

ORDINANCES  
OF THE  
**YUKON TERRITORY**

PASSED BY THE  
YUKON COUNCIL

IN THE YEAR  
**1920**

GEORGE PATTON MACKENZIE  
GOLD COMMISSIONER



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

BY

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



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## CHAPTER 1

### AN ORDINANCE RESPECTING THE PRESERVA- TION OF GAME

[Assented to April 28, 1920.]

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

1. This Ordinance may be cited as "The Yukon Game Ordinance." Short title.

2. The names by which the beasts and birds mentioned in this Ordinance are therein described include their young and males and females. Interpretation. Names of beasts and birds include young, etc.

(1) 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." "Open season" and "close season."

(2) "Fur bearing animals" means and includes beaver, lynx, marten, mink, muskrat and otter and the pelt of any such animals. Fur bearing animals.

(3) The expression "Game" shall apply to all animals, dead or alive, mentioned in Section 4 of this Ordinance, and to the parts of such animals, including hides, as well as to the birds protected by this Ordinance as the context may permit. "Game."

(4) "Game Guardian" or "Guardian" shall "Guardian" or "Game Guardian."

mean and include a Game Guardian constituted by or appointed under this Ordinance.

"Dealer."

(5) "Dealer" means and includes any person carrying on or in any way employed in connection with any commercial business and including the sale of meat, poultry or fish.

R.C.M.P. and Guides ex-officio Game Guardians.

3. (1) All members of the Royal Canadian Mounted Police and all Guides and Assistant Guides shall be *ex-officio* "Game Guardians" under this Ordinance, and the Commissioner may from time to time appoint other Game Guardians.

Oath by Game Guardian.

(2) Every Game Guardian so specially appointed before acting as such Guardian, shall take and subscribe before any person authorized to administer oaths in the Territory, the following oath:

"I, A. B.....a Game Guardian, in and for the Yukon Territory, do solemnly swear that, to the best of my judgment, I will faithfully, honestly and impartially fulfill, execute, and perform the office and duty of such Game Guardian according to the true intent and meaning of the Ordinance respecting the preservation of game in the Yukon Territory, and of all regulations made or to be made thereunder."

Close seasons."

4. Except as hereinafter provided, no person shall hunt, trap, take, shoot at, wound, injure or molest or kill:

hunting buffalo or bison prohibited.

(1) Any buffalo or bison at any time.

beaver until 1st Nov., 1923.

(2) Any beaver between the first day of May and the first day of November. Provided, that no beaver shall be hunted, trapped, taken, shot at, wounded, injured or molested or killed before the first day of November, 1923.

lynx, marten, mink, otter.

(3) Any lynx, marten, mink or otter between the first day of April and the fifteenth day of November.

(4) Any muskrat between the first day of June and the first day of December. Muskrat.

(5) Any moose, caribou, deer mountain sheep or mountain goat, between the first day of March and the first day of August. Moose, caribou, deer, mountain sheep or goat.

(6) Any grouse, partridge, ptarmigan, pheasant or prairie chicken between the fifteenth day of March and the first day of September. Grouse, ptarmigan, etc.

(7) Any wild duck, wild goose, snipe, little brown, sandhill, or whooping crane, swan or curlew between the fifteenth day of December in any year and the fifteenth day of August in the year following. Provided, that a close season shall exist in regard to little brown, sandhill or whooping cranes, swan and curlew until the first day of January, 1928. Wild duck, goose, crane, snipe, swan, etc. Killing crane, swan, curlew before 1st January, 1928, forbidden.

(8) No one person shall have the right to kill during the "open season," except as hereinafter provided, more than two moose, six deer, six caribou, two mountain sheep and two mountain goats, and no female of such beasts shall be killed at any time except as herein provided. Number of animals that may be killed.

5. (1) Every person who kills any moose, caribou, deer, mountain sheep or mountain goat shall report himself personally to the nearest Royal Canadian Mounted Police Post or Detachment, or to the nearest Game Guardian, within sixty days from the time of such killing and declare in writing his name and place of residence, the number and description of the beasts killed and the place where such beasts were killed. Person killing any animals to report to Guardian.

(2) Every Game Guardian shall immediately after the 31st day of December in each year make and file with the Territorial Secretary a return stating the number and description of all beasts and game so reported to him during the previous year. Return to be made by Guardian.

Register of  
meat pur-  
chased for  
trading  
purposes to  
be kept.

6. Every person purchasing the meat of any of the above beasts for trading purposes shall keep a register showing the name of the person from whom the same was purchased, the kind and quantity purchased and the date of purchase.

Person in  
possession  
of pelt of  
fur bearing  
animal to  
state where  
obtained.

7. Any Game Guardian may call upon any person at any time found in possession of game or the pelt of any fur bearing animal to state when, where and from whom such game or pelt was obtained, and whenever he has reason to suspect that any person is illegally in the possession of any such game or pelt he shall have the right to inspect any bag or other receptacle, vehicle or other conveyance in which he supposes any such game or pelt to be, and any person refusing, molesting or obstructing any Game Guardian in the accomplishment of such duties, shall be liable, upon summary conviction, to a penalty not exceeding \$100 and costs and in default of payment to imprisonment for not exceeding one month.

Powers of  
Guardian  
to search.

Penalty.

Game  
Guardian  
may seize  
where  
offence  
suspected.

8. (1) Any Guardian who has reasonable grounds for believing that an offence has been committed under this Ordinance may seize any game or fur bearing animal or pelt in respect to which he believes such offence has been committed, and upon any such seizure shall notify the person in whose custody such game, animal or pelt was found to appear before the nearest convenient Justice, naming him, at a time and place to be named to such person by said Guardian to establish the rightfulness of his possession of such game, animal or pelt, and where practicable shall take the said game, animal or pelt before said justice and in the event of such person failing to establish such right of possession the Justice may declare such game, animal or pelt confiscated and the same may be dealt with in the manner provided by Section 21 of this Ordinance in regard to property confiscated.

Procedure  
on seizure.

Justice may  
declare  
game or  
pelts con-  
fiscated.

Guardian  
may enter  
premises.

(2) For the purposes provided by this section any Guardian may enter upon the premises of any person where he has reason to believe any such



game, animal or pelt may be and make search therefor in every part thereof.

9. (1) The Commissioner in Council may from time to time, when deemed necessary or expedient so to do, alter by resolution any of the times fixed by Section 4 of this Ordinance.

Close season may be altered by resolution.

- (2) Every such resolution shall forthwith after the Session at which it is passed be published twice in the Official Gazette and twice in a newspaper published at Whitehorse.

Publication of resolution.

10. (1) No person not a resident of and domiciled in the Territory shall be entitled to hunt, trap, take, shoot at, wound or kill any of the animals referred to in sub-section (5) of Section 4, or any fur bearing animal, whether protected by this Ordinance or not, without first obtaining a license in that behalf. Every such license shall be signed by the Commissioner or person appointed by him for such purpose and shall be in force during the calendar year in which the same is issued and shall be subject to the Game Laws in force in the Territory at the time such license is granted; the fee to be paid therefor shall be \$100. Such license shall not be valid unless the signature of the person to whom it is issued is endorsed thereon.

Non-resident must have license to hunt.

Term of license.

Fee.

Must be endorsed by licensee.

- (2) A holder of any such license shall be entitled to take with him or to ship out of the Territory, as trophies, the head, hide and hoofs of any big game lawfully killed by him.

Shipment of "trophies."

- (3) Provided that every such license holder shall before leaving the Territory be required to make and subscribe before a Game Guardian a statement under oath that he has not violated any of the provisions of this Ordinance, giving such particulars in relation thereto as may be required by the Game Guardian, and upon such statement being made the Game Guardian shall give to such license holder a certificate that such game, describ-

Licensee to make sworn statement before leaving Territory.

ing it, has been lawfully killed or taken and that such license holder is entitled hereunder to export the same from the Territory subject to any customs regulations existing in regard thereto.

May export.

Commis-  
sioner may  
license  
residents to  
act as  
Guides, etc.

11. (1) The Commissioner may (subject to such rules and regulations as he may deem necessary from time to time) issue to any resident of the Territory who is qualified to act as such a license to act as Guide, Assistant Guide or as camp helper to persons holding license under Section 10 of this Ordinance, for the purpose of hunting, trapping or shooting in the Territory. Every license issued under this section shall remain in force during the calendar year in which it is issued and no longer.

Penalty for  
acting as  
Guide with-  
out license.

(2) Any person who acts as Guide or Camp helper to any person who has not procured the necessary license under this Ordinance shall forfeit his license in addition to any other penalty that may be imposed. This section shall not apply to any person while helping any resident of the Territory to hunt game birds.

Exception.

(3) The fees for such licenses respectively shall be as follows:

License  
fees.

License for Chief Guide.....\$20.00  
License for Assistant Guide..... 10.00  
License for Camp Helper..... 5.00

Guides, etc.,  
to report  
violations.

(4) Every Guide and Assistant Guide licensed hereunder who shall fail to report or who refuses or neglects to lay information for any violation of this Ordinance or who shall himself violate any of the provisions of this Ordinance shall in addition to any other penalty have his license revoked and shall be ineligible to act as Guide for a period of two years from the date of conviction.

Taking of  
eggs  
forbidden.

12. Except as hereinafter provided, no eggs in the nest of any of the birds above mentioned, or in the nest

of any other species of wild fowl, shall be taken, destroyed, injured or molested at any time of the year.

13. Notwithstanding anything in Section 4 of this Ordinance, the beasts and birds mentioned in said section may be lawfully hunted, taken or killed, and eggs of any of the birds or other wild fowl so mentioned may be lawfully taken—

Explorers, surveyors, prospectors, etc., in actual need of food may kill.

(a) By explorers, surveyors, prospectors, miners or travellers who are engaged in any exploration, survey or mining operations or other examination of the Territory, and are in actual need of the beasts, birds or eggs for food.

(b) By any person who has a permit to do so granted under the subsequent provisions of this Ordinance.

14. None of the contrivances for taking or killing fowl, known as batteries, swivel guns or sunken punts, shall be used at any time of the year, to take, destroy, or kill any of the birds mentioned in this Ordinance, or any other species of wild fowl.

Use of batteries and other contrivances forbidden.

15. It shall be unlawful for any person to use pitfalls or any poison or poisonous substances for the purpose of taking or killing any birds or beasts of any kind whatsoever, and the fact that any person places any poison or poisonous substances in such a position that it may be reached or taken by any bird or beast, shall be proof that it was used for such purpose and shall be deemed an offence against the provisions of this Ordinance.

Use of poison or pitfalls forbidden.

16. No dog shall be used at any time of the year for hunting, taking, running, killing, injuring, or in any way molesting buffalo or bison, or during the "close season" any of the other beasts, or any of the birds mentioned in this Ordinance.

Dogs not to be used for hunting. Exception.

17. No one shall enter into any contract or agreement with or employ any Indian or other person, whether such Indian or person is an inhabitant of the Territory or not;

Not to employ Indian to hunt or kill.

to hunt, kill, or take, contrary to the provisions of this Ordinance; any of the beasts or birds mentioned in this Ordinance, or to take, contrary to such provisions, any eggs.

**Penalties.**

18. Every one is guilty of an offence who violates any of the foregoing provisions of this Ordinance, and is liable on summary conviction thereof to a penalty as follows:

(1) For the violation of any provisions with regard to beaver, moose or deer, to a penalty of not more than \$500.00.

