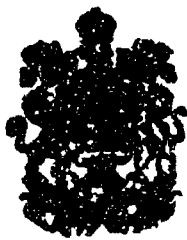


Ordinances of
YUKON
TERRITORY

PASSED BY THE
YUKON COUNCIL
IN THE YEAR

1950

J. E. GIBBEN, K.C.
COMMISSIONER



Printed and Published for the Government of the Yukon Territory Under Authority of
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- CHAPTER 1—An Ordinance to facilitate the enforcement in the Yukon Territory of Maintenance Orders made in England and Northern Ireland and other parts of His Majesty's Dominions and Protectorates and Vice Versa.
- CHAPTER 2—An Ordinance to Amend the "Forest Protection Ordinance."
- CHAPTER 3—"The Cocktail Lounge Plebiscite Ordinance, 1950."
- CHAPTER 4—"Annuity Plan Ordinance."
- CHAPTER 5—An Ordinance to amend the "Municipal Ordinance."
- CHAPTER 6—"The Legal Profession Ordinance."
- CHAPTER 7—An Ordinance to amend "The Yukon Territorial Public Service Ordinance."
- CHAPTER 8—"The Tuberculosis Control Ordinance."
- CHAPTER 9—"The Cocktail Lounge Ordinance."
- CHAPTER 10—An Ordinance to amend "The Motor Vehicle Ordinance."
- CHAPTER 11—An Ordinance to amend "The Gasoline and Diesel Oil Tax Ordinance."
- CHAPTER 12—"School Agreement Ordinance."
- CHAPTER 13—"The Garage Keepers Ordinance."
- CHAPTER 14—An Ordinance to Amend "The Wolf Bounty Ordinance."
- CHAPTER 15—An Ordinance to amend "The Mining Safety Ordinance."
- CHAPTER 16—An Ordinance to amend the "Steam Boiler Ordinance."
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- CHAPTER 18—An Ordinance to amend "The Workmen's Compensation Ordinance."
- CHAPTER 19—An Ordinance to amend "The Dental Profession Ordinance."
- CHAPTER 20—An Ordinance to amend "The Yukon Game Ordinance."
- CHAPTER 21—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.
- CHAPTER 22—An Ordinance to amend the "Crown Grant Tax Ordinance."

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YUKON TERRITORIAL GOVERNMENT

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CHAPTER 1

AN ORDINANCE TO FACILITATE THE ENFORCEMENT IN THE YUKON TERRITORY OF MAINTENANCE ORDERS MADE IN ENGLAND AND NORTHERN IRELAND AND OTHER PARTS OF HIS MAJESTY'S DOMINIONS AND PROTECTORATES AND VICE VERSA.

(Assented to May 11th, 1950.)

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

1. This Ordinance may be cited as the "Maintenance Orders (facilities for Enforcement) Ordinance".
2. In this Ordinance, unless the context otherwise requires:
 - (a) "Certified Copy" in relation to an order of a Court means a copy of the order certified by the proper officer of the Court to be a true copy.
 - (b) "Commissioner" means the Commissioner of the Yukon Territory.
 - (c) "Court" when used with reference to the Yukon Territory includes any authority having statutory jurisdiction to make maintenance orders.
 - (d) "Dependents" means such persons as a person, against whom a maintenance order is made, is liable to maintain according to the law in force in the place where such maintenance order is made.
 - (e) "Governor" includes an Administrator, Commissioner, Resident or other officer representing His Majesty in any British Protectorate.
 - (f) "Maintenance Order" means an order, other than an order of affiliation, for the periodical payment of sums of money towards the maintenance of the wife or other dependents of the person against whom the order is made.
 - (g) "Prescribed" means prescribed pursuant to the provisions of this Ordinance.
 - (h) "Reciprocating State" means any part of His Majesty's Dominions outside England and Northern Ireland to which the Imperial Act intituled the "Maintenance Orders (Facilities for Enforcement) Act, 1920," extends; or is hereinafter extended, and which has been declared under section 12 of this Ordinance to be

a reciprocating state for the purpose of this Ordinance.

(i) "Secretary of State" means His Majesty's Secretary of State charged with the duties prescribed under the Imperial Act intituled the "Maintenance Orders (Facilities for Enforcement) Act, 1920".

3. (1) Where a maintenance order has, whether before or after this Ordinance comes into force, been made against any person by any Court in England or Northern Ireland or in any reciprocating state and a certified copy of the order has been transmitted by the Secretary of State or by the Governor of the reciprocating state to the Commissioner and forwarded by him to the Legal Adviser, the Legal Adviser shall send a copy of the order to the prescribed officer of the Court in the Yukon Territory for registration and on receipt thereof the order shall be registered in the prescribed manner and shall from the date of such registration be of the same force and effect, and, subject to the provisions of this Ordinance, all proceedings may be taken on such order as if it had been an order originally obtained in the Court in which it is so registered, and that Court shall have power to enforce the Order accordingly.

(2) The Court in which an order is to be so registered shall, whether the Court by which the order was made was a Court of superior jurisdiction or was not a Court of superior jurisdiction, be the Territorial Court of the Yukon Territory.

(3) The Legal Adviser shall not send a copy of the order to the prescribed officer of a Court in the Yukon Territory under the provisions of sub-section (1) hereof unless he has received a sum of money sufficient in his opinion to pay the cost of the proceedings to be taken in the Yukon Territory.

4. Where a Court in the Yukon Territory has, whether before or after this Ordinance comes into force, made a maintenance order against any person, and it is proved to that Court that the person against whom the order was made is resident in England or Northern Ireland or in a reciprocating state, the Court, on request of the person in whose favour the order was made, shall send a certified copy of the order to the Legal Adviser for transmission to the Secretary of State or to the Governor of that reciprocating state, as the case may require, and the Legal Adviser shall transmit the certified copy accordingly.

5. (1) Where an application is made to a Court in the Yukon Territory for a maintenance order against any person and it is proved that that person is resident in England or Northern

Ireland or in a reciprocating state, the Court may, in the absence of that person and without service of notice on him, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if a summons had been duly served on that person and he had failed to appear at the hearing, but in such case the order shall be provisional only, and shall have no effect unless and until confirmed by a competent Court in England or Northern Ireland or in such reciprocating state, as the case may require.

(2) If the evidence of any witness who is examined on any such application is not taken in shorthand the evidence shall be put into the form of a deposition, and such deposition shall be read over and signed by the witness and also by the Judge or other person presiding at the hearing.

(3) Where an order is made pursuant to sub-section (1), the Court shall send to the Legal Adviser a certified copy of the order for transmission to the Secretary of State if the person against whom the order is made is alleged to reside in England or Northern Ireland or to the Governor of the reciprocating state if the person against whom the order is made is alleged to reside in a reciprocating state.

