claim and costs, but in case you give or send by mail or otherwise said dispute note to the said Clerk, together with the sum of twenty-five cents for his fees, and he receives the same within said time, the cause will be tried at the next sittings of this Court to be held six days after the time limited for the entering of such dispute note, and you shall receive no further or other warning of such trial or of the time and place thereof.

2nd next sittings of Small Debt Court will be held  
at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_ m.

2nd next sittings of Small Debt Court will be held  
at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_ m.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_.

By the Court,

(L. S.)

Clerk.

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FORM "J"

(Rule 612.)

Small Debt Summons B.

IN THE TERRITORIAL COURT OF THE YUKON TERRITORY.

Between :

\_\_\_\_\_ of \_\_\_\_\_ Plaintiff,  
—and—  
\_\_\_\_\_ of \_\_\_\_\_ Defendant.

To the above named defendant :

Form "J."

You are notified that the plaintiff has entered an action against you in the above named Court for the recovery of the claim or demand, a statement of which is filed in Court and attached or indorsed hereon.



If you dispute the same or any part thereof, you are to leave with the Clerk of this Court at \_\_\_\_\_ in said Territory within \_\_\_\_\_ days after the said service upon you the dispute note hereto attached or one to the like effect.

In case you give or send by mail or otherwise the said dispute note to the said Clerk, together with the sum of \$ \_\_\_\_\_ for his fees and he receives the same within the said time, the cause will be tried at the next sittings of this Court, to be held six days after the time limited for the entering of such dispute note, and you shall receive no further or other warning of such trial or of the time and place thereof.

If no such dispute note is filed the plaintiff may proceed in his said action and judgment may be given in your absence.

1st next sittings of Small Debt Court will be held at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_, \_\_\_\_\_ m.

2nd next sittings of Small Debt Court will be held at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_, \_\_\_\_\_ m.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_.  
 (L. S.) \_\_\_\_\_ By the Court, \_\_\_\_\_ Clerk.



## CHAPTER 9.

### An Ordinance to Amend the Ordinance Respecting Steam Boilers.

[Assented to 10th August, 1908.]

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

Chapter 7,  
Con. Ord.  
amended.

1. Chapter 7 of the Consolidated Ordinances, entitled An Ordinance Respecting the Inspection of Steam Boilers and the Examination of Engineers Operating the Same, is amended by adding thereto the following section:

No license  
required  
outside  
Dawson,  
etc.

29. Notwithstanding anything contained in this Ordinance no male person above the age of eighteen years shall be obliged to obtain a certificate entitling him to operate any steam boiler or engine outside of the towns of Dawson, Whitehorse and Klondike City.

Sec. 6, Ch.  
19, Con. Ord.  
amended.

2. Section 6 of Chapter 19 of the Ordinances of 1903 as amended by section 3 of Chapter 12 of the Ordinances of 1907 is hereby amended by striking out the word "and" in the fifth line thereof.



## CHAPTER 10.

### An Ordinance Respecting the Driving of Saw Logs and Other Timber on Lakes, Rivers, Creeks and Streams.

[Assented to 10th August, 1908.]

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

1. This Ordinance may be cited and known as "The Saw Logs Driving Ordinance." Short title.

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

(1) "Logs" shall include saw logs, timber, posts, ties, cordwood and other things being parts of trees.

(2) "Water" shall mean and include lakes, ponds, rivers, creeks and streams in this Territory.

3. Any person putting or causing to be put, into any water, logs, for the purpose of floating the same in, upon or down such water, shall make adequate provisions and put on a sufficient force of men to break, and shall make all reasonable endeavours to break jams of such logs and clear the same from the banks and shores of such water with reasonable despatch, and run and drive the same so as not to unnecessarily delay or hinder the removal, float- Persons floating logs in river, etc., not to obstruct floating or navigation.

ing, running or driving of other logs, or unnecessarily obstructing the floating or navigation of such water.

In case of neglect person obstructed may clear river, etc.

4. In case of the neglect of any person to comply with the provisions of the preceding section, it shall be lawful for any other person desiring to float, run or drive logs in, upon or down such water, and whose logs would be thereby obstructed, to cause such jams to be broken and such logs to be cleared from the banks and shores of such water, and to be floated, run and driven in, upon and down such water.