(2) And for the violation as to any other of the provisions of this Ordinance to a penalty of not more than \$100.00.

(3) And he is also liable in every case to pay the costs of conviction.

**Recovery of penalties.**

19. The authority making the conviction may order that in default of payment of the penalty and the costs of conviction forthwith, or within such times as he orders, either,—

**Distress.**

(1) The penalty and costs shall be levied by distress, and sale of the goods and chattels of the person convicted and that, if sufficient goods and chattels cannot be found the person convicted shall be imprisoned for a period of not more than three months, unless the penalty and costs are sooner paid, or:

**Imprisonment.**

(2) The person convicted shall be imprisoned for a period of not more than three months, unless the penalty and costs are sooner paid.

**Suitable building where jail not near may be used.**

(3) When, because of the distance, or for want of means of conveyance or communication, or for any other cause, it is not practicable to confine such person in the nearest jail or other place of confinement, the convicting authority shall have power

to confine him in any suitable building which is more convenient and nearest to the place of trial and to take all reasonable necessary precautions to prevent his escape therefrom during the term for which he has been convicted.

20. In all cases of conviction under this Ordinance one-half the fine shall be paid to the person giving the information which leads to the conviction and one-half shall form part of the General Revenue Fund of the Territory.

One-half  
fine to  
informant.

21. (1) All beasts, pelts and birds or any part thereof, and all eggs, in respect of which any conviction has been made under this Ordinance, shall be held to be thereby confiscated, and the authority who has made the conviction may make such disposal thereof as he thinks fit, except to sell or barter the same.

Beasts, pelts  
and brds  
confiscated  
in certain  
cases.

(2) Provided, that all pelts of fur bearing animals, so confiscated, shall be handed over to the Commissioner, to be by him disposed of in such public manner as he deems advisable, the proceeds thereof to form part of the General Revenue Fund of the Territory.

Pelts  
confiscated  
to be  
disposed of  
by Commis-  
sioner.

22. Possession shall be constituted as follows, namely:

What  
constitutes  
possession.

(1) Possession at any time of the year of a buffalo or bison, dead or alive, or any part of a buffalo or bison, or:

(2) Possession at any time of the year of eggs of any of the birds mentioned in this ordinance, or of eggs of any other species of wild fowl, or:

(3) Possession during the "close season" of any other beast mentioned in this Ordinance, or of any part of any such beast, or of any birds mentioned in Section 4 shall be deemed *prima facie* evidence of the killing or taking of the beast, bird or eggs, as the case may be, contrary to the provisions of

Possession  
during close  
season  
prima facie  
evidence of  
violation.

this Ordinance. Provided, however, that this section shall not be construed to prevent the exposure and offering for sale of the carcasses, or any part of them, of beasts killed during the "open season," for a period of sixty days after the beginning of the "close season."

Only  
licensed  
hunter may  
sell to  
"Dealer."

(4) No person other than a person licensed under Section 32 hereof shall sell to any dealer any such beast or bird or any part thereof after the expiration of twenty days from the commencement of the "close season."

Meat killed  
in close  
season not  
to be sold.

(5) No person except as herein otherwise provided, shall sell or expose or offer for sale at any time of the year any meat of any beast or any bird mentioned in Section 4 of this Ordinance killed during the "close season."

Justice may  
appoint  
constables  
to arrest  
violators.

23. Any Justice of the Peace, when he considers it necessary to do so, may appoint a Constable or Constables to apprehend and arrest any person who has done, or who he has reason to believe has done anything in contravention of any of the provisions of this Ordinance; and any such Constable shall, upon apprehending and arresting such person, bring him for trial without any unnecessary delay before the nearest authority having the right and power to convict under this Ordinance, and shall produce any beast, or bird or eggs or some part of any such beast or bird found in the possession of such person at the time of his apprehension, contrary to the provisions of this Ordinance.

Proceedings  
upon arrest.

Search  
warrant  
may issue  
in certain  
cases.

24. Any justice of the peace, upon proper information that there is reason to suspect that a breach of any of the provisions of this Ordinance has been committed, or that any pelt of any fur bearing animal or any beast, bird or eggs or any part of any beast or bird in respect of which such a breach has been committed, is likely to be in any tent, or on any premises, or on board of any vessel, or at any other place, may by warrant under his hand authorize any Constable to enter and search any such place, and, if found, to seize any such pelt, beast,

Procedure.

bird or eggs, or any such part of any beast or bird, to be dealt with as provided in regard to any pelt, beast or bird which has become confiscated under any provisions of this Ordinance.

Confisca-  
tion.

25. The Commissioner or any officer or person duly authorized by him may issue a permit to any person to take or kill, for scientific purposes, or to take with a view to domestication, any number, to be fixed by the Commissioner, of each of the said beasts, or birds, except buffalo and bison, or to take eggs not exceeding twelve of each of any of the said birds, or any other species of wild fowl. Every such permit shall set forth in detail the name, address or calling of the person to whom it is granted, the object for which it is granted, the number of each species or eggs which it is intended such person may kill or take and the period of time during which the permit is to be in force.

Permit by  
Commis-  
sioner to  
kill for  
scientific  
purposes,  
etc.

26. The remuneration of Game Guardians, Constables and any other person or persons employed to perform any duties imposed by this Ordinance, or any regulations under it, shall be determined by the Commissioner.

Game  
Guardians'  
remunera-  
tion.

27. The Commissioner may from time to time make such rules and regulations, not inconsistent with the provisions of this Ordinance, for the carrying out of the true intent and meaning thereof as are found necessary or deemed expedient by him.

Commis-  
sioner may  
make  
regulations.

28. Any person who kills any of the beasts or birds mentioned in this Ordinance and does not use the meat thereof for food himself or cause the same to be used for food, or does not offer the same for sale in some market within the Yukon Territory, shall be liable to a penalty not exceeding \$500, and, in default of payment, to imprisonment for a period not exceeding three months. Provided that nothing in this section shall be taken to authorize the sale of the meat of any beast or bird killed during the "close season" except as otherwise herein provided as to licensed hunters.

Meat of  
animals  
killed must  
be used  
for food.

Penalty.

29. Every person who has in his possession unlawfully

Possession  
during

"close season".

during the "close season," any beast, bird or eggs, or the pelt of any fur bearing animal, killed or taken during such "close season," shall be liable, on summary conviction, to a penalty not exceeding \$500, and, in default of payment, to imprisonment for a period not exceeding three months.

Penalty.

Export of raw hides forbidden after 1st Aug., 1920.

30. No person or corporation or any railway company or other common carrier except as herein provided shall at any time or in any manner after the first day of August, 1920, export or cause to be exported or carried or have in possession for the purpose of exporting the raw hide of any moose or caribou except in pursuance and by virtue of a permit issued under the authority of this Ordinance.

Commissioner may issue permit for export.

31. The Commissioner may issue permits for the export of game to any person who may make application therefor, upon such person making an affidavit to the effect that such game was lawfully killed or acquired by him.

Commissioner may license resident hunters.

32. (1) The Commissioner may from time to time issue to such and so many suitable persons, residents of the Territory, as he deems expedient, to be known as Licensed Hunters, a license to hunt moose and caribou. The license shall be in such form as the Commissioner may prescribe and shall be for the calendar year in which the license is issued. The fee therefor shall be \$25.00.

Fee.

Licensed hunter may kill and sell male animals at any time.

(2) Notwithstanding anything herein to the contrary it shall be lawful for any such licensed hunter during the term of his license to hunt and kill male moose and male caribou at any time of the year for the purpose of food supply in the Territory, and for such purpose to sell the meat of any such animal at any time of the year. Provided that no such hunter shall kill any such moose under the age of one year.

Must first obtain certificate

(3) Provided that no licensed hunter shall sell the meat of any animal so killed or any part



thereof until he has obtained from a Game Guardian a certificate in writing signed by such guardian, setting forth the description and number of such animals and that such licensed hunter has satisfied such guardian that such animal has been lawfully killed, which certificate the Game Guardian shall, upon being so satisfied, furnish to such licensed hunter.

from Game Guardian.

(4) Every such licensed hunter shall immediately after the end of the year return his license for the previous year to the Territorial Secretary, accompanied by his affidavit, duly sworn, showing the number and description of all of such animals killed or taken by him during the term of such license.

Return to be made by licensed hunter to Territorial Secretary annually.

(5) Failure or neglect by any such licensed hunter for a period of 30 days after the expiry of his license in any year to make the return provided by the preceding sub-section shall be a violation of the provisions of this Ordinance and no licensed hunter so in default shall be granted another license until such return is made.

Failure by licensee to make return.

Penalty.

(6) Every such licensed hunter shall, upon the request of any Guardian, produce and show to such Guardian his license, and refusal to do so shall be a violation of the provisions of this Ordinance.

Must produce license to Guardian.

33. In any regulations made by the Commissioner hereunder he may provide for the issuing of licenses authorized by this Ordinance to be issued to Guides, Assistant Guides or Camp Helpers and to licensed hunters by such persons as he may from time to time appoint or authorize for such purpose.

Commissioner may authorize other persons to issue licenses.

34. All Game Guardians and Guides shall, while acting as such under the provisions of this Ordinance, have and possess the powers of a "Commissioner for taking affidavits in and for the Yukon Territory" in relation to all matters coming within the provisions of this Ordinance.

Game Guardians and Guides may administer oaths.

Guardians  
to have  
powers of  
constables.

35. Every Game Guardian shall have and is hereby given all the powers of a Constable for the purposes of this Ordinance.

Application  
of Ordinance  
to Indians.

36. (1) This Ordinance, except as herein otherwise provided, shall not apply to Indians who are residents of the Territory.

Prohibition  
as to  
Indians.

(2) Provided that the provisions of this Ordinance prohibiting the killing of female animals, the sale of game that has not been killed in the open season, the killing of game for purposes other than food, the use of poison and the export of raw hides, and as to buffalo, bison and beaver and the penalties provided by this Ordinance for any violation thereof in regard thereto shall apply to Indians.

"Dealer's"  
license..

37. (1) No dealer shall buy, sell, deal or traffic in the flesh of any moose or caribou without having first obtained a license in that behalf. Every such license shall be issued by the Commissioner or a person appointed by him for the purpose, and shall be in force for the calendar year in which the same is issued: the fee therefor shall not exceed the sum of \$10.00.

Return by  
dealer.

(2) Every dealer shall, on or before the tenth day of January in every year, return his said license for the previous year to the Territorial Secretary, with a statement showing the number of such animals bought and sold by him and from whom procured during such previous year, and such statement shall be sworn to by such dealer or his duly authorized agent having knowledge of the facts.

Non-resident  
fur  
trader's  
license.

38. No person not being a resident of and domiciled in the Territory shall purchase in the Territory for sale or for export from the Territory the pelt of any fur bearing animal mentioned in Section 4, without having first obtained a license therefor, which license may be issued by the Commissioner or such person as he may authorize in that behalf. Such license shall be in force during the

calendar year in which it is issued and the fee for every such license shall be \$150.00. Fee.