(4) The Court shall also prepare:

- (a) A statement showing the grounds on which the making of the order might have been opposed if the person against whom the order is made had been duly served with a summons and had appeared at the hearing; and
- (b) A statement showing such information as the Court possesses for facilitating the identification of the person against whom the order is made and ascertaining his whereabouts.

(5) With the certified copy of the order the Court shall send also to the Legal Adviser for transmission to the Secretary of State or to the Governor,

- (a) The depositions or a certified copy of the transcript of the evidence; and
- (b) The statement referred to in clause (a) of sub-section (4); and
- (c) The statement referred to in clause (b) of sub-section (4).

(6) The Legal Adviser shall transmit the documents sent to him by the Court to the Secretary of State or to the Governor of the reciprocating state but before transmission the Legal Adviser may,

if he sees fit, amend or add to the statement of grounds on which the making of the order might have been opposed.

(7) Where any such provisional order has come before a Court in England or Northern Ireland or in a reciprocating state for confirmation and the order has by that Court been remitted to the Court in the Yukon Territory that made the order for the purpose of taking further evidence, the last mentioned Court shall proceed, after giving the prescribed notice, to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

(8) If upon the hearing of such evidence it appears to the Court in the Yukon Territory that the order ought not to have been made, the Court may rescind the order, but in any other case the depositions or a certified copy of the transcript of the evidence if it was taken in shorthand shall be sent to the Legal Adviser and dealt with in like manner as the depositions or transcript of the original evidence.

(9) The confirmation of an order made under this section shall not affect any power of the Court by which the Order was originally made to vary or rescind the order; but, in the making of a varying or rescinding order, the Court shall send a certified copy thereof, together with the depositions or a certified copy of a transcript of any new evidence adduced before the Court, to the Legal Adviser for transmission to the Secretary of State or to the Governor of the reciprocating state in which the original order was confirmed and in the case of an order varying the original order the order shall not have any effect unless and until confirmed in like manner as the original order.

(10) The applicant shall have the same right of appeal, if any, against a refusal to make a provisional order as he would have had against a refusal to make the order had a summons been duly served on the person against whom the order is sought to be made.

6. (1) Where a maintenance order has been made in a Court in England or Northern Ireland or in a reciprocating state and the order is provisional only and has no effect unless and until confirmed by a Court in the Yukon Territory, and a certified copy of the order, together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed is received by the Commissioner and it appears to him that the person against whom the order was made is resident in

the Yukon Territory, the Commissioner may send the said documents to the proper officer of the Court and upon receipt of such documents the Court shall issue a summons calling upon the person against whom the order was made to show cause why the order should not be confirmed and cause it to be served upon such person but the Commissioner shall not send the documents to the officer of the Court unless he has received a sum of money sufficient in his opinion to pay the cost of the proceedings to be taken in the Yukon Territory.

(2) At the hearing it shall be open to the person on whom the summons was served to raise any defence that he might have raised in the original proceedings had he been a party thereto but no other defence; and the statement from the Court that made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings shall be conclusive evidence that those grounds are grounds on which objection may be taken.

(3) If at the hearing the person served with the summons does not appear or, on appearing, fails to satisfy the Court that the order ought not to be confirmed, the Court may confirm the order either without modification or with such modifications as to the Court after hearing the evidence may seem just.

(4) If the person against whom the summons was issued appears at the hearing and satisfies the Court that for the purpose of any defence it is necessary to remit the case to the Court that made the provisional order for the taking of any further evidence, the Court may so remit the case and adjourn the proceedings for the purpose.

(5) Where a provisional order has been confirmed under the provisions of this section, it may be varied or rescinded in like manner as if it had originally been made by the confirming Court, and where on an application for rescission or variation the Court is satisfied that it is necessary to remit the case to the Court that made the order for the purpose of taking any further evidence, the Court may so remit the case and adjourn the proceedings for the purpose.

(6) Where an order has been so confirmed, the person bound thereby shall have the same right of appeal, if any, against the confirmation of the order as he would have had against the making of the order had the order been an order made by the Court confirming the order.

7. (1) A Court in which an order has been registered under this Ordinance or by which an order has been confirmed under this Ordinance, and the officers of such Court, shall take all proper steps for enforcing the order.

(2) Every such order shall be enforceable in like manner as if the order were a judgment of the Court in which the order is so registered or by which it is so confirmed.

8. The Commissioner may make rules prescribing the practice and procedure under this Ordinance.

9. The Commissioner may make regulations as to the manner in which a case can be remitted by a Court authorized to confirm a provisional order to the Court which made the provisional order, and generally for facilitating communications between such Courts.

10. Any document purporting to be signed by a Judge or officer of a Court in England or Northern Ireland or in a reciprocating state shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or judicial or official character of the persons appearing to have signed it, and the officer of a Court by whom a document is signed shall be deemed, until the contrary is proved, to have been the proper officer of the Court to sign the document.

11. Depositions or certified copies of transcripts from shorthand of evidence taken in a Court in England or Northern Ireland or in a reciprocating state, for the purposes of this Ordinance, may be received in evidence in proceedings before Courts in the Yukon Territory under this Ordinance.

12. (1) Where the Commissioner is satisfied that reciprocal provisions have been made by the legislature of any part of His Majesty's Dominions outside England and Northern Ireland for the enforcement, within that part, of maintenance orders made within the Yukon Territory, the Commissioner may declare by Order such part to be a reciprocating state for the purposes of this Ordinance, and thereupon that part shall become a reciprocating state within the meaning of this Ordinance.

(2) In any proceeding under this Ordinance, the fact that any part of His Majesty's Dominions outside England and Northern Ireland is a reciprocating state shall be judicially noted.

CHAPTER 2

AN ORDINANCE TO AMEND THE "FOREST PROTECTION ORDINANCE"

(Assented to May 11th, 1950.)

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

1. The "Forest Protection Ordinance", being Chapter 5 of the Ordinances of the Yukon Territory, 1949, Second Session, is hereby amended by striking out the definition of Forest Officer contained in Section 2 thereof and substituting therefor the following:

S.2 Cap. S,
O.Y.T., 1949
2nd
Amended

"Forest Officer" means a Forestry Engineer appointed for the Yukon Territory by the Department of Resources and Development.

"Forest
Officer"

CHAPTER 3

AN ORDINANCE TO PROVIDE FOR A PLEBISCITE ON THE QUESTION OF BRINGING INTO FORCE 'AN ORDINANCE TO REGULATE THE SALE OF SPIRITUOUS LIQUOR FOR BEVERAGES IN COCKTAIL LOUNGES'

(Assented to May 11th, 1950.)