Person clearing obstruction to use due care.

5. (1) The person causing such jams to be broken, or such logs to be cleared, floated, run or driven, pursuant to the last preceding section, shall do the same with reasonable economy and despatch, and shall take reasonable care not to leave logs on the banks or shores, and shall have a lien upon the logs in the jam or so cleared, floated, run, or driven for the reasonable charges and expenses of breaking the jams and the clearing, floating, running, driving, booming and keeping possession of such logs, and may take and keep possession of such logs or so much thereof as may be reasonably necessary to satisfy the amount of such charges and expenses pending the decision by arbitration as hereinafter provided for.

(2) The person taking possession of logs under this section shall use all reasonable care not to take such logs beyond the place of their original destination, if known, but may securely boom and keep possession of the same at or above such place.

(3) The owner or person controlling such logs, if known, shall be forthwith notified of their whereabouts, and if satisfactory security be given for the amount of such charges and expenses, possession of the logs shall be given up.

Provision when logs of several owners cannot conveniently be separated.

6. When logs of any person upon or in any water or the banks or shores of such water, are so intermixed with logs of another person or persons that the same cannot be conveniently separated for the purpose of being floated in, upon or down such water, then the several persons owning or controlling the intermixed logs, shall respectively make adequate provisions, and put on a fair proportion of the men required to break jams of such intermixed logs, and to clear the same from the banks and shores of such water

with reasonable despatch, and to float, run and drive the same in, upon and down such water, and the costs and expenses thereof shall be borne by the parties in such proportions as they may agree upon, and in default of agreement as may be determined by arbitration as hereinafter provided for.

7. In case of neglect of any person to comply with the provisions of the last preceding section, it shall be lawful for any other person whose logs are intermixed, to put on a sufficient number of men to supply the deficiency and break jams of such intermixed logs, and to clear the same from the banks and shores of such water, and to float, run and drive all such intermixed logs in, upon and down such water.

Provision  
when owner  
of any  
portion of  
logs is in  
default.

8. (1) The person supplying such deficiency and causing such jams to be broken, or such intermixed logs to be cleared, floated, run or driven, pursuant to the last preceding section, shall do the same with reasonable economy and despatch, and shall take reasonable care not to leave logs on the banks or shores, and shall have a lien upon the logs owned or controlled by the person guilty of such neglect, for a fair proportion of the charges and expenses of breaking the jams, and the clearing, floating, running, driving, booming and keeping possession of such intermixed logs; and may take and keep possession of such logs, or so much thereof, as may be reasonably necessary to satisfy the amount of such fair proportion of charges and expenses pending the decision by arbitration, as hereinafter provided for.

Lien on  
logs.

(2) The person taking possession of logs under this section shall use all reasonable care not to take such logs beyond the place of their original destination, if known, but may securely boom and keep possession of the same at or above such place.

(3) The owner or person controlling such logs, if known, shall be forthwith notified of their whereabouts, and if satisfactory security be given for the amount of such proportion of charges and expenses, possession of the logs shall be given up.

9. When logs of any person, upon or in any water, or the banks or shores of such water, are intermixed with logs of another person, then any of the persons whose logs are

Separation  
of logs.

intermixed may, at any time during the drive, require his logs to be separated from the other logs at some suitable and convenient place, and after such separation he shall secure the same at his own cost and expense, in such manner as to allow free passage for such other logs; **Providso.** that when any logs so intermixed reach their place of original destination, if known, the same shall be separated from the other logs, and after such separation the owner shall secure the same at his own cost and expense.

**Expenses of separation to be shared.**

10. The several persons owning or controlling the intermixed logs shall respectively make adequate provisions and put on a fair proportion of the men required to make the separation; the cost and expense of such separation shall be borne by the parties in such proportions as they may agree upon, and in default of agreement, as may be determined by arbitration, as hereinafter provided.