39. No resident of the Territory shall, on behalf of himself or any firm or corporation doing business in the Territory, or as agent for any person, firm or corporation, purchase in the Territory for sale or for export from the Territory, the pelt of any fur bearing animal mentioned in Section 4, without having first obtained a license therefor, which license may be issued in the manner provided in the preceding section, and shall be in force during the calendar year during which it is issued. The fee for every such license shall be \$25.00. Provided that any person, firm or company engaged in mercantile business in the Territory shall pay an additional fee of \$10.00 for every post or place in the Territory (other than the head office or place of business of such person, firm or corporation), where the business of fur buying forms part of the business carried on by or on behalf of such person, firm or corporation. Resident fur trader's license.  
Fee.  
Additional fees.

40. Any person who violates any of the provisions of this Ordinance for which violation no penalty is specially herein provided, shall, for each such violation, be guilty of an offence, and, on summary conviction, shall be liable to a penalty of not less than \$20.00 and not more than \$100.00 and costs, and, in default of payment forthwith after conviction, to imprisonment for not less than one month and not more than three months. Penalties for violations not otherwise provided for.

41. 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 such district under such restrictions as he deems necessary. Commissioner may set aside portion of Territory from operation of Ordinance.

42. (1) The Commissioner may, by proclamation from time to time, and for such periods as he deems expedient, suspend the operation of this Ordinance so far as the same relates to the possession and use of moose meat and caribou meat, so Commissioner may suspend operation as to possession and use of certain meats.

as to permit the possession and use of such meats during the whole or such portion of the year as shall be notified by such proclamation. Such suspension and permission shall apply only to moose and caribou lawfully killed under the provisions of this Ordinance.

May not  
alter  
limit of  
open season.

(2) Nothing herein or that may be expressed in any such proclamation by the Commissioner shall be held to increase the limit fixed by this Ordinance of the number of animals that may be lawfully killed by any one person in the open season or to permit the sale of moose or caribou meat except for human consumption at any time or in any manner otherwise than as provided by this Ordinance.

License  
monies to  
form part  
General  
Revenue  
Fund.

43. All monies received from licenses issued under the provision of this Ordinance shall form part of the General Revenue Fund of the Territory.

Repeal.

44. Chapter 39 of the Consolidated Ordinances, 1914, respecting the preservation of game, and Chapter 4 of the Ordinances of 1918 are hereby repealed.

## CHAPTER 2

### AN ORDINANCE TO AMEND "THE POLL TAX ORDINANCE: 1918."

[Assented to April 28, 1920.]

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 (c) of section 2 of "The Poll Tax Ordinance, 1918," being Chapter 1 of the Ordinances of 1918, is hereby amended by striking out the word "Eighteen" in the second line thereof and inserting in lieu thereof the words "Twenty-one." Age limit amended.

2. Sub-section (1) of section 3 of said Ordinance is hereby amended by striking out the word "Eight" in the third line thereof and by inserting in lieu thereof the word "Five." Amount of tax reduced to \$5.00.

3. Sub-section (3) of said section 3 of said Ordinance is hereby amended by striking out the word "Sixty" in the second line thereof and inserting in lieu thereof the words "Fifty-five." Age of exemption enlarged.

4. This Ordinance shall come into force on the first day of January, 1921. Date of coming into force.

## CHAPTER 3

### AN ORDINANCE TO AMEND THE ORDINANCE RESPECTING DOGS.

[Assented to April 28, 1920.]

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

Sub-sec. <sup>(2)</sup>  
of Sec. 3  
amended.

1. Sub-section 2 of section 3 of "The Ordinance Respecting Dogs," being Chapter 27 of the Consolidated Ordinances, 1914, is hereby repealed and the following substituted therefor:

License  
forms and  
metal tags  
to be  
furnished.

(2) Such keeper or other person specially appointed for that purpose shall be furnished by such officer with license forms and metal tags for the purposes of this Ordinance, and every such tag shall be so made as to be easily fastened to a strap placed around the neck of the dog.

## CHAPTER 4

### AN ORDINANCE TO AMEND "THE CROWN GRANT TAX ORDINANCE."

[Assented to April 28, 1920.]

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

1. Section 2 of said Ordinance, being Chapter 5 of New Sec. 2.  
The Ordinances of 1919, is hereby repealed and the following substituted therefor:

2. In this Ordinance, unless the context otherwise requires: Interpretation.

"Collector" means the official constituted by the Ordinance the Collector for the purposes hereof. "Collector."

"Person" includes Firm, Company, Association and Corporation. Person."

"Land" and "Claim" mean and include the Mineral Claim in respect of which the tax is imposed, the ground or soil and everything annexed to it by nature, and all improvements and works thereon, excepting such mining plant and buildings as may be removed without injury to any tunnel, drift or other mining or development work begun, done or constructed upon the claim. "Land" and "Claim."  
Improvements.  
Certain machinery and buildings excepted.

"Owner" means the person in whose name the land is registered in the Land Titles Office, or if a Certificate of Title has not been issued, the person named in the Crown Grant. "Owner."

"Gold Commissioner" means the Gold Commissioner of the Yukon Territory. "Gold Commissioner."

"Tax" means the tax imposed by this Ordinance, including, where the context permits, the "Tax" includes penalties.

penalties, cost of advertising and sale and interest as provided in the Ordinance!

Sub-sec. (2) of Sec. 4 amended.

2. Sub-section (2) of section 4 of said Ordinance is amended by striking out after the word "adjoining" where it occurs in the eleventh line thereof the words "Crown granted mineral claims" and inserting in lieu thereof the words "Mineral claims whether Crown granted or otherwise."

Sec. 5 repealed, and new Section.

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

Penalty added if tax not paid Jan. 1.

5. (1) If the tax imposed by this Ordinance shall remain unpaid on and after the first day of December, in any year, there shall be added to such tax at the beginning of each month thereafter as a penalty, an additional sum amounting to three-quarters of one per cent. of such tax, until payment of the tax, and the tax shall not be deemed to have been paid until the amount thereof, with the said penalty added, shall have been fully paid to the Collector. Provided, that as to the tax for the year 1919 the provisions of this Ordinance in reference to the said penalty shall apply only from and after the first day of August, 1920.

Proviso as to 1919 tax.

Notice by Collector that tax delinquent and re. penalty.

(2) The Collector shall on or before the first day of January of each year mail to the last known address of the owner of the land in respect to which such tax is unpaid, and to the address of the agent of any such owner given under the provisions of sub-section 3 of section 4 hereof, a notice stating that the tax on such land has become delinquent and that the said penalty of three-quarters of one per cent. of the amount of such tax will be added thereto monthly until the tax, together with all penalties so added, are paid, and that if the tax and penalties are not paid, the said land will be advertised and offered for sale at public auction on the first Tuesday in the month of July occurring in the second year after the expiration of the year in which the tax became payable. The Col-



lector shall give not less than sixty days' notice of every such sale by publication in three consecutive weekly issues of a newspaper published in the Territory nearest to the location of said land, and once in the Official Gazette. The first publication of said notice shall be made not less than sixty days before the date of sale.

Not less than 60 days' notice of sale.

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

Sec. 6 repealed and new Section.

6. The notice to be published by the Collector under the preceding section shall state the name of the registered owner of the land (or, if the Crown grant has not been registered, the name of the Crown grantee), the name and description of the claim, the amount of the unpaid taxes and the penalties due and that will accrue due, the costs of advertising and other expenses, and the total amount required for the tax, penalties, cost of advertising and other expenses, and shall state that if such total amount is not paid before the day of sale stated in the notice, the claim will be offered for sale at public auction, as provided by the Ordinance.

What notice by Collector shall state

5. Section 7 of said Ordinance is amended by adding after the word "claim" in the last line thereof the words "together with all penalties and charges provided by the Ordinance."

Sec. 7 amended.

6. Sub-section (2) of section 9 of said Ordinance is amended by adding thereto the words "or person lawfully entitled thereto."

Sub-sec. (2) of Sec. 9 amended.

7. Sub-section (3) of said section 9 is amended by striking out the words "taxes and expenses of advertising" in the third line thereof and inserting in lieu thereof the words "the tax, penalties, cost of advertising and other expenses stated in the Notice of Sale" and by striking out the words "Taxes and costs" where they occur in the twelfth line of said sub-section and inserting in lieu thereof the words "said tax, penalty, cost of adver-

Sub-sec. (3) of Sec. 9 amended.

tising and other expenses,” and by striking out the words “due date thereof” in the sixteenth line of said subsection and inserting in lieu thereof the words “date of such auction.”

Sub-sec. (5)  
of Sec. 9  
amended.      8. Sub-section (5) of said section 9 is amended by striking out the words “taxes, costs” in the first line thereof and inserting in lieu thereof the words “tax, penalty, costs of advertising and other expenses.”

Sub-sec. (1)  
of Sec. 12  
amended.      9. Sub-section (1) of section 12 of said Ordinance is amended by inserting after the word “taxes” in the tenth line thereof the words “and penalties.”

Sub-sec. (2)  
of Sec. 12  
amended.      10. Sub-section (2) of said section 12 is amended by adding thereto the following: “Provided, that during said period, but not after the expiration thereof, the owner may remove from the claim such mining plant and buildings thereon as may be removed without damage to any tunnel or other mining or development work begun, done or constructed upon the claim. The owner shall be liable to the purchaser for any damage done to any such tunnel or works in any such removal.”

Certain  
plant and  
buildings  
may be  
removed.

Sec. 16  
amended.      11. Section 16 of said Ordinance is amended by striking out the words “and costs and charges” in the fourth line thereof and inserting in lieu thereof the words “penalties, charges and interest owing.”

## CHAPTER 5

### AN ORDINANCE TO AMEND "THE ASSESSMENT ORDINANCE" AND TO LEGALIZE THE DAWSON CITY ASSESSMENT FOR THE YEARS 1918 AND 1919.

[Assented to April 28, 1920.]

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

1. Section 20 of "The Assessment Ordinance," being Chapter 5 of "The Consolidated Ordinances, 1914," is hereby amended by adding at the end of said section the following:
 

(46) Conveying passengers for hire or reward in, upon or by means of any 'motor vehicle' as defined by "The Motor Vehicle Ordinance," \$50.00 for one motor vehicle, and \$25.00 for each additional motor vehicle.	Sec. 20 amended by adding Sub-sec. (46)
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2. Sub-section 3 of section 21 of said Ordinance, being Chapter 5 of the Consolidated Ordinances, 1914, is hereby repealed and the following substituted therefor:
 

(3) Two members of the Court of Appeal shall form a quorum for the hearing of appeals, but decisions of said Court shall require the vote of a majority of the members of the said Court of Appeal.	License fee for conveying passengers by motor vehicle.  Sub-sec. (3) of Sec. 21 repealed and new Section.
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3. (1) Section 39 of said Ordinance is hereby repealed and the following substituted therefor:
 

(1) Section 39 of said Ordinance is hereby repealed and the following substituted therefor:	Appeal Court quorum. Majority vote required.  Sec. 39 repealed and new Section.
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Appeal to  
Judge from  
decision of  
Appeal  
Court.

39. An appeal shall lie to the Judge of the Territorial Court from the decision of the said Assessment Appeal Court. Provided, that notice in writing of such appeal, signed by or on behalf of the appellant, shall be given to the Assessor, or, in case of appeal by the City of Dawson, to the ratepayer or his agent representing such ratepayer before said Appeal Court, within two days after the decision of the said Appeal Court has been given.

Proceedings  
on appeal.

(2) Upon any such notice of appeal being given the Assessor shall apply to the Judge to fix a time and place for hearing the appeal, and notice of such hearing by the Judge shall be given by publication once in a newspaper published in Dawson, in said Territory, not less than two days before the day fixed for such hearing.