Whereas, the Yukon Council at its present Session has passed an Ordinance entitled "An Ordinance to Regulate the Sale of Spirituous Liquor for Beverages in Cocktail Lounges",

Preamble

And Whereas, the said Ordinance provides that it shall not come into force until brought into force by Proclamation of the Commissioner pursuant to the Provision of an Ordinance that may be passed providing for a plebiscite of the people of the Yukon Territory upon the question of bringing the same into force,

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

- Short Title** 1. This Ordinance may be cited as "The Cocktail Lounge Plebiscite Ordinance, 1950".
- Writ directing Plebiscite.** 2. (1) On or before the 31st day of August, 1950, the Commissioner of the Yukon Territory shall cause to be issued a writ directing a plebiscite to be taken on the question to be submitted hereunder.
- And appointing Returning Officers.** (2) Such writ shall be dated and shall be returnable on such day as the Commissioner determines and shall be issued by the Territorial Secretary under his hand and the seal of the Yukon Territory to such resident electors of each electoral district as the Commissioner appoints and such persons shall be the Returning Officers for their respective electoral districts at the plebiscite to which such writ relates.
- When Returning Officer unable to act.** (3) If the person to whom the writ has been addressed refuses or is unable to act, he shall, under penalty hereinafter provided, forthwith after receipt of such writ notify the Commissioner by the most speedy means available of such refusal or inability when the Commissioner may appoint some other person as Returning Officer who shall act under the writ already issued.
- Definitions of Plebiscite Officers.** 3. The expression "Returning Officer", "Election Clerk", "Deputy Returning Officer" and "Poll Clerk" wherever used herein shall respectively mean and include the Returning Officer, Election Clerk, Deputy Returning Officer and Poll Clerk for each electoral district appointed and acting under the provisions of this Ordinance at the plebiscite to be taken on the question to be submitted hereunder.
- Day and Hours of Plebiscite, same in each District.** 4. The Plebiscite to be taken hereunder shall be taken on the same day and during the same hours in every electoral district.
- Electoral Districts.** 5. The Electoral districts referred to herein are the electoral districts set forth in Schedule 1 of "An Ordinance Respecting the Council of the Yukon Territory", being Chapter 23 of the Consolidated Ordinances of the Yukon Territory, 1914, and amending Ordinances.
- Date fixed by Writ.** 6. (1) The Commissioner shall fix a date not later than the 30th day of September, 1950, for the plebiscite to be taken on the question to be submitted hereunder and the date so fixed shall be specified in the writ provided for in Section 2.
- (2) The writ shall be in Form A in the Schedule to this Ordinance.

ance and shall be transmitted by registered mail by the Territorial Secretary addressed to the Returning Officer therein named.

Form and
transmis-
sion of
Writ.
Indorse-
ment of
Writ by
R.O.

7. The Returning Officer on receiving the aforesaid writ shall forthwith indorse thereon the date on which he received the same and before taking action under this Ordinance shall take before a Justice of the Peace or Commissioner for taking affidavits the oath of office set out in Form B in the Schedule to this Ordinance and shall forthwith thereafter cause to be made by such Justice of the Peace or Commissioner a Certificate in Form C in said Schedule to be filed with the Territorial Secretary.

8. The Returning Officer by a warrant issued under his hand in form D in the Schedule to this Ordinance shall appoint an Election Clerk and may at any time during the taking of the vote appoint in the same manner another Election Clerk if the one so appointed resigns or is unable to perform his duties as such clerk.

Election
Clerk.

9. (1) The Election Clerk shall assist the Returning Officer in the performance of his duties and act in his stead as Returning Officer whenever the Returning Officer after appointing such Election Clerk refuses or is unable to perform his duties.

Duties of
Election
Clerk.

(2) All the provisions of this Ordinance in regard to Returning Officers shall apply to Election Clerks acting as Returning Officers.

(3) The Returning Officer or Election Clerk shall not act as Deputy Returning Officer or Poll Clerk in any polling place.

10. The Election Clerk, before acting as such, shall take the Oath of office in Form E in the Schedule to this Ordinance before the Returning Officer or any person authorized to administer an oath within the Yukon Territory and a certificate in Form F in said Schedule of his having taken such oath shall be delivered to him by the person before whom such oath is taken which certificate he shall forward to the Territorial Secretary.

Oath of
Election
Clerk.

11. The Election Clerk, when acting for or in the stead of the Returning Officer, shall be subject to like penalties as the Returning Officer for violating any of the provisions of this Ordinance, but this shall not relieve the Returning Officer from any penalties to which he may render himself liable.

Election
Clerk
Acting as
R.O.

12. With all reasonable dispatch after receiving the writ provided for in section 2 hereof the Returning Officer shall:

(a) Subdivide the area in his electoral district into as many polling divisions as he deems necessary for the convenience of voters and number them consecutively but no such polling division

Establish-
ment of
Polling
Divisions.

shall have a greater voting population than two hundred nor less than fifteen; but if a polling division should include a greater number of votes than two hundred or less than fifteen the fact shall not be held to invalidate the poll held in that polling division nor shall it render the Returning Officer liable to a penalty unless it can be shown that one or more duly qualified voters have been deprived of the opportunity to vote by reason of more than two hundred voters having been included within the polling division.

**Polling
Places.**

(b) Provide suitable and conveniently situated buildings for use as polling places.

**Ballot
Boxes.**

(c) Procure or cause to be procured as many boxes, hereinafter called "Ballot boxes", as there are polling places within said area.

(d) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein and not withdrawn therefrom unless the box is unlocked.

(e) The number of the polling place at which the ballot box is to be used shall be plainly painted or otherwise securely marked thereon so that it may be easily distinguished from the ballot box of any other polling place.

(f) If the Returning Officer fails to furnish ballot boxes in the manner herein provided he shall incur a penalty of one hundred dollars in respect of every ballot box which he has failed to furnish in the manner prescribed.

**Proclama-
tion of
R.O.**

13. At least seven days before the day fixed for the plebiscite hereunder the Returning Officer shall provide and cause to be posted up in some conspicuous place in the immediate neighborhood of each polling place a Proclamation in Form G in the Schedule to this Ordinance in which Proclamation shall be set forth:

(a) The date when the polls will be opened at the several polling places and the time during which such polls shall remain open.

(b) The numbers and whereabouts of the places at which the several polls shall be held.

(c) A statement that the plebiscite hereunder will be taken at the aforesaid polling places.

(d) A copy of the ballot containing the question to be submitted hereunder.

**Posting of
instructions
to Voters.**

14. The Returning Officer shall also cause to be posted up near to the aforesaid Proclamations copies of Form H in the Schedule to this Ordinance for the guidance of voters.

15. (1) The Returning Officer shall cause to be printed and furnished for the purposes of this plebiscite a sufficient number of ballot papers for each polling place and the ballot papers shall be provided with a counterfoil and a stub, and there shall be a line of perforation between the ballot and the counterfoil and between the counterfoil and the stub.

Printing of Ballots.

(2) The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil, and shall be bound or stitched in books of convenient size.

Numbering of Ballots.

(3) The ballot papers shall be in the following form:

Form of Ballot Papers.