**Provision when owner does not provide for his share of work.**

11. (1) In case of neglect of any person to comply with the provisions of the last preceding section, it shall be lawful for any other person, whose logs are intermixed, to put on a sufficient number of men to supply the deficiency, and the logs owned by or controlled by the person guilty of such neglect shall be subject to a lien in favour of the person supplying the deficiency, for a fair proportion of the charges and expenses of making the separation, and for the reasonable charges and expenses of booming and keeping possession, and such person may take and keep possession of such logs or so much thereof as may be reasonably necessary to satisfy the amount of such fair proportion of charges and expenses pending the decision by arbitration, as hereinafter provided for.

(2) The person taking possession of logs under this section shall use all reasonable care not to take such logs beyond the place of their original destination, if known, but may securely boom and keep possession of the same at or above such place.

(3) The owner or person controlling such logs, if known, shall be forthwith notified of their whereabouts, and if satisfactory security be given for the amount of such proportion of charges and expenses, possession of the logs shall be given up.

**Form of security.**

12. The security referred to in sections 5, 8 and 11 may be by bond in Form A in the schedule hereto, or by de-

posit of money, or in such other way as the parties may agree upon.

13. If it be determined by arbitration, as hereinafter provided for, that any person acting under the assumed authority of this Ordinance, has without just cause taken possession of or detained or caused to be taken possession of or detained logs of another person, or has after offer of security which the arbitrators may think should have been accepted, detained such logs, or has through want of reasonable care left logs of another person on the banks or shores or has taken logs of another person beyond the place of their original destination contrary to the provisions of sections 5, 8 or 11, then such first mentioned person shall pay to such last mentioned person such damages as the arbitrators may determine.

Damages when person has wrongfully detained logs or refused security.

14. The lien given by sections 5, 3 and 11 of this Ordinance shall be subject to the lien (if any) of any person for tolls or dues, for the use of any works or improvements made use of in running or driving logs.

Lien under Ss. 5, 8 and 11 subject to lien for tolls.

15. Nothing in this Ordinance shall affect the liens or rights of the Crown upon or in respect of any logs.

Rights of Crown not affected.

16. All claims, disputes and differences arising under this Ordinance shall be determined by arbitration as hereinafter provided and not by action.

Disputes to be settled by arbitration.

17. (1) The person claiming that another person has not complied with the provisions of this Ordinance, or claiming payment of any charges or expenses under this Ordinance, or claiming a lien upon any logs, or claiming damages under section 13, shall give to such other person notice in writing, stating the substance of the claims made, and appointing an arbitrator, and calling upon such other person to appoint an arbitrator within ten days after the service of the notice.

Appointment of arbitrators.

(2) If such other person does not within the ten days appoint an arbitrator, a Judge of the Territorial Court shall, on the application of the person giving the notice, appoint a second arbitrator.

(3) The two arbitrators so appointed shall within ten days after the appointment of the second arbitrator appoint a third; if the two arbitrators do not within the ten days appoint a third, a Judge of the Territorial Court

shall, on the application of either party, appoint the third arbitrator.

Appoint-  
ment of new  
arbitrators.

18. If an arbitrator refuses to act or becomes incapable of acting, or dies, and the parties do not concur in appointing a new arbitrator, a Judge of the Territorial Court shall, on the application of either party, appoint a new arbitrator.

Parties may  
agree to  
have only  
one  
arbitrator.

19. The parties may agree that the arbitration shall be by one arbitrator instead of by three, and they may either agree upon the arbitrator or may apply to the Judge of the Territorial Court to appoint one.

Counter-  
claim.

20. The person on whom a claim is made and notice of arbitration served may at any time before the arbitration is entered upon or with leave of the arbitrators during the arbitration, give the claimant notice in writing by way of counterclaim, stating the substance of any claim arising under this Ordinance which such person may have against the claimant, and such counterclaim, unless barred under section 27, shall be determined in the arbitration and an award made with respect thereto.

Time, within  
which award  
to be made.

21. The three arbitrators or the sole arbitrator, as the case may be, shall proceed with the arbitration with due despatch, and shall make their or his award in writing, under their or his hand, within thirty days from the date of the appointment of such arbitrator, or the last of such three arbitrators, as the case may be. The parties may, by consent in writing, from time to time enlarge the time for making the award, or a Judge of the Territorial Court may, from time to time, either before or after the expiration of the said time, enlarge the time for making the award.

Witnesses  
and  
evidence.