Provisions  
of Secs. 27  
and 28 to  
apply.

(3) The provisions of sections 27 and 28 of this Ordinance shall *mutatis mutandis* apply to the proceedings on any such appeal to the Judge. The decision of the Judge on such appeal shall be final.

City of  
Dawson  
assessment  
1918 and  
1919  
confirmed.

4. The Assessment Roll of the City of Dawson for the years 1918 and 1919 is hereby legalized and confirmed.

## CHAPTER 6

### AN ORDINANCE TO AMEND "THE FUR EXPORT TAX ORDINANCE."

[Assented to April 28, 1920.]

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

1. Schedule "A" to said Ordinance, being Chapter 8 of the Ordinances of 1919, is hereby repealed and the following substituted therefor: New  
Schedule  
of taxes.

Schedule "A"—(Section 4):

For each weasel .....	\$ .05
For each muskrat .....	.10
For each lynx .....	1.00
For each wolverine .....	.40
For each bear .....	Free
For each otter .....	.75
For each marten .....	1.00
For each mink .....	.30
For each red fox .....	1.00
For each cross fox .....	2.00
For each silver or black fox.....	3.00
For each wolf .....	Free
For each coyote .....	Free

2. This Ordinance shall come into force on the first day of August, 1920.

## CHAPTER 7

### AN ORDINANCE RESPECTING THE PRACTICE OF DENTISTRY.

[Assented to April 28, 1920.]

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 Dental Ordinance."
- Interpretation.  
"Practitioner."  
"Register."
2. In this Ordinance:
- (1) The expression "practitioner" means and includes any person whose name is entered in the Dental Register under the provisions of this Ordinance.
- (2) "Register" shall mean the Dental Register provided by this Ordinance.
- Dental Register to be kept.
3. (1) The Territorial Secretary shall keep a register to be called the Dental Register.
- Former register continued.
- (2) The Dental Register kept under the provisions of Chapter 25 of the Consolidated Ordinances and now existing shall continue to be the Dental Register for the purposes of this Ordinance and all persons whose names are now in good standing on said Register and are entitled to practice dentistry in the Territory shall be deemed to be duly entered in said Register.
- Who to be entered in register.
4. The Territorial Secretary shall from time to time, upon production by the applicant of the necessary evidence required by this Ordinance to entitle him to regis-

ter hereunder, cause to be entered in such Register with the date of entry the name of:

(1) Every person who possesses a diploma of graduation in Dental Surgery from any Dental College in Canada or from any University in Canada having a special Dental Department or from any Dental College or University having such Department in Great Britain or in any of her dependencies.

Production  
of diploma.

(2) Every person applying to be so entered who possesses a Certificate of Qualification issued by the Dominion Dental Council of Canada or under the seal of a Dental College or Dental Society or Association established in any Province of Canada, or from the proper official authorized to grant such certificate, that such person has been duly registered as a practising Dentist and has practiced as such in any such Province within two years prior to his application for registration in the Territory. Provided, that such person shall first furnish to the Territorial Secretary evidence of identification and good standing.

Certificate  
of  
qualification.

5. Every person who is qualified to be entered in such Register under the foregoing provisions of this Ordinance shall, before his name may be entered therein by the Territorial Secretary, pay to the Territorial Treasurer a fee of \$50.00.

Fee on  
registering  
\$50.00.

6. (1) No person shall practice the profession of Dentistry or Dental Surgery in the Territory unless his name has been lawfully entered in said Register.

No person  
to practice  
unless  
entered in  
register.

(2) It shall not be lawful for any practitioner to employ as a helper or assistant in his office or permit to work in his office any person who, being entitled to register hereunder, is not so registered, or who is or has at any time been qualified or entitled to practise dentistry in any Province in Canada or elsewhere beyond the Territory who is not registered hereunder.

Practitioner  
not to  
employ as  
assistant  
any person  
qualified to  
register who  
has not  
registered.

Penalties. (3) Every practitioner violating any of the provisions of the preceding sub-section shall be liable to a penalty of \$50.00 and to a further penalty of \$20.00 as for a separate offence for each day after the first day of such employment or services that any such violation is permitted.

Burden of proof. (4) In any prosecution under this section the burden of proof that the person charged with the offence has not violated the provisions of this section shall be upon the person so charged and in the absence of such proof by the person charged, proof of the service or employment shall be *prima facie* evidence of such violation and conviction may be made accordingly.

Certificate of registration to be given. 7. The Territorial Secretary shall, upon request, issue to any person whose name is entered in such Register, a certificate of such entry and of the date thereof and such certificate shall be sufficient evidence of the facts so certified.

Notice of apprenticeship. 8. Every person who proposes to become entitled to be entered on the Register by reason of service of apprenticeship in the Yukon Territory to be performed after the passing of this Ordinance shall give notice to the Territorial Secretary of the fact and file with such Secretary a verified copy of his articles of apprenticeship.

Record of notices to be kept. 9. The Territorial Secretary shall keep a record of such notices and copies and shall enter no such person in the Dental Register unless two years have passed since the receipt by the Territorial Secretary of such notice and copy.

Annual fee resident \$10.00. 10. (1) Every practitioner who is a *bona fide* resident of and domiciled in the Territory shall on or before the thirtieth day of June in each year pay to the Territorial Treasurer a fee of \$10.00 and obtain a receipt therefor entitling him to practice in the Territory.

Non-resident \$150.00. (2) Every practitioner who is not so resident and domiciled shall on or before the thirtieth day



of June in each year pay to the Territorial Treasurer a fee of \$150.00 and obtain a like receipt therefor.

(3) Provided that all persons whose names are duly entered in the Dental Register at the time of the coming into force of this Ordinance shall, for the purposes of this Ordinance, be deemed residents of and domiciled in the Territory.

Persons registered at time of coming into force of this Ordinance deemed residents.

(4) The Territorial Secretary shall erase from such Register the name of every person registered therein who does not on or before the thirtieth day of June in any year produce to him the receipt for payment of the annual fee provided by sub-sections 1 and 2 hereof and no person whose name is so struck from the Register shall have the right to practice in the Territory until his name has been restored to the Register as herein provided.

Name to be erased from register on default of payment of fee.

(5) The name of any person so struck from the Register may be re-entered therein upon payment by such person to the Territorial Treasurer of an additional fee of \$25.00 and production of proof of the payment by such person of the annual fee herein provided and said additional fee.

Name may be re-entered on payment of additional fee of \$25.00.

11. No person who does not come within the foregoing provisions of this Ordinance or who has failed to pay the fees as herein provided or whose name does not appear in the Register shall be entitled to practice Dentistry in any of its branches in the Territory.

No person who fails to comply with provisions entitled to practice.

12. Every person who makes any false representations for the purpose of securing the entry in the Register of his name, or in the course of applying to have his name so entered, shall forfeit the right to have his name entered and if the same has been entered in the Register, the same shall be erased therefrom and a note made by the Secretary of the ground of such erasure.

False representation for securing registry to disqualify applicant.

13. (1) Every practitioner who has, after due enquiry, been adjudged by a Board appointed by the Commissioner:

Names to be erased for cause.

Infamous  
conduct.

(a) To have been guilty of infamous conduct in any professional respect, or

Misrepresentation.

(b) To have made any material misrepresentation to the Territorial Secretary in order to procure the entry of his name on the Register, or

Person who  
has been  
convicted  
of crime.

(c) To have been convicted of any crime punishable by imprisonment in the penitentiary, shall forfeit the right to have his name entered in the Register and his name, if entered, shall be erased from the Register and his name shall be published in the Gazette as having been so erased.

Commissioner may  
appoint  
Board for  
purpose of  
inquiry.

(2) The Commissioner may for the purposes of this section appoint three suitable persons to constitute such Board and may make and prescribe Rules and Regulations under which any enquiry hereunder by such Board may be held and may by such Rules and Regulations give to such Board authority to summon and bring before them the accused and such other persons as the Board deem necessary to enable them to properly enquire into the matter complained of, with power to swear and examine all such persons under oath and to compel the attendance of witnesses and the production of documents and to do all things necessary to enforce and provide a full and proper enquiry. A majority of the Board shall form a quorum and may decide and adjudge as to the guilt of the person charged and every decision by a majority of such Board upon the matter shall be final. Such Rules and Regulations may provide penalties for failure to obey any summons by the board and for the enforcement of such penalties and shall have the same force and effect as if they were included in and enacted by this Ordinance.

Cannot  
recover  
charges  
unless  
registered.

14. No person shall be entitled to recover any charge in any court of justice for any professional advice or attendance or for the performance of any operation appertaining to the practise of dentistry or dental surgery or for any surgical or dental appliances which he has supplied, unless his name is registered under this Ordinance.

ance, but this section shall not apply to duly qualified medical practitioners or to duly qualified druggists or chemists in the course of their practise or business.

Not applicable to Doctors or Druggists.

15. Every person whose name is not registered under the provisions of this Ordinance who,

Penalties.

(a) Practices dentistry or dental surgery for hire, gain or hope of reward, or

(b) Wilfully or falsely pretends to be a practitioner of dentistry or dental surgery, or

(c) Takes or uses any name, title, addition or description implying or calculated to lead people to infer that his name is registered under this Ordinance, or

(d) Professes by public advertisement, card, circular, sign or otherwise to practise dentistry or dental surgery or to give advice therein or in any wise to lead people to infer that he is qualified to practise dentistry or dental surgery in the Yukon Territory, shall be liable to a penalty of fifty dollars, and every day on which any such offence occurs shall be deemed a separate offence.

16. Every person who wilfully procures or attempts to procure his name to be registered under this Ordinance by making or producing or causing to be made or produced any false or fraudulent representation or declaration either verbally or in writing and every person knowingly aiding and assisting him therein shall be liable to a penalty of five hundred dollars.

Penalty of \$500.00 for attempting to procure registration by false representation.

17. Every penalty under this Ordinance shall be recoverable with costs and may be sued for and recovered in the same manner as a private debt by the Territorial Secretary or by any dental practitioner whose name is registered under this Ordinance in the Territorial Court and being recovered shall belong to the general revenue fund of the Yukon Territory.

Recovery of penalties.

18. Upon the trial of any action under the provisions

Burden of proof as to right to practise.

of this Ordinance the burden of proof as to the right of defendant to practise dentistry or dental surgery in the Yukon Territory shall be upon the defendant.

Limitation of action.

19. No such action shall be commenced after two years from the date of the offence or cause of action.

Aid may be given by any person in urgent cases.

20. Nothing in this Ordinance shall prevent any person from giving necessary aid to any one in urgent need of it, provided that such aid is not given for hire or gain nor the giving of such aid made a business or way of gaining a livelihood.

Chap. 25, Consolidated Ordinances repealed.

21. Chapter 25 of the Consolidated Ordinances respecting the practice of dentistry and all amendments thereto are hereby repealed.

## CHAPTER 8

### AN ORDINANCE TO AMEND "THE COMPANIES ORDINANCE."

[Assented to April 28, 1920.]

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 3 of section 26 of "The Companies Ordinance," as amended by Chapter 7 of the Ordinances of 1918, is hereby amended by striking out all after the word "incorporated" and inserting in lieu thereof the words "in four consecutive issues of the Gazette." Sub-sec. (3) of Sec. 26 amended.