Ballot on the sale of spirituous liquor for beverages in cocktail lounges under "The Cocktail Lounge Plebiscite Ordinance, 1950".	Are you in favor of the sale of spirituous liquor for beverages in cocktail lounges as provided for in "An Ordinance to Regulate the Sale of Spirituous Liquor for Beverages in Cocktail Lounges", passed at the last Session of the Yukon Council?	YES	NO
		_____	_____

16. (1) For the purpose of taking the vote herein provided for the Returning Officer shall appoint by writing over his signature a Deputy Returning Officer for each polling place and shall thereby require the Deputy Returning Officer to open and hold the poll in such division at the time and place fixed in the Proclamation referred to in Section 13 hereof and according to the provisions of this Ordinance.

Appointment of D.R.O.

(2) Every Deputy Returning Officer, before acting as such, shall take and subscribe before the Returning Officer or any person authorized to administer oaths within the Yukon Territory the oath in Form I in the Schedule to this Ordinance.

Oath of D.R.O.

17. The provisions of "The Ordinance Respecting Elections", being Chapter 7 of the Ordinances of the Yukon Territory, 1919, and amending Ordinances in so far as they relate to the powers and duties of Deputy Returning Officers shall **mutatis mutandis** apply and extend to Deputy Returning Officers appointed and acting under the provisions of this Ordinance.

Application of "Election Ordinance" to D.R.O.

Form of
Poll Book.

18. The poll books supplied the Deputy Returning Officer shall be in Form J in the Schedule to this Ordinance.

Appoint-
ment of
Poll Clerk.

19. (1) Before the hour for opening the polls on the day of the plebiscite, the Deputy Returning Officer shall appoint in writing under his signature a Poll Clerk to assist him in taking the votes or to act in his stead if necessary with all the powers and liabilities of the Deputy Returning Officer.

Oath of
Poll Clerk

(2) Before acting as such, a Poll Clerk shall take and subscribe the oath in Form K in the Schedule to this Ordinance before the Deputy Returning Officer, the Returning Officer or any person authorized to administer oaths within the Yukon Territory.

Application
of
"Election
Ordinance"
to Poll
Clerk.

20. The provisions of "The Ordinance Respecting Elections", being Chapter 7 of the Ordinances of the Yukon Territory, 1919, and amending Ordinances in so far as they relate to the power and duties of Poll Clerks shall *mutatis mutandis* apply and extend to Poll Clerks appointed and acting under the provisions of this Ordinance.

Privacy
required in
Polling
Place.

21. The polling place shall have an outer room suitable for the accommodation of the persons or things required to take the vote under this Ordinance and opening therefrom an inner room in which the voter may mark a ballot screened from all observation, but where it is difficult or impossible to secure two rooms as required, a single room divided by a screen or curtain so the interior of the two parts shall be completely hidden from each other shall be sufficient.

Keeping of
Poll Book
and
Ballot Box.

22. (1) In the outer room referred to in section 21 shall be kept the poll book and ballot box.

(2) The ballot box shall be kept in a conspicuous position during the voting so the ballots may be seen as they are dropped in and shall not be touched, during the voting, except by the Deputy Returning Officer or Poll Clerk acting for him and only touched by him in such a manner that any person present can observe it.

Secrecy of
Ballot.

23. Except as hereinafter provided, no person shall have access to the inner room or compartment but the voter who is engaged in marking his ballot.

Contents of
Voting
Compartment.

24. In the inner room or compartment of the polling place there shall be a table suitable for use in marking ballots a copy of the "Instructions for Voters" in Form H in the Schedule to this Ordinance and a copy of the Proclamation described in section 13 of this Ordinance.

Qualifica-
tion of
Voters.

25. Every person shall be qualified to vote who is qualified to vote according to the provisions of "An Ordinance Respecting Elections", being Chapter 7 of the Ordinances of the Yukon Ter-

ritory, 1919, and amending Ordinances and the provisions of those Ordinances respecting qualifications and residence of voters shall **mutatis mutandis** apply to voters and persons seeking to vote in the plebiscite held under the provisions of this Ordinance.

26. (1) Every voter before receiving a ballot proper, may take the oath of qualification set forth in Form L in the Schedule to this Ordinance.

Oath may
be required
of Voter.

(2) The Deputy Returning Officer may require any voter to take and subscribe the oath set forth in the said Form L.

(3) The voter shall be entitled to receive from the Deputy Returning Officer a ballot in the form prescribed by this Ordinance and the said ballot shall be dealt with, subject to the provisions of this Ordinance, by the Deputy Returning Officer and by the Voter in the same manner as ballots are required to be dealt with under the provisions of "An Ordinance Respecting Elections", being Chapter 7 of the Ordinances of the Yukon Territory, 1919, and amending Ordinances.

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

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

Manner of
marking
Ballot.

28. Every person voting shall answer the question on the ballot paper either in the affirmative or the negative in the manner described in Section 27.

Imperative
direction.

29. The taking of the vote and all proceedings hereunder shall, subject to the provisions of this Ordinance, be conducted in the same manner as provided in "An Ordinance Respecting Elections", being Chapter 7 of the Ordinances of the Yukon Territory, 1919, and amending Ordinances, and the provisions thereof as to dealing with the secret marking of ballots, proceedings on a recount, corrupt practices and penalties and proceedings after the close of the poll and in all other respects shall, as far as the same are not inconsistent with the provisions of this Ordinance, **mutatis mutandis** apply and extend to the taking of and completing the said vote.

Subject to
this
Ordinance
the
"Election
Ordinance"
shall
govern
proceed-
ings.

30. After summing up and ascertaining the result of the vote taken under the provisions of this Ordinance, the Deputy Returning Officer shall post in the polling place a certificate of the number of the affirmative and negative votes respectively on

D R O's
Certificate
and return

the question submitted hereunder, and then shall place all the ballots used as well as unused and the oaths and all other papers in reference to the voting in the ballot box and then shall seal up the said box in the presence of at least three voters and return the same to the Returning Officer together with a written statement of the result of the vote signed by the Deputy Returning Officer.

R.O. shall
make return
to Com-
missioner.

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

32. If a majority of the votes polled is in the affirmative the Commissioner shall publish forthwith a Proclamation declaring that "An Ordinance to Regulate the Sale of Spirituous Liquor for Beverages in Cocktail Lounges" shall come into force on a date to be named in the said Proclamation.