22. The arbitrators or arbitrator may require the personal attendance and examination upon oath of the parties and their witnesses and the production of all books and documents relating to the matters in question, and may determine by whom the expense of the arbitration, and the costs of the parties shall be paid, and the amount thereof; any costs or expenses payable to a person having a lien upon logs by virtue of this Ordinance shall be added to the amount of such lien.

Authority  
as to costs.

23. Arbitrators' fees for services under this Ordi-



nance shall be fixed by a Judge of the Territorial Court.

24. The person having a lien upon logs by virtue of this Ordinance, may sell such logs in order to realize the amount of such lien, and of the costs, charges and expenses connected with the sale. The arbitrators or arbitrator shall determine either by their award or by separate document the time, place and manner of such sale, and may from time to time give directions, in writing, respecting such sale, and the realization of such lien, and of the costs, charges and expenses connected therewith.

Arbitrators' fees. Sale by person having lien.

25. The award and directions, in writing, of any two of the three arbitrators, or of the sole arbitrator, as the case may be, shall be final and binding upon and shall be obeyed by the parties, and shall be valid, notwithstanding any want or defect of form or other technical objection.

Award and directions to be final.

26. A Judge of the Territorial Court may, on the application of either party, grant an order to compel any person to attend and give evidence upon the arbitration and to produce all books and documents relating to the matters in dispute, and obedience to such order may be enforced in the same way as obedience to any order of such Judge made in a cause or matter pending before him in Court may be enforced, and the person neglecting or refusing, without lawful excuse, to obey such order, shall be liable to an action by any person aggrieved by such neglect or refusal for the damages sustained by him thereby

Compelling attendance of witnesses and production of documents.

Liability for non-attendance.

27. All claims arising under this Ordinance shall be made by notice in writing under section 17, within one year after the same have arisen, otherwise they shall be barred.

Limitation of claims.

28. The Commissioner may, from time to time, by proclamation published in the Yukon Gazette declare that any part of this Territory or any water therein shall, until further proclamation, be exempt from the operation of this Ordinance, and thereupon the same shall be exempt accordingly.

Commissioner may exempt part of Territory from ordinance.

29. Any part of this Territory, or any water therein exempted by proclamation from the operation of this Ordinance, may, by proclamation published in the Yukon Gazette, be again brought within its operations until further proclamation, and so on from time to time.

Territory exempted may be again brought under ordinance.

## SCHEDULE.

## Form A.

(Section 12.)

Know all men by these presents that we (here insert names of obligors, being the owner of the logs and at least one sufficient surety; or, if the signature of the owner cannot be obtained without unreasonable delay, then being two sureties) \_\_\_\_\_, are held and firmly bound unto A. B., (here insert the name of the person claiming the lien) in the penal sum of (double the amount of the claim) \$ \_\_\_\_\_ to be paid to the said A. B., his executors, administrators and assigns, for which payment well and truly to be made, we, and each of us, bind ourselves, and each of us our and each of our executors and administrators jointly and severally, firmly by these presents, sealed with our seals, and signed by us this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19 \_\_\_\_\_.

Whereas, The said A. B., claiming to act under the authority of The Saw Logs Driving Ordinance, has taken possession of certain (saw logs, timber, etc., as the case may be) owned or controlled by \_\_\_\_\_ and claims a lien thereon for the sum of \$ \_\_\_\_\_, under the provisions of section (5, 8 or 11, as the case may be) of the said Ordinance.

And, Whereas, this bond is given as security for payment to the said A. B. of such sum as he may be held entitled to by arbitration pursuant to the said Ordinance, and of any costs and expenses of the arbitration which may become payable to him.

Now the condition of the above obligation is such that if the said \_\_\_\_\_, his executors, or administrators do pay to the said A. B., his executors, administrators or assigns, such sum as may be determined by arbitration pursuant to the said Ordinance, to be payable to the said A. B., his executors, administrators or assigns, for charges and expenses under section (5, 8 or 11, as the case may be) of said Ordinance, and also such sum as may become payable to the said A. B., his executors, administrators or assigns, for costs and expenses of such arbitration, then the

above obligation to be void, otherwise to remain in full force.

Signed, sealed and delivered  
in the presence of  
X. Y.

C. D. (Seal.)  
F. G. (Seal.)

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