2. Section 153 of said Ordinance, as amended by said Chapter 7 of 1918, is hereby amended by striking out the words "in three consecutive weekly issues in a newspaper published in the Territory at or nearest the place which is to be the chief place of business of the Company" inserted therein by section 2 of said Chapter 7, and inserting in lieu thereof the words "in four consecutive issues of the Gazette." Sec. 153 amended.

3. Section 159 of said Ordinance, as amended by said Chapter 7 of 1918, is hereby amended by striking out the words "in three consecutive weekly issues in a newspaper published in the Territory at or nearest the place which is to be the chief place of business of the Company," inserted therein by section 3 of said Chapter 7, and inserting in lieu thereof the words "in four consecutive issues of the Gazette." Sec. 159 amended.

## CHAPTER 9

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### AN ORDINANCE TO PROHIBIT THE SALE OF INTOXICATING LIQUOR FOR BEVERAGE PURPOSES.

[Assented to April 28, 1920.]

**Preamble.**        *Whereas*, The official returns of the vote taken under the provisions of "The Liquor Traffic Plebiscite Ordinance, 1919," show a majority against the sale of spirituous and malt liquor for beverage purposes:

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

**Short title.**        1. This Ordinance may be cited as "The Yukon Prohibition Ordinance."

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

"Liquor" or  
"Liquors."        "Liquor" or "Liquors" shall mean and include all fermented spirituous and malt liquors and all combinations of liquors and all drinks and drinkable liquids which are intoxicating, and any liquors which contain more than two and one-half per cent (2½%) of proof spirits shall be conclusively deemed to be intoxicating.

"Beverage  
purposes."        "Beverage purposes" shall mean and include any use of liquor for other than medicinal, sacramental, mechanical or scientific purposes.

"Council."        "Council" means the Commissioner-in-Council of the Yukon Territory.

"Druggist."        "Druggist" means any person duly registered in this Territory as a Pharmaceutical Chemist under "The Pharmaceutical Chemist's Ordinance."

3. No person shall, within the Territory, by himself, his clerk, servant or agent, expose or keep for sale or directly or indirectly or upon any pretence sell or barter or offer to sell or barter, to any person, any liquor for beverage purposes.

Sale, etc., of liquor for beverage purposes prohibited.

4. Violation of any of the foregoing provisions of this Ordinance shall be an offence for which the persons violating shall be liable on summary conviction:

Penalties.

For a first offence, to a penalty of not less than \$100.00 and costs and not more than \$300.00 and costs and in default of immediate payment to imprisonment for not less than one month and not more than three months.

First offence.

For a second offence, to a penalty of not less than \$200.00 and costs, and not more than \$300.00 and costs, and to imprisonment for a term of not less than three months and not more than six months, with or without hard labour.

Second offence.

For a third or any subsequent offence, to imprisonment for not less than twelve months and not more than twenty-four months, with or without hard labour.

Third or subsequent offence.

5. Nothing in this Ordinance shall apply to or prevent the sale by a druggist of any drug or medicine for strictly medicinal purposes, notwithstanding the mixture with such drug or medicine of liquor as one of the necessary and *bona fide* ingredients thereof, provided such mixture contains sufficient medication to prevent its use as an alcoholic beverage.

Druggist may sell medicine containing liquor if sufficiently medicated to prevent use as beverage.

6. Nothing in this Ordinance shall be taken to prevent the importation of liquor into the Territory by any person for his own use under the provisions of any Ordinance of the Governor-in-Council or Order-in-Council in force in the Territory.

Ordinance does not prevent importation under any law in force.

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

Proceedings where previous conviction is charged.

Subsequent  
offence to  
be first  
inquired  
into.

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

Proof of  
previous  
conviction.

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

Proceedings  
Where  
previous  
conviction  
set aside.

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

Convictions  
for several  
offences  
on same  
day.

Penalty.

8. Convictions for several offences may be made under this Ordinance although such offences may have been committed on the same day; but the increased penalty or punishment hereinbefore imposed shall only be incurred or awarded in the case of offences committed on different days and after the information laid for a first offence.



9. Any Magistrate, if satisfied by the information on the oath of any police officer, or constable, that there is reasonable ground for the belief that any spirituous or fermented liquor is being kept for sale or disposal contrary to the provisions of this Ordinance, in any house or place within his jurisdiction, may, in his discretion, grant a warrant under his hand by virtue whereof it shall be lawful for the person named in such warrant, at any time or times within two months from the date thereof, to enter, if need be by force, the place named in the warrant and every part thereof and of the premises connected therewith, and to examine the same and search for liquor therein, and for such purpose such person may, if necessary, with such assistance as he deems expedient, break open any door, lock or fastening of such premises, or any part thereof, or of any closet, cupboard, box or other article likely to contain any such liquor; and in the event of any liquor being so found and unlawfully kept on the said premises, the occupant thereof shall, until the contrary be proved, be deemed to have kept such liquor for the purpose of sale, contrary to the provisions of this Ordinance, and may be arrested by such officer or person having the warrant for search as aforesaid, and any person so arrested shall, upon conviction, be liable to a fine of not less than \$200.00 and costs, or, in default of payment thereof forthwith, to imprisonment for not less than three months and not more than six months.

Magistrate  
may issue  
search  
warrant.

Penalty.

10. When any police officer or constable, in making or attempting to make any search under or in pursuance of the authority conferred by the next preceding section or under the warrant mentioned, or under any other section of this Ordinance, finds in a house or place any liquor which, in his opinion, is unlawfully kept for sale or disposal contrary to this Ordinance, he may forthwith seize and remove the same and the vessel in which the same is kept, and upon the conviction of the occupant of such house or place, or any other person, for unlawfully keeping liquor for sale, the Magistrate making such conviction may, in and by the said conviction, or by a separate and subsequent order, declare the said liquor and vessels, or any part thereof, to be forfeited to His Majesty

Officer  
making  
search may  
seize liquor  
being in his  
opinion  
unlawfully  
kept for  
sale.

to be sold or otherwise disposed of in such lawful manner as the Commissioner may direct, and the proceeds of any such sale shall be forthwith transmitted to the Territorial Treasurer to form part of the General Revenue Fund.

Prosecution  
Must be  
within six  
months.

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

Description  
of offence.

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

Several  
charges  
may be  
made in one  
complaint.

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

What the  
information  
must  
contain.

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

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

What is necessary to prove sale of liquor.

16. The occupant of any house, shop, room or other place in which any sale, barter or traffic of liquors or any matter, act or thing, in contravention of any of the provisions of this Ordinance, has taken place, shall be personally liable to the penalty prescribed in section 18 of this Ordinance, notwithstanding such sale, barter or traffic be made by some other person, who cannot be proved to have so acted under or by the directions of such occupant; and proof of the fact of such sale, barter or traffic, or any act, matter or thing, by such person in the employ of such occupant, or who is suffered to act in any way for such occupant, shall be conclusive evidence that such sale, barter or traffic or other act, matter or thing took place with the authority and by the directions of the occupant.

Occupant personally liable though sale made by another.

17. In any prosecution under this Ordinance for the sale or other disposal of liquor it shall not be necessary that any witnesses shall depose directly to the precise description of the liquor sold or bartered, or the precise consideration therefor.

Kind of liquor need not be proved, nor precise consideration.

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

Magistrate may compel attendance of witnesses.

(2) If any person so summoned refuses or neglects to attend pursuant to such summons, the Magistrate, at any time within six months after

Penalty for refusing to attend.

such refusal or neglect, and notwithstanding the said case has been determined, may issue a warrant for the arrest of such person for such refusal or neglect, or may instead of a warrant issue a summons to such person to attend at a time and place named in such summons to answer for such refusal or neglect, and when such person is brought before such Magistrate, or appears on said summons, the Magistrate may then and there inquire into the reasons for such refusal or neglect to so attend, and if the same do not, in his opinion, afford a good and sufficient excuse therefor, may impose on such person a penalty not exceeding fifty dollars and costs; and in default of payment forthwith to imprisonment for a period not exceeding one month.

Refusing to be sworn, may be committed.

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

Witness may be required to produce documents, etc.

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

Witness bound to answer all questions.

20. Every person, other than the defendant, summoned or examined as a witness in any prosecution brought under this Ordinance shall be bound to answer all questions put to him which are pertinent to the issues, not-

withstanding that his answers may disclose facts tending to subject him to any penalty imposed by this Ordinance; but such evidence shall not be used against him in any prosecution.

21. All penalties recovered for violation of any of the provisions of this Ordinance shall be paid in to and form part of the General Revenue Fund of the Territory.

Penalties  
recovered  
to go to  
Revenue  
Fund.

22. "The Liquor License Ordinance," being Chapter 56 of the Consolidated Ordinances and all Ordinances in amendment thereof and "The Liquor Traffic Ordinance," being Chapter 13 of the Ordinances of 1919, are hereby repealed.

Penalty.  
Repeal of  
Ordinances.

23. This Ordinance shall come into force on the 29th day of May, 1920.

Date of  
coming  
into force.

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## CHAPTER 10

AN ORDINANCE TO REGULATE THE TRAFFIC IN  
INTOXICATING LIQUORS FOR MEDICINAL,  
MECHANICAL, SCIENTIFIC OR SACRAMEN-  
TAL PURPOSES.

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[Assented to April 28, 1920.]

*Whereas*, By "The Yukon Prohibition Ordinance," passed at the present session of the Council, "The Liquor Traffic Ordinance," being Chapter 13 of the Ordinances of 1919, is repealed and the sale of intoxicating liquors in the Territory for other than medicinal, mechanical, scientific or sacramental purposes is prohibited;

Preamble.

*And, Whereas*, It is deemed expedient to regulate the sale of and traffic in intoxicating liquors in the Territory for medicinal, mechanical, scientific or sacramental purposes;

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

Short title. 1. This Ordinance may be cited as "The Liquor Dispensary Ordinance."

#### INTERPRETATION

Interpretation. 2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them, that is to say:

"Dentist." "Dentist" means a person duly registered under the provisions of "The Dental Ordinance," who is lawfully and regularly in the practise of his profession in the Territory.

"Druggist." "Druggist" means a person duly registered under "The Pharmaceutical Chemists' Ordinance," who is lawfully and regularly engaged in the practise of his profession in the Territory.

"Dispensary." "Dispensary" means a place or premises established hereunder by the Commissioner for the sale of liquor as permitted by this Ordinance and every part of such premises.

"Hospital." "Hospital" means and includes any *bona fide* hospital or sanitarium, whether public or private, being regularly conducted as such.

"Intoxicating Liquor," "Liquor" or "Liquors." "Intoxicating liquor," "liquor" or "liquors" means and includes every spirituous and every fermented and every malt liquor and every wine and every combination of liquors and drinks or preparations or mixtures capable of human consumption, which is intoxicating, and any mixed liquor or liquid capable of being used as a beverage and part of which is spirituous or otherwise intoxicating; and any liquor which contains more than two and one-half per cent. (2½ per cent.) of proof spirits shall be conclusively deemed to be intoxicating.

"Physician," "Practitioner" or "Medical Practitioner." "Physician," "Practitioner" or "Medical Practitioner" means and includes a person who is a duly regis-

tered physician or surgeon entitled to practise as such under the provisions of "The Yukon Medical Ordinance." "Medical Practitioner."