SCHEDULE

Form A

(Section 2)

Writ in Respect of a Plebiscite

To _____ of _____,
in the Electoral District of _____,
in the Yukon Territory:

Whereas, the Commissioner of the Yukon Territory has seen fit under and by virtue of the provisions of "An Ordinance to Provide for a Plebiscite on the Question of Bringing into force 'An Ordinance to Regulate the Sale of Spirituous Liquor for Beverages in Cocktail Lounges,'" to order the issue of a writ in respect of a plebiscite or vote to be held thereunder for the said Electoral District of _____ addressed to you whom he has been pleased to select to perform the duties of Returning Officer;

You are therefore commanded that you do cause a plebiscite or vote to be taken under the provisions of the aforesaid Ordinance shortly entitled "The Cocktail Lounge Plebiscite Ordinance, 1950," to ascertain the will of the voters of the said Electoral District as to whether or not "An Ordinance to Regulate the Sale of Spirituous Liquor for Beverages in Cocktail Lounges," should be brought into force such vote to be taken within the confines of the said Electoral District on the _____ day of _____, 1950; and, that you do cause the result of such vote when so taken to be certified to me on the _____ day of _____, 1950.

Given under my hand and seal of said Territory at the City of Dawson in said Territory, this day of, 1950.

.....
Territorial Secretary.

Indorsement

Received the within writ on the day of, 1950.

.....
Returning Officer.

Form B

(Section 7)

Oath of Returning Officer

I, the undersigned, Returning Officer for the Electoral District of, appointed under the provisions of "The Cocktail Lounge Plebiscite Ordinance, 1950", do solemnly swear that I will act faithfully in that capacity without partiality, fear, favor or affection. So help me God.

Sworn before me at, in the Yukon Territory, this day of, 1950.

.....
Returning Officer.

.....
Signature of Officer Administering Oath.

Form C**(Section 7)****Certificate of Returning Officer
Having Taken Oath of Office**

I, the undersigned _____
 hereby certify that on the ____ day of _____,
 1950, the Returning Officer for the Electoral District of
 _____ appointed under the
 provisions of "The Cocktail Lounge Plebiscite Ordinance, 1950,"
 took and subscribed before me the oath of office in such case
 required of a Returning Officer by section 7 of the said Ordinance.

In testimony whereof I have delivered to him this certificate.

 Signature of Officer Administering Oath.

Form D**(Section 8)****Appointment of Election Clerk**

To _____, of _____,
 in the Yukon Territory, _____

Know you that in my capacity of Returning Officer for the
 Electoral District of _____
 appointed under the provisions of "The Cocktail Lounge Plebiscite
 Ordinance, 1950", I have appointed and do hereby appoint you to
 be my election clerk to act in that capacity according to law at
 the plebiscite or taking of a vote under the provisions of said
 Ordinance.

Given under my hand this _____ day of _____,
 1950.

 Returning Officer.

Form E**(Section 10)****Oath of Election Clerk**

I, the undersigned _____
 appointed election clerk by the Returning Officer for the Electoral
 District of _____,
 under the provisions of "The Cocktail Lounge Plebiscite Ordinance,
 1950," do solemnly swear that I will act faithfully in my said
 capacity of election clerk, and also that of Returning Officer for

the Electoral District of _____
 if required to act as such, according to law without partiality, fear,
 favour or affection. So help me God.

Sworn before me at _____,
 in the Yukon Territory, this _____ day of _____,
 1950.

 Signature of Election Clerk.

 Signature of Officer Administering Oath.

Form F **(Section 10)**
Certificate of Election Clerk
Having Taken the Oath of Office

I, the undersigned _____
 hereby certify that on the _____ day of _____,
 1950, _____ Election Clerk
 for the Electoral District of _____
 appointed under the provisions of "The Cocktail Lounge Plebiscite
 Ordinance, 1950", took and subscribed before me the oath of office
 required in such case of an election clerk by the said Ordinance.

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

 Signature of Officer Administering Oath.

Form G **(Section 13)**
Proclamation of Returning Officer

PROCLAMATION

Canada
 Yukon Territory

To Wit:

Public notice is hereby given to the voters of the Electoral
 District of _____ in the
 Yukon Territory, that in obedience to "The Cocktail Lounge
 Plebiscite Ordinance, 1950", I require the presence of said voters
 at a poll to be open and held on the _____ day of
 _____, 1950, from the hour of nine

o'clock in the forenoon until the hour of six o'clock in the afternoon in each of the following polling places, that is to say:

Polling place No. 1 - - - - -
 at - - - - -

(clearly describe the polling station and so continue for all other polling places in the said area.)

to determine whether or not "An Ordinance to Regulate the Sale of Spirituous Liquor for Beverages in Cocktail Lounges", shortly entitled "The Cocktail Lounge Ordinance", passed at the last Session of the Yukon Council shall be brought into force.

The ballot to be used will be in the following form:

		YES	NO
Ballot on the sale of spirituous liquor for beverages in cocktail lounges under "The Cocktail Lounge Plebiscite Ordinance, 1950".	Are you in favour of the sale of spirituous liquor for beverages in cocktail lounges as provided for in "An Ordinance to Regulate the Sale of Spirituous Liquor for Beverages in Cocktail Lounges", passed at the last Session of the Yukon Council?		

of which all persons are required to take notice and govern themselves accordingly.

 Returning Officer.

Form H

**Instructions for Voter Under Section 14
 Re Manner of Voting Under
 "The Cocktail Lounge Plebiscite Ordinance, 1950".**

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

Every person, otherwise qualified to vote, who is, at the date of taking the vote a resident of any Electoral District and who has

been a resident of the Yukon Territory for one year immediately prior to said date, but has not been a resident of such Electoral District for one month immediately prior to said date shall be entitled to vote in the Electoral District of and within which he was last a resident for one month during said period of one year.

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

The voter, on entering the polling booth, shall state his name, occupation and residence to the Deputy Returning Officer and after taking the oath of qualification as required by the Ordinance and receiving a ballot as provided for the purposes of "The Cocktail Lounge Plebiscite Ordinance, 1950", the voter shall go into the compartment provided for the secret marking of the ballot and, with a pencil provided in the compartment, if he desires to vote in favor of the sale of spirituous liquor for beverages in cocktail lounges mark a cross thus "X" opposite the question on the ballot in the space beneath the word "yes". If he desires to vote against the sale of spirituous liquor for beverages in cocktail lounges he shall mark a cross thus "X" opposite the question on the ballot in the space beneath the word "No".

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

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

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

Any voter who fails to return to the Deputy Returning Officer the ballot paper handed him by such officer or hands the Deputy Returning Officer any paper other than the ballot paper so delivered to him or by any means causes to be put into the ballot box any other paper than the ballot handed him by the Deputy Returning Officer shall be liable to a fine not exceeding

five hundred dollars and costs, or to be imprisoned for a term not exceeding one year, or both.

The ballot to be used is in the following form:

Ballot on the sale of spirituous liquor for beverages in cocktail lounges under "The Cocktail Lounge Plebiscite Ordinance, 1950".	Are you in favour of the sale of spirituous liquor for beverages in cocktail lounges as provided for in "An Ordinance to Regulate the Sale of Spirituous Liquor for Beverages in Cocktail Lounges", passed at the last Session of the Yukon Council?	NO	YES

Form I

(Section 16)

Oath of Deputy Returning Officer

I, the undersigned _____, appointed Deputy Returning Officer for Polling Place No. _____ of the Electoral District of _____ under the provisions of "The Cocktail Lounge Plebiscite Ordinance, 1950", do solemnly swear that I will act faithfully in my said capacity as Deputy Returning Officer without partiality, fear, favour or affection. So help me God.