"Prescription" means a memorandum in writing given by a physician in accordance with the provisions of this Ordinance, prescribing liquor. "Prescription."

"Regulations" means regulations made by the Commissioner under the authority of this Ordinance. "Regulations."

"Vendor" means a person appointed by the Commissioner under section 4 of this Ordinance. "Vendor."

"Veterinary" means any *bona fide* veterinary for the time being practising as such in the Territory. "Veterinary."

3. The Commissioner may from time to time procure and import into the Territory such quantity of liquors as may be deemed necessary for use in the Territory for medicinal, mechanical, scientific and sacramental purposes. Commissioner may import liquors.

4. For the proper dispensing of liquor for the purposes permitted by this Ordinance, the Commissioner shall have power: Powers of Commissioner.

(a) To establish at the City of Dawson and the Town of Whitehorse and at such other places in the Territory as he may deem expedient a liquor dispensary or place for the sale of liquor under the provisions of this Ordinance, and no liquor shall be sold in the Territory at any place other than a dispensary except as herein otherwise provided. To establish dispensaries.

(b) To appoint from time to time fit and proper persons as vendors who shall keep for sale and sell at the dispensary to which he is appointed said liquors for medicinal, mechanical, scientific and sacramental purposes in accordance with and as permitted by this Ordinance. To appoint vendors.

(c) To fix the salary or remuneration to be paid vendors and the price for which liquors shall be sold. To fix salaries of vendors and selling price of liquors.

To make regulations.

(d) To make regulations not inconsistent with this Ordinance prescribing the duties of vendors and the manner in which and under what restrictions vendors may sell liquor under this Ordinance, and to make such other regulations not inconsistent herewith as may be deemed necessary for the proper administration of and carrying into effect the provisions of this Ordinance.

Regulations to be published.

5. All such regulations made by the Commissioner shall be forthwith published in at least one issue of a newspaper published at Dawson and Whitehorse respectively, and shall from the date of publication thereof have the same force and effect as if they were enacted and contained in an Ordinance passed by the Commissioner-in-Council. It shall not be necessary to publish forms prescribed by the regulations.

Forms not to be published.

Moneys to go into General Revenue Fund.

6. (1) All moneys received from the sale of liquor under this Ordinance shall be paid in to the Territorial Government in the manner provided by such regulations and shall form part of the General Revenue Fund of the Territory.

Salaries, etc., to be paid by cheque.

(2) No part of any salary or remuneration to be paid hereunder shall be by way of commission on sales of liquors, but all such amounts shall be paid by bank cheque as may be provided in such regulations.

Unlawful sale an offence.

7. (1) Every vendor and every person acting as the clerk, servant or agent or in any other capacity for a vendor, who sells liquor in any other place, or at any time or in any quantities otherwise than as authorized under the provisions of this Ordinance, shall be guilty of an offence against this Ordinance.

Violation by vendor an offence.

(2) Every vendor who violates any of the provisions of this Ordinance shall be guilty of an offence against this Ordinance.

Penalty for offence by vendor.

(3) Every vendor convicted of an offence against this Ordinance shall, in addition to all



other penalties herein provided, forfeit his right to be a vendor, and shall be disqualified from holding the position of vendor for the period of two years next succeeding the date of conviction:

Disqual-  
fication.

8. (1) A vendor may sell liquor in the following cases only: To whom  
vendor  
may sell.

(a) To any person, for mechanical or scientific purposes, alcohol, not exceeding in quantity one gallon at any one time;

(b) To any druggist, such liquor as a druggist is authorized to sell under this Ordinance, not exceeding in quantity five gallons at any one time;

(c) To any physician, such liquor as a physician is entitled to have in his possession under this Ordinance, not exceeding in quantity one-half gallon at any one time;

(d) To any dentist, such liquor as a dentist is entitled to have in his possession under this Ordinance, not exceeding in quantity one quart at any one time;

(e) To any veterinary, such liquor as a veterinary is entitled to have in his possession under this Ordinance, not exceeding in quantity one gallon at any one time;

(f) To the person in charge of any hospital, such liquor as may under this Ordinance be lawfully kept in the hospital, not exceeding in quantity the amount fixed by the Commissioner in respect of such hospital;

(g) To any minister of the gospel, wine for sacramental purposes;

(h) To any person, liquor for strictly medicinal purposes upon a *bona fide* prescription as herein provided.

(2) A vendor shall sell for cash only.

To sell for  
cash only.

Sale of alcohol for mechanical or scientific purposes.

(3) No sale of alcohol under clause (a) of sub-section (1) shall be made except upon the affidavit of the person to whom the sale is made, duly signed and sworn, in the form prescribed in the regulations, and which shall set forth that the alcohol is required for mechanical or scientific purposes only, and state how and where the same is to be used, and that it is not intended to be used as a beverage or to be mixed with any other liquor for use as a beverage, or to be sold or given away to any other person, and that it is intended only for the deponent's own use, and that the deponent is over twenty-one years of age. The affidavit shall set forth the quantity of alcohol desired, and no more than one sale and one delivery shall be made on one affidavit.

Sale of liquor to Druggists, Physicians, Dentists, Veterinaries and Hospitals.

(4) No sale of liquor under clauses (b), (c), (d), (e) or (f) of sub-section (1) shall be made except upon the affidavit of the person to whom the sale is made, duly signed and sworn, in the form prescribed in the regulations, and which shall set forth that the liquor is required only for purposes authorized by this Ordinance, and state where and how it is to be kept and used, and that it is not intended as a beverage or to be mixed with any other liquor for use as a beverage, or to be sold or given away otherwise than as permitted by this Ordinance. The affidavit shall set forth the kind and quantity of liquor required, and no more than one sale and one delivery shall be made on one affidavit.

Sale of wine for sacramental purposes.

(5) No sale of wine under clause (g) of sub-section (1) shall be made except upon the written request of the minister of the gospel to whom the sale is made, duly signed.

Sales on prescription.

(6) No sale of liquor under clause (h) of sub-section (1) shall be made except upon a *bona fide* prescription in writing signed by a physician and

in accordance with the provisions of this Ordinance, and no more than one sale and one delivery shall be made on any one prescription.

(7) Every affidavit and every written request and every prescription upon which any liquor is sold under this section shall, before the delivery of the liquor, be filed with the vendor; and the vendor shall keep or cause to be kept in a book in the form which may be prescribed by the regulations an accurate record of every sale made by him, or by his clerk, servant, or agent, of any liquor, and such record shall be made before the delivery of the liquor, and shall show the time when and the name and address of the person to whom the same is sold, the name of the vendor, clerk, servant, or agent by whom the sale is made, and the kind and quantity of the liquor sold; and in default of any such sale being so placed on record the sale shall be deemed to be a sale of liquor in contravention of the provisions of this Ordinance.

Record of every sale to be kept.

(8) Such book, together with such affidavits, requests and prescriptions, shall be open to inspection by the Commissioner, the Commissioned Officers of the Royal Canadian Mounted Police Force, and such members of said Force as the Superintendent or other officer commanding such Force at Dawson or Whitehorse may at any time name in writing; and every vendor shall, not later than the tenth day of each month, send to the Commissioner a return containing a copy of the record mentioned in such book for the preceding month, accompanied by all affidavits, requests and prescriptions upon which any sale of liquor referred to in such return was made, all of which shall be verified by the affidavit of the vendor in such form as the Commissioner may prescribe. Every such affidavit shall state that no sales, or disposals of liquor were made during such month other than those mentioned in the return accompanying the affidavit.

Inspection of records by Commissioner and R. C. M. P.

Monthly returns by vendor.

Affidavit of sales.

No liquor to be consumed upon dispensary premises.

9. No vendor and no clerk, agent or servant of a vendor shall allow any liquor so sold to be consumed or drunk within or upon the dispensary premises where the sale is made, and no person shall consume any liquor in or upon any such premises.

Hours of sale to be limited by regulations.

10. The dispensary shall be open for the sale of liquor hereunder during such times as may be prescribed by the regulations and no sale or other disposal of liquor shall take place on, out of, or from any dispensary at any time other than as provided in the regulations.

Physicians.

11. (1) Any physician who, after actual personal diagnosis, shall deem liquor necessary to the health of any patient, and only when he deems it so necessary, may, subject to the provisions of this Ordinance, give to such patient, or to another on behalf of such patient, a written prescription therefor in the form provided by the regulations, or may administer such liquor himself to any such patient.

Quantity of liquor physician may have.

May prescribe not more than 8 ounces.

(2) For the purposes of this section and subject to the provisions of this Ordinance a physician may have liquor in his possession not exceeding in quantity one-half gallon at any one time, but no physician shall prescribe for the use of or administer to any patient on any day more than eight ounces of brandy, rum, gin, whiskey or alcohol, or more than one quart of any other liquor.

Forms to be supplied.

(3) Prescription forms shall be supplied by the Territorial Secretary to the physician and no such forms shall be supplied to any person other than a physician.

Form of prescription.

(4) Such prescription shall be in the form so provided by the regulations, and shall contain the name and address of the patient for whom the liquor is prescribed, the nature and quantity of the liquor prescribed, the date upon which the prescription is given, the physician's directions for the use of the liquor prescribed, and should the party to whom the prescription is delivered be other than

the patient, the name and address of such party, and shall be signed by the physician giving the prescription.

(5) A stub shall be attached to each prescription form, on which stub shall be entered by the physician issuing the prescription the particulars mentioned and required by sub-section (4) in regard to prescriptions.

Stubs to be filled in by physician.

(6) The physician shall immediately after the end of each month, return to the Territorial Secretary the stubs so filled in of all prescriptions issued by him during the preceding month.

Stubs to be returned to Ter.-Secy. monthly.

(7) Not more than twenty-five prescription forms shall be issued to any physician in any one month unless the Commissioner is satisfied that conditions of emergency require the issuance of additional forms when the Commissioner may authorize the issue to the physician requiring them such additional number of said forms as he deems necessary, not exceeding twenty-five at any one time.

Number of forms to physician in month limited.

(8) No physician shall have more than twenty-five prescription forms in his possession at any one time and no prescription shall be given by any physician except on the prescribed form furnished to him as provided by this Ordinance.

Prescription must be on prescribed form.

12. No person shall have in his possession any liquor obtained contrary to the provisions of this Ordinance.

Possession of liquor obtained unlawfully forbidden.

13. Except as provided by this Ordinance, no person shall within the Territory by himself, his clerk, servant or agent expose or keep for sale or directly or indirectly or upon any pretence sell or barter or offer to sell or barter or in consideration of the purchase or transfer of any property or thing or for any other consideration or at the time of the transfer of any property or thing, give to any other person any liquor.

Keeping or disposing of liquor contrary to law.

Quantity of  
liquor to be  
kept at  
Hospital.

14. (1) The person in charge or acting as manager of any hospital may keep liquors in such hospital for the use of patients therein, but no liquor exceeding in quantity such amount as the Commissioner by the regulations shall provide shall be kept therein at any one time; and no manager, matron or other officer of the hospital and no physician or nurse in attendance thereat shall give any of the liquor so kept to any person other than a *bona fide* patient in said hospital.

To be given  
to bona fide  
patients  
only.

Management  
of Hospital  
to make  
monthly  
returns..

(2) The management of every hospital shall make a monthly return to the Commissioner giving the name of each patient to whom liquor has been supplied, the quantity and nature of the liquor supplied to each patient and the dates upon which the same was supplied.