Sworn before me at _____ in the Yukon Territory, this _____ day of _____, 1950.

Signature of Deputy Returning Officer.

Signature of Officer Administering Oath.

Yukon Territory, Electoral District of

The Cocktail Lounge Plebiscite held on the day of, 1950.

Remarks as to employment of interpreter, spoiled ballot papers, blind persons, etc.	Write word "Voted" if ballot is placed in ballot box.	Write word "Sworn" or "Refused to Swear" as the case may be.	If subscription to oath Form L demanded.	Sworn Form L.	Residence of Voter.	Occupation of Voter.	Name of Voter.	No.
---	---	--	--	---------------	---------------------	----------------------	----------------	-----

Remarks at opening of poll

Remarks as to conduct of poll, examination of inner room, etc.

Summary of Count of Ballots:

Rejected Ballots	Counted not in favor
Spoiled Ballots	Total Ballots counted
Counted in favor .. .	

I,, Deputy Returning Officer (or Poll Clerk acting as Deputy Returning Officer) for Polling Place No., in the Electoral District of, hereby certify and declare: That the entries appearing in this poll book are correctly made, that the number of ballots cast at the said Polling Place No. on this day of, 1950, according to the provisions of "The Cocktail Lounge Plebiscite Ordinance, 1950" and "An Ordinance Respecting Elections" being Chapter 7 of the Ordinances of 1919 was .. .; that I have opened the ballot box for the aforesaid polling division in the presence of .. . and have counted the ballots therein and that there were .. . ballots therein; that I have counted the number of rejected ballots therein and that there were .. . such ballots therein; that I have counted the number of accepted ballots therein and that there were .. . such ballots therein; that I opened and examined the said accepted ballots and that .. . were so marked that the intent of the voter using such ballots had been made plain; that of the accepted ballots cast by which the intent of the voter had been made plain .. . have been counted as having been cast in favour of the question submitted and .. . have been counted as having been cast as not being in favour of the question submitted.

Dated at, in the Yukon Territory, this day of, 1950.

(Signature of) Deputy Returning Officer.

Form K**(Section 19)****Oath of Poll Clerk**

I, the undersigned _____,
 appointed Poll Clerk for Polling Place No. _____ of the
 Electoral District of _____,
 under the provisions of "The Cocktail Lounge Plebiscite Ordinance, 1950," do solemnly swear that I will act faithfully in my capacity as Poll Clerk and also in that of Deputy Returning Officer if required to act as such according to law without partiality, fear, favour or affection. So help me God.

Sworn before me at _____,
 in the Yukon Territory, this _____ day of _____, 1950.

 Signature of Poll Clerk.

 Signature of Officer Administering the Oath.

Form L**(Section 26)****Oath of Qualification of Voter**

You swear that you are legally qualified to vote at this election, that you are a British subject of the full age of twenty-one years; that you have been for a period of twelve months immediately prior to this date a resident of the Yukon Territory and that you have been for a period of one month immediately prior to this date a resident of the Electoral District of _____
 _____ and that you have not voted before at this or any other polling place. So help you God.

CHAPTER 4

AN ORDINANCE TO MAKE PROVISION FOR THE PURCHASE OF DOMINION GOVERNMENT ANNUITIES BY YUKON TERRITORIAL GOVERNMENT EMPLOYEES

(Assented to May 11th, 1950.)

1. This Ordinance may be cited as the “**Annuity Plan Ordinance.**” Short
Title.

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

(a) “Annuity” means a life annuity with a ten-year guarantee purchased from the Government Annuities Branch of the Dominion Government, Department of Labour;

(b) “Earnings” means the total compensation received from the Yukon Territorial Government, excluding bonuses, overtime pay or special payments; and

(c) “Employee” means any officer or other person in the employ of the Yukon Territorial Government who is:

(i) resident or domiciled in Canada; and

(ii) required during the time of his active employment to devote his constant attention to the performance of the duties of his position, and the conditions of whose employment for the time over which such employment extends precludes his engaging in any other substantially gainful service or occupation.

3. The Territorial Government shall contribute for the purchase of an annuity, in respect to any employee of the Territorial Government in the employ of said Government prior to the 31st day of March, 1947, an amount not exceeding five per cent of the total earnings of such employee earned prior to the 31st day of March, 1947.

Provision
for
employees
prior to
April 1, '47.

Territorial
contribution.

4. The Yukon Territorial Government shall contribute an amount equal to five per cent of the earnings of any employee of the said Government for the purchase of an annuity, providing, in all cases, the following conditions are complied with:

Conditions.

- (a) The employee has completed one year of satisfactory service in the employ of the Territorial Government;
- (b) The employee authorizes the Territorial Government to deduct five per cent of his total earnings as a contribution for the purchase of the annuity.

Commissioner may
make regulations.

5. The Commissioner of the Yukon Territory may make any necessary regulations from time to time to give effect to this Ordinance.

Effective
date.

6. This Ordinance is deemed to be effective as of the 1st day of April, 1947.

CHAPTER 5

AN ORDINANCE TO AMEND THE "MUNICIPAL ORDINANCE"

(Assented to May 11th, 1950.)

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

Section 15
Amended.

1. The "Municipal Ordinance", being Chapter 8 of the Ordinances of the Yukon Territory, 1949, Second Session, is hereby amended by inserting the following words at the end of Section 15 of said Ordinance:

"PART XV — Administrative Commission being sections 415 to 426.

PART XVI — Territorial Levy for Public Purposes being sections 427 to 431."

2. The said Ordinance is further amended by adding thereto the following Part:

New Part
XV.

PART XV Administrative Commission

415. (1) In case a municipality for any reason fails to provide for the payment of either the principal money of or the interest on any debentures issued or guaranteed by the municipality, when the payment is due, any creditor or any elector of the municipality may apply to a judge of the Territorial Court for the Yukon Territory for an order authorizing the appointment of an Administrator for the municipality to carry out the duties and functions provided for in this Part and upon such order being made the Commissioner of the Yukon Territory in Council may appoint such an Administrator for that municipality.

Appoint-
ment of
Administra-
tor.

(2) In the event that at any plebiscite held for the purpose of determining whether or not the electors of a municipality prefer to have that municipality governed by an Administrator appointed to carry out the duties and functions provided for in this Part three-fifths of all votes cast be in favour of such appointment, the Commissioner of the Yukon Territory in Council may appoint such an Administrator for that municipality.