Penalty for  
violation of  
this Section.

(3) The giving or supplying in any hospital by any manager, matron, nurse or other officer or employee of the hospital intoxicating liquor in any form in violation or evasion of this section shall be an offence against this Ordinance and the management of the hospital shall be liable on summary conviction therefor to a fine of not less than \$200.00 and not more than \$500.00 and costs.

Violation by  
employee  
of Hospital.

(4) Any contravention of the provisions of this section by any servant or employee of a hospital shall be presumed to be an act on the part of the management of such hospital, but such presumption may be rebutted by proof of explicit instructions to the contrary by such management. Any such servant or employee contravening any of the provisions of this section by disobeying any such explicit instructions shall be liable, on summary conviction, to a fine of \$100.00 and costs, and, in default of payment, to imprisonment for one month.

Druggist—  
limited  
quantity  
to be kept.

15. (1) Any druggist may keep for sale and, subject to the provisions of this section, may sell liquor for strictly medicinal purposes, but no liquor exceed-

ing in quantity five gallons of alcohol and two gallons of all other liquors at any one time shall, be kept or stored by him in the premises of such druggist or elsewhere. No sale of such liquor shall be made by any druggist except as part of a mixture containing sufficient medication to prevent its use as an alcoholic beverage, and every such mixture shall be made up by such druggist before delivery.

Not to sell except as part of medicated mixture.

(2) Any dentist who deems it necessary that any patient being then under treatment by him should be supplied with liquor as a stimulant or restorative may himself administer to such patient the liquor thus needed and for such purpose the dentist may keep in his office a quantity of liquor not exceeding one quart at any one time, but no liquor shall be administered by a dentist except in the case of actual need, or be drunk or consumed by any person other than such patient and every dentist who administers liquor in evasion or violation of this Ordinance shall be guilty of an offence against this Ordinance.

Dentist.

Limited quantity may be kept.

(3) Any veterinary who deems liquor necessary for the health of dumb animals may in the course of his practise administer or cause to be administered liquor to any dumb animal and for that purpose he may have liquor in his possession not exceeding in quantity one gallon at any one time and no person shall drink or consume any such liquor.

Veterinary.

(4) Every druggist, physician, dentist and every veterinary shall keep or cause to be kept in a book to be kept for that purpose a complete and accurate record of every sale or other disposal made by him, his clerk, servant or agent, of any liquor and such record shall be made at the time of the sale or disposal of the liquor and shall show the time, when the name and address of the person to whom it is sold and be signed by the person to whom the sale or disposal is made, and the kind and quantity of liquor sold or disposed of, and in

Druggists, Physicians, Dentists and Veterinaries to keep record of all sales of liquor.

case of a sale upon prescription shall disclose and refer to the prescription in such manner as to enable the same to be readily identified, and in default of such record being made of any sale or disposal of liquor, the same shall be deemed to be a sale of liquor in contravention of the provisions of this Ordinance.

Druggists,  
Physicians,  
Dentists  
and Veteri-  
naries to  
keep record  
of liquor  
purchased.

(5) Every druggist, physician, dentist and every veterinary shall keep a record of all liquor purchased or received by him, showing the date of purchase and the name of the person from whom purchased, and shall from time to time, as required by the request in writing of the Commissioner or by the regulations, send to the Commissioner a report containing a copy of such record and of the record kept under sub-section (4), accompanied by an affidavit verifying the same and stating that no purchases or sales of liquor were made during the period covered by such report save those mentioned therein.

Violation of  
this Section  
an offence.

(6) Every druggist, physician, dentist and every veterinary who fails to keep any record required by this section or refuses or neglects upon request of the Commissioner or any constable or of any person appointed by the Commissioner and producing his written authority in that behalf to produce the record and permit the same to be inspected, or who fails to make any report required under this section shall be guilty of an offence against this Ordinance.

Possession  
of alcohol  
for  
mechanical  
or scientific  
purposes.

16. (1) Nothing herein shall prevent any person engaged in mechanical business or in scientific pursuits from having in his possession alcohol for mechanical or scientific purposes, as the case may be, in a quantity not to exceed, exclusive of the alcohol used in the preservation of specimens for scientific purposes, one gallon at any one time, or prevent any minister of the gospel from giving or causing to be given such wine in connection with the celebration of any sacrament; but no such



person or minister of the gospel shall permit any liquor so in his possession to be used and consumed as a beverage.

(2) Nothing herein shall prevent a sick person from having in his possession the liquor prescribed for him under the provisions of this Ordinance by a physician, but no liquor so prescribed shall be given by the sick person or by his physician, nurse or other attendant to any person other than the sick person for whom it has been so prescribed.

Possession by sick person of liquor prescribed, not to be given to another.

(3) Nothing in this Ordinance shall prevent any druggist from keeping or selling to any person any combination of alcohol with any drug made according to any formula of the British or United States pharmacopoeia.

Alcohol mixed with drugs.

17. Liquor shall not be given, sold or otherwise supplied to any person apparently under the age of 21 years, but this shall not apply to the supplying of liquor to a person under the age of 21 years for medicinal purposes only, by a physician, parent or guardian of such person, or by a vendor or druggist upon the prescription of a physician.

Sales to minors.

18. Every physician who shall give a prescription for, or administer any liquor contrary to the provisions of this Ordinance, or who shall give or issue to or for any person a prescription, for or including intoxicating liquor for the purpose of enabling or assisting any person to obtain liquor for use as a beverage, or to be sold or disposed of in any manner in violation of the provisions of this Ordinance shall for each such violation be guilty of an offence against this Ordinance and liable on summary conviction therefor as follows:

Penalties for violations by physician.

For a first offence, to a penalty of not less than \$100.00 and not more than \$300.00 and costs, and, in default of payment, to imprisonment for not less than three months and not more than six months.

First offence.

Second offence.

For a second offence, to a penalty of not less than \$200.00 and not more than \$500.00, and costs, and, in default of payment, to imprisonment for not less than three months and not more than six months.

Third or subsequent offence.

For a third or any subsequent offence, to imprisonment for not less than six months and not more than twelve months, without the option of a fine.

#### PENALTIES.

Penalties for violation of Sec. 13.

19. (1) Every person contravening or committing any breach of any of the provisions of section 13 shall, upon summary conviction therefor, be liable:

First offence.

For a first offence, to a penalty of not less than \$100.00 and costs and not more than \$300.00 and costs, and, in default of immediate payment, to imprisonment for not less than one month and not more than three months.

Second offence.

For a second offence, to a penalty of not less than \$200.00 and costs and not more than \$300.00 and costs and to imprisonment for a term of not less than three months and not more than six months, with or without hard labor.

Third or subsequent offence.

For a third or any subsequent offence, to imprisonment for not less than twelve months and not more than twenty-four months, with or without hard labor.

Penalties for other offences.

- (2) For every offence against this Ordinance or any of the provisions thereof for which a penalty has not been especially provided, the person committing the offence shall be liable on summary conviction:

First offence.

For the first offence, to a penalty of not less than \$50.00 and not more than \$100.00, and, in default of immediate payment, to imprisonment

for a period of not less than one month and not more than three months.

For a second offence, to imprisonment for not less than two months and not more than six months, with or without hard labor, or to a penalty of not less than \$100.00 nor more than \$300.00, and, in default of immediate payment, to imprisonment for a term of not less than three months and not more than six months, and for any subsequent offence to imprisonment for a period of not less than three months nor more than six months, with or without hard labor, without the option of a fine.

Second offence.

Subsequent offences.

(3) All penalties in money recovered under this Ordinance for any violation thereof shall be paid into and form part of the General Revenue Fund of the Territory.

Moneys to form part of general revenue.

20. Except as may be otherwise provided by this Ordinance, prosecutions for offences against this Ordinance may be had and taken under Part XV. of the Criminal Code relating to summary convictions, the provisions of which are hereby made applicable thereto, as fully as if the same were embodied herein.

Penalties recovered on summary conviction.

21. In describing offences respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving or consumption of liquor, in any information, summons, conviction, warrant or proceeding under this Ordinance, it shall be sufficient to state the sale or keeping for sale or disposal, having, keeping, giving or consumption of liquor simply, without stating the name or kind of such liquor or the price thereof or the name of any person to whom it was sold or disposed of or by whom it was taken or consumed or from whom it was purchased or received, and it shall not be necessary to state in any such case the quantity of liquor except in the case of offences where the quantity is essential and then it shall be sufficient, to allege the sale or disposal of more or less than such quantity.

How offences may be described.

In words of Ordinance sufficient.

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

Exemptions, etc., need not be specified.

Evidence of unlawful sale.

23. In any prosecution under this Ordinance for the sale, or keeping for sale, or other disposal of liquor, or the having, keeping, giving or consumption of liquor, it shall not be necessary that any witness should depose to the precise description of the liquor sold, disposed of, kept, had, given or consumed, or the precise consideration received therefor, or to the fact of the sale or disposal having taken place without his participation or to his own personal knowledge, but the Justice trying the case, so soon as it appears to him that the circumstances in evidence sufficiently establish the infraction of law complained of, shall put the defendant on his defence, and, in default of his rebuttal of such evidence, may convict him accordingly.

Proof that liquor intoxicating.

24. The Justice trying the case shall, in the absence of proof to the contrary, be at liberty to infer that the liquor in question is intoxicating from the fact that the witness describes it as intoxicating or by a name that is commonly applied to an intoxicating liquor.

Contravention by employee or agent, etc., presumed to be act of employer.

25. (1) Any contravention of the provisions of this Ordinance by any employee, servant, agent or workman of any vendor or other person shall be presumed to be the act of such vendor or other employer of such employee, servant, agent or workman and such employer shall be answerable for and shall be punished for such offence. Provided that nothing herein shall absolve the actual offender from guilt and punishment for any such offence.

(2) Such presumption may be rebutted by proof of explicit instructions to the contrary by such vendor or other employer, and any such employee, servant, agent or workman contravening any of the provisions of this Ordinance and disobeying any such implicit instructions shall be liable, on summary conviction, to imprisonment for not less than ten days nor more than two months, without the option of a fine.

Presumption may be rebutted.

Penalty.

(3) In the event of an incorporated company contravening any of the provisions of this Ordinance, the officer or agent of the company in charge of the particular premises upon which the offence is committed, as well as the said company, shall be liable to the penalties prescribed by this Ordinance.

Violation by incorporated company.

26. (1) The burden of proving the right to have or keep or sell or give liquor shall be on the person accused of improperly or unlawfully having, keeping, selling or giving such liquor.

Burden of proof on accused.

(2) The burden of proving that any prescription or administration of liquor is *bona fide* and for medicinal purposes only, shall be upon the person who prescribes or administers such liquor or causes such liquor to be administered, and the Justice trying the case shall have the right to draw inferences of fact from the frequency with which similar prescriptions are given and from the amount of liquor prescribed or administered.

Burden of proof that prescription or giving liquor for medicinal purposes is *bona fide*

27. Nothing in this Ordinance shall be taken to prevent the importation of liquor into the Territory by any person for his own use under the provisions of any Ordinance of the Governor-in-Council or any order of the Governor-in-Council in force in the Territory, or the possession of any such liquor by any such person for his own use.

Ordinance does not apply to lawful importation.

28. The proceedings upon information for an offence against any of the provisions of this Ordinance where a

Proceedings where previous

conviction  
charged.

previous conviction is charged shall be as follows :

Subsequent  
offence to  
be first  
inquired  
into.