416. An Administrator appointed under the provisions of this Part shall have all the powers and authority theretofore vested in or exercisable by the Mayor or Reeve, the Council, the Municipal Clerk and other officers of the municipality and he shall be paid out of the municipal revenue collected by him such salary and other expenses incidental to his Administration as may be authorized by the Commissioner of the Yukon Territory in Council.

Powers
Vested in
Administra-
tor

417. (1) Upon the appointment of an Administrator for a municipality under this Part, the members of the Council, the Municipal Clerk and all officers of the municipality shall be deemed to have retired from office, and all the rights, powers and authority theretofore vested in or exercisable by the Mayor or Reeve, the Council, the Municipal Clerk and all other officers of the municipality by or under the provisions of this Ordinance or any other Ordinance shall be vested in and exercisable by the Administrator for the municipality.

(2) Nothing contained in this section shall operate to prevent the full exercise by the Administrator for the municipality of the powers exercisable by the Council under Clauses (5) and (6) of Section 172.

By-law Powers.

418. An Administrator appointed for a municipality under this Part shall have power to pass such by-laws as might be passed by the Municipal Council and shall submit the same for the approval of the Commissioner and, upon being approved, those by-laws as from the dates approved by the Commissioner shall come into force and be valid and binding in all respects as by-laws of the municipality.

Court of Revision, Assessor and Collector.

419. (1) All the powers vested in the Municipal Council as a Court of Revision and in the assessor and Collector for the municipality shall be vested in the Administrator for the municipality. (2) Nothing contained in this section shall operate to prevent the full exercise by the Administrator for the municipality of the powers exercisable under Section 248.

Reports.

420. The Administrator for a municipality shall make a report to the Inspector of Municipalities whenever and upon such matters as may be directed by the Commissioner.

Substitution of Appointee.

421. (1) The Commissioner of the Yukon Territory in Council may at any time cancel the appointment of the Administrator for a municipality, whereupon all the powers vested in him under this Ordinance shall cease and determine, and may appoint another Administrator for the municipality in his place.

(2) When any Administrator for a municipality dies, the Commissioner may appoint an Acting Administrator in place of the Administrator who has died.

(3) An appointment made under the provisions of subsection (2) shall be only for the period from the date of the death of the Administrator to the date of the appointment of his successor at the next session of the Council of the Yukon Territory."

Power of Commissioner in Council to provide for election where Administrator has been appointed.

422. At any time, the Commissioner of the Yukon Territory in Council by regulations may provide for the election in any municipality, for which an Administrator has been appointed under this Part, of a Municipal Council and, upon their election, may by order revoke the powers and authority vested in the Administrator for the municipality and thereupon the municipal Council shall have and may exercise all the powers and authority conferred by Ordinance or by law upon municipal Councils.

Regulation.

423. For the purpose of carrying into effect the provisions of this Part, the Commissioner may make such regulations not inconsistent with the spirit of this Ordinance, as he considers necessary or advisable; and for that purpose may provide for any proceeding, matter or thing for which express provision has not

been made in this Ordinance, or for which only partial provision has been made including the removal of any difficulty which may arise in the administration by an Administrator for a municipality and the prescribing of such methods of procedure governing his administration as may be considered desirable.

424. (1) With the approval of the Commissioner, an Administrator for the municipality may appoint a person as Acting Administrator for the municipality who shall have and may exercise all the powers and authority of the Administrator for the municipality during the temporary absence of the Administrator for the municipality at any time or when he is for any reason unable to perform his duties.

Acting
Adminis-
trator.

(2) Where an Acting Administrator for a municipality appears to have acted in the exercise of any power or authority of the Administrator for the municipality, it shall be conclusively presumed that he so acted for one of the reasons mentioned in subsection (1).

425. Every assessment roll for any municipality for which an Administrator has been appointed under this Part, as determined or confirmed by the Court of Revision, or by the Administrator or by the Acting Administrator for the municipality purporting to sit as the Court of Revision, and as further determined and confirmed on appeal from the Court of Revision, shall be deemed to be valid and binding on the municipality and on all persons.

Validity of
Assessment
Rolls.

426. Notwithstanding any other provisions of this Ordinance, but without in any way affecting the provisions thereof in so far as they relate to complaints or appeals against assessments of improvements, no complaint to the Court of Revision and no appeal to a Judge of the Territorial Court of the Yukon Territory as in this Ordinance provided shall be sustained or allowed on the ground that any land in a municipality, the affairs of which are being administered by an Administrator appointed under this Part, has been valued at too high an amount in any case, if the assessment of land complained of or appealed against is not more than the assessed value of the same land in and according to the revised assessment roll for the year immediately preceding.

Complains
against
assessment
not sustain-
able in
certain
conditions.

3. The said Ordinance is further amended by adding thereto the following part:

PART XVI.

“PART XVI Territorial Levy for Public Purposes

Provision for annual levy.

427. There shall be levied annually from every municipality a special rate in an amount fixed annually by the Territorial Treasurer. This rate shall be upon the total assessment of each municipality.

428. The amount levied under this part shall be known as the “Public Purposes Levy”.

Levy to be forwarded within 30 days.

429. The amount of levy collected shall be forwarded to the Territorial Treasurer within thirty days after the end of the fiscal year of each municipality.

Records to be available for inspection.

430. The accounts and records of every municipality shall be available at any time for inspection by such official as may be appointed by the Commissioner for that purpose.

Penalties.

431. If a municipality fails to:

(a) forward the amount of the levy as required by section 429; or

(b) transmit to the Territorial Treasurer any report, statement or account on or before the day appointed for the transmission thereof;

the municipality shall be liable for every such failure to a penalty of \$2.00 for every day during which the default occurs.”

4. (1) The said Ordinance is further amended by striking out clause 28 of subsection (1) of section 397 and substituting therefor:

“(28) a general retail merchant doing business in excess of twenty thousand dollars but not in excess of fifty thousand dollars annually, fee \$50.00;

(28A) a general retail merchant not doing business in excess of twenty thousand dollars annually, fee \$20.00;”

(2) The said Ordinance is further amended by inserting immediately after clause 45 of subsection (1) of section 397 the following:

“(45A) a filling station equipped to do minor running repairs to motor vehicles, fee \$20.00;”

(3) The said Ordinance is further amended by inserting at the end of section 397 the following subsection:

“(5) A person or firm engaged in or carrying on as one business in one place of business two or more trades, businesses, occupations, callings, employments or purposes for each of which he is required to obtain a license under the provisions of this section shall be entitled to all such licenses upon payment of the full amount of the fee for the most costly of such licenses and of ten per centum of the aggregate cost of the licenses for such other trades, businesses, occupations, callings, employments or purposes.

CHAPTER 6

AN ORDINANCE RESPECTING THE LEGAL PROFESSION

(Assented to May 11th, 1950.)

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

1. This Ordinance may be cited as “The Legal Profession Ordinance”.

Short Title

2. In this Ordinance unless the context otherwise requires:
(a) “Annual Practice Certificate” means a valid and subsisting certificate issued under the provisions of section 9.

**Interpre-
tation.**

(b) “Annual Non-practice Certificate” means a valid and subsisting certificate issued under the provisions of section 10.

(c) “Barrister and solicitor” means a barrister and solicitor whose name is written on the roll.

(d) “Certificate year” means the period from the first day of April in any year to the thirty-first day of March in the next year.

(e) “Commissioner” means the Commissioner of the Yukon Territory.

(f) “Court” means the Territorial Court of the Yukon Territory.

(g) “Judge” means a judge of the Court.

(h) “Legal Adviser” means the person who holds the office of Legal Adviser to the Council of the Yukon Territory.

(i) "Registration Certificate" means a valid and subsisting certificate issued under the provisions of section 5.

(j) "Roll" means the Barristers and Solicitors Roll referred to in section 3.

(k) "Secretary" means the Territorial Secretary of the Yukon Territory.

(1) "Temporary Certificate" means a valid and subsisting certificate issued under the provisions of section 8.

Barristers
and
Solicitors
Roll.

3. (1) The Secretary shall keep the Barristers and Solicitors Roll for the Yukon Territory which shall be the Roll prepared and kept at the date of the coming into force of this Ordinance under the provisions of "The Legal Profession Ordinance", being Chapter 50 of the Consolidated Ordinances of the Yukon Territory, 1914, with such additions and alterations as are from time to time made thereto under the provisions of this Ordinance.

Entry of
Name on
Roll.

(2) Upon the production to the Secretary of a registration certificate issued by the Court and of a receipt from the Territorial Treasurer for the payment required by the provisions of section 6, the Secretary shall cause the name of the person designated in such certificate to be entered on the Roll with the date of such entry.

Legal
Adviser
Enrolled.

(3) The Secretary also shall cause the name of the person who from time to time holds the office of Legal Adviser to the Council of the Yukon Territory to be entered on the Roll with the date of such person's appointment to that office.

Improper
Omissions
and errors
on Roll.

(4) If any name is improperly omitted from or inserted on the Roll, or if a mistake occurs in any name on the Roll, the Court may, upon notice being given to the person whose name is improperly omitted, inserted or written on the Roll, order the Secretary to add, strike off or correct such name in the manner the Court directs and the Secretary shall comply with such order and shall note on the Roll opposite the name affected the date of and authority for such change.

Secretary
to keep
Roll.

(5) The Secretary shall keep the Roll in his office.

Inspection
of Roll.

(6) Upon payment of a fee of fifty cents any person may inspect the Roll at any time during the hours when the office of the Secretary is open to the public.

Copy of
Roll kept
at White-
horse.

(7) The Deputy Clerk of the Court shall keep in his office at Whitehorse, in the Yukon Territory, a copy of the Roll containing the additions, alterations and changes made therein from time

to time and such copy shall be open for inspection by any person during the hours when the Deputy Clerk's office is open to the public.

(8) Production of a certificate of the Secretary shall be sufficient proof of enrollment as a barrister and solicitor.

Secretary's
Certificate
of Enrollment.

4. In addition to the persons enrolled as barristers and solicitors at the time of the coming into force of this Ordinance, the following persons, subject to their compliance with the provisions of this Ordinance, shall be entitled to be named on the Roll:

Persons
entitled to
be named
on Roll.

(a) A person who has been duly called to the Bar of a province of Canada, or has been admitted to practise as an attorney, advocate, barrister or solicitor in any of His Majesty's superior courts therein; and

(b) who produces evidence satisfactory to the Court of the call or admission referred to in paragraph (a); and

(c) who produces testimonials satisfactory to the Court of good character and of good standing in the law society of the province of which he is an attorney, advocate, barrister or solicitor; and

(d) who is a citizen of Canada of the age of twenty-one years and upwards.

5. (1) A person who is qualified to be named on the Roll under the provisions of section 4, and who is an applicant for a registration certificate, shall publish in the **Yukon Gazette** for two consecutive weeks a notice which states:

Notice of
Application
for
Registration
Certificate.

(a) the name and residence of the person seeking enrollment; and

(b) the qualification upon which he relies; and

(c) the time and place at which he will make application.

(2) A person, who produces to the Court evidence that he has satisfied the provisions of section 4 and has published the notice required by sub-section (1) hereof, shall be entitled to a registration certificate from the Court stating that he is entitled to be enrolled as a barrister and solicitor in the Yukon Territory.

Registration
Certificate
to be
granted
by Court

(3) A registration certificate shall be in Form A in the Schedule to this Ordinance and shall be signed by the Clerk of the Court and sealed with the seal of the Court.

Form of
Registration
Certificate.

Enrollment
Fee.

6. A person who is granted a registration certificate shall forthwith pay to the Territorial Treasurer an enrollment fee in the sum of two hundred dollars.

Enrollment
of qualified
articled
Clerks.

7. Notwithstanding anything elsewhere in this Ordinance contained, any person, who before the date of the coming into force of this Ordinance has filed articles of clerkship with the Secretary under the provisions of section 14 of "The Legal Profession Ordinance", being Chapter 50 of the Consolidated Ordinances of the Yukon Territory, 1914, and who pursuant to the provisions of said articles and said Ordinance qualifies for and receives, within the five years next after the date of the coming into force of this Ordinance, a certificate from the Court that he is entitled to be enrolled as a barrister and solicitor, shall, upon the presentation of such certificate and of the receipt for the payment required by section 6 to the Secretary, be entitled to have his name written on the Roll.

Annual
Practice
Fee.

8. (1) Subject to the provisions of sections 9 and 12 and to sub-section (4) hereof, every person whose name appears on the Roll shall pay to the Territorial Treasurer on or before the thirty-first day of March in each year an annual practice fee in the sum of thirty dollars.

Annual
Practice
Certificate.

(2) Upon receipt of the annual practice fee the Territorial Treasurer shall issue to the barrister and solicitor who pays the same an annual practice certificate in the Form B in the Schedule to this Ordinance.

Expiration
of Annual
Practice
Certificate.

(3) An annual practice certificate shall expire on the thirty-first day of March next following the day upon which it was issued.

First
Annual
Practice
Fee.

(4) Where application for enrollment is made by the holder of a registration certificate under the provisions of section 4 or section 7, he shall pay to the Territorial Treasurer his first annual practice fee at the same time he pays the fee required by section 6.

Non-
practice
Fee.

9. (1) Where a barrister and solicitor does not intend to practise as a barrister and solicitor at any time during any certificate year, he may:

- (a) file with the Territorial Treasurer a statutory declaration stating that he does not intend to practise as a barrister and solicitor at any time or times within the specified certificate year; and
- (b) pay to the Territorial Treasurer a non-practice fee in the sum of five dollars.

(2) Upon receipt of such declaration and fee the Territorial Treasurer shall issue to