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

Proof of  
previous  
conviction.

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

Proceedings  
where  
previous  
conviction  
set aside.

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

Several  
offences on  
one day.

29. Convictions for several offences may be made under this Ordinance although such offences may have been committed on the same day; but the increased penalty or punishment hereinbefore imposed shall only be incurred or awarded in the case of offences committed

on different days and after the information laid for a first offence.

30. Whenever any corporation is convicted of an offence under this Ordinance, in addition to any other remedy provided hereby, a copy of such conviction or order certified to by the Magistrate or Justice making the same, or by the officer in whose custody the same is by law required to be kept, may be filed in the Territorial Court of the Yukon Territory, and such conviction or order shall thereupon become a judgment of said Court and all proceedings may be thereupon taken and had as on any other judgment of said Court.

Conviction against corporation shall on filing in Territorial Court become a judgment.

31. Nothing in this Ordinance contained shall be construed as in any way affecting, limiting or restricting any proceedings which can or may be taken or had for the infliction of punishment by penalty or imprisonment or the modes of enforcement or recovery of fines or penalties.

Proceedings for inflicting punishment not restricted.

32. Any Magistrate, if satisfied by the information on the oath of any police officer, or constable, that there is reasonable ground for the belief that any spirituous or fermented liquor is being kept for sale or disposal, contrary to the provisions of this Ordinance, in any house or place within his jurisdiction, may, in his discretion, grant a warrant under his hand by virtue whereof it shall be lawful for the person named in such warrant, at any time or times within two months from the date thereof to enter, if need be, by force, the place named in the warrant and every part thereof and of the premises connected therewith, and to examine the same and search for liquor therein, and for such purpose such person may, if necessary, with such assistance as he deems expedient, break open any door, lock or fastening of such premises, or any part thereof, or of any closet, cupboard, box or other article likely to contain any such liquor; and in the event of any liquor being so found and unlawfully kept on the said premises, the occupant thereof shall, until the contrary be proved, be deemed to have kept such liquor for the purpose of sale, contrary to the provisions of this Ordinance, and may be arrested by such officer or person having the warrant for search as aforesaid, and

Magistrate may issue search warrant.

any person so arrested shall, upon conviction, be liable to a fine of not less than \$200.00 and costs, or, in default of payment thereof forthwith, to imprisonment for not less than three months and not more than six months.

Seizure of  
liquor  
found on  
search.

33. When any police officer or constable, in making or attempting to make any search under or in pursuance of the authority conferred by the next preceding section or under the warrant mentioned, or under any other section of this Ordinance, finds in a house or place any liquor which, in his opinion, is unlawfully kept for sale or disposal contrary to this Ordinance, he may forthwith seize and remove the same and the vessel in which the same is kept, and upon the conviction of the occupant of such house or place, or any other person, for unlawfully keeping liquor for sale, the Magistrate making such conviction may, in and by the said conviction, or by a separate and subsequent order, declare the said liquor and vessels or any part thereof to be forfeited to His Majesty, to be sold or otherwise disposed of in such lawful manner as the Commissioner may direct, and the proceeds of any such sale shall be forthwith transmitted to the Territorial Treasurer, to form a part of the General Revenue Fund.

Forfeiture.

Date of  
coming into  
force.

34. This Ordinance shall come into force on the 29th day of May, 1920.



## CHAPTER 11

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

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[Assented to April 28, 1920.]

*Whereas*, It appears by Message from George Patton Mackenzie, Esquire, the Gold Commissioner of the Yukon Territory, and in the Supplementary Estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" are required to defray certain further expenses of the Public Service of the Yukon Territory and the City of Dawson, and for the purposes relating thereto for the twelve months ended March 31st, 1920; and,

*Whereas*, It appears by Message from George Patton Mackenzie, Esquire, the Gold Commissioner of the Yukon Territory, and the Estimates accompanying the same, that the sums hereinafter mentioned in Schedule "B" to this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory, and for the purposes relating thereto for the twelve months ending March 31st, 1921; and,

*Whereas*, It appears by Message from George Patton Mackenzie, Esquire, the Gold Commissioner of the Yukon Territory, and the Estimates accompanying the same, that the sums hereinafter mentioned in Schedule "C" to this Ordinance are required to defray certain expenses of the Public Service of the City of Dawson and for the

purposes relating thereto for the twelve months ending March 31st, 1921.

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

1. From and out of the sum at the disposal of the Yukon Council there shall be paid and applied a further sum, not exceeding in the whole fifty-seven thousand and ten dollars and seventy-eight cents, for defraying the several charges and expenses of the Public Service of the Yukon Territory for the twelve months ended March 31st, 1920, as set forth in Schedule "A" to this Ordinance; and from and out of the sums at the disposal of the Yukon Council there shall be paid and applied a further sum, not exceeding in the whole one thousand two hundred and sixty-eight dollars and nine cents, for defraying the several charges and expenses of the Public Service of the City of Dawson for the twelve months ended March 31st, 1920, as set forth in Schedule "A" to this Ordinance.

2. From and out of the funds at the disposal of the Yukon Council there shall, and may, be paid and applied a sum not exceeding in the whole one hundred and sixty-seven thousand nine hundred and eighty-five dollars and forty cents for defraying the several charges and expenses of the Public Service of the Yukon Territory for the twelve months ending March 31st, 1921, as set forth in Schedule "B" to this Ordinance.

3. From and out of the funds at the disposal of the Yukon Council there shall, and may, be paid and applied a sum not exceeding forty thousand six hundred and twenty-six dollars and seventy-three cents for defraying the several charges and expenses of the Public Service of the City of Dawson for the twelve months ending March 31st, 1921, as set forth in Schedule "C" to this Ordinance.

4. The due application of all monies expended shall be duly accounted for.

## SCHEDULE "A."

Further sums granted to the Commissioner by this Ordinance for the twelve months ended March 31st, 1920, and the purposes for which they are granted:

Yukon Council, travelling expenses.....	\$ 20.50
Dawson School .....	1,624.73
Public Health and care of care of indigents.....	805.37
Yukon Law Library .....	21.49
Assay Office .....	181.90
Contingencies .....	2,708.67
Election, three Members to Council.....	1,121.00
Roads, Bridges and Public Works.....	12,778.29
The Liquor Traffic Ordinance, Government Agencies .....	37,748.83
	<hr/>
	\$57,010.78
City of Dawson—	
Fire Department .....	\$ 489.06
Contingencies .....	715.94
Streets and Sidewalks .....	63.09
	<hr/>
	\$1,268.09

## SCHEDULE "B."

Sums granted to the Commissioner by this Ordinance for the twelve months ending March 31st, 1921, and the purposes for which they are granted:

## SALARIES AND TRAVELLING EXPENSES.

Salaries .....	\$ 9,900.00
Travelling expenses .....	1,500.00
	<hr/>
	\$ 11,400.00

## YUKON COUNCIL.

Indemnity and travelling expenses.....	1,600.00
	<hr/>
Carried forward .....	\$ 13,000.00

Brought forward	\$ 13,000.00
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## SCHOOLS.

Schools generally .....	\$ 4,500.00	
Dawson School .....	19,100.00	
St. Mary's School .....	5,600.00	
Whitehorse School .....	6,160.00	
Assisted Schools .....	4,000.00	
		39,360.00

## HOSPITALS, CHARITIES AND PUBLIC HEALTH.

Grant, St. Mary's Hospital .....	\$12,000.00	
Grant, Whitehorse Hospital .....	4,000.00	
Public Health and care of indigents .....	4,000.00	
Salary, Medical Health Officer .....	1,200.00	
Salary, Assistant Medical Health Officer .....	600.00	
Salary, Meat and Slaughterhouse Inspector, three months.....	300.00	
"Flu" quarantine expense .....	1,200.00	
Purchase X-ray machine, Dawson.....	1,800.00	
Balance, purchase X-ray machine, Whitehorse .....	500.00	
To provide hospital treatment for returned soldiers and dependents .....	500.00	
To defray hospital treatment in- curred for dependents of re- turned soldiers for one year from date of discharge .....	200.00	
		26,300.00

## GRANTS TO LIBRARIES, READING ROOMS, ETC.

Dawson Free Library .....	\$ 2,700.00	
Whitehorse Reading Room .....	900.00	
Yukon Law Library .....	250.00	
Whitehorse Law Library .....	50.00	
City of Dawson, portion of Poll Tax .....	5,000.00	
		\$ 8,900.00
Carried forward .....	\$ 8,900.00	\$ 78,660.00

SUPPLY.

65

Brought forward .....	\$ 8,900.00	\$ 78,660.00
City of Dawson, Streets and Side-walks .....	4,000.00	
Retiring allowance, B. Van Volkenburgh .....	600.00	
Yukon Development League .....	100.00	
Yukon Chapter, I. O. D. E., painting Whitehorse Cemetery fence and Reading Room .....	175.00	
Dawson Branch, G. W. V. A., Club Rooms .....	500.00	
Whitehorse Branch, G. W. V. A., Club Rooms .....	250.00	
Bonus to J. A. M. H. Maltby for services rendered in connection with Government Agencies.....	150.00	
	<hr/>	14,675.00

MISCELLANEOUS.

Territorial Agent, Whitehorse.....	\$ 450.00	
Town of Whitehorse .....	6,200.00	
Assay Office .....	4,000.00	
Printing and stationery .....	3,000.00	
Contingencies .....	3,000.00	
Commission and cost collection Poll Tax .....	600.00	
	<hr/>	17,250.00

ROADS, BRIDGES AND PUBLIC WORKS.

Glacier Summer Road .....	\$ 1,000.00	
Dawson Cable Ferry .....	2,500.00	
Bonanza to Indian Road.....	2,500.00	
Indian to Stewart Road .....	700.00	
Stewart to Yukon Crossing Road....	700.00	
Hunker-Dominion Road .....	9,000.00	
Dome-Sulphur Road .....	1,000.00	
Klondike Road .....	2,000.00	
Flat Creek to Minto Road .....	1,500.00	
	<hr/>	
Carried forward .....	\$20,900.00	\$110,585.00

## SUPPLY.

Brought forward .....	\$20,900.00	\$110,585.00
Mayo District Roads .....	15,000.00	
Whitehorse District Roads .....	7,000.00	
Winter Roads .....	7,500.00	
Road Contingencies .....	7,000.40	
	<hr/>	57,400.40
		<hr/>
		\$167,985.40

## SCHEDULE "C."

## City of Dawson.

Fire Department .....	\$26,500.00	
Street lighting .....	2,550.00	
Grant, Dawson Free Library.....	1,200.00	
Printing and stationery .....	400.00	
Contingencies .....	750.00	
Salaries .....	2,000.00	
Streets and sidewalks .....	7,226.73	
	<hr/>	\$40,626.73

In the event of there being a surplus of monies standing to the credit of any item voted for Roads, Bridges and Public Works, after the construction or repairs provided for have been completed to the satisfaction of the Superintendent of Works and Buildings, such surplus of monies shall forthwith, on the acceptance of such work or repairs by the Commissioner of the Yukon Territory, be taken from said item and become part of and be added to the amount provided for contingencies to such Roads, Bridges and Public Works, and shall thereafter be at the disposal of the Commissioner of the Yukon Territory for Roads, Bridges and Public Works.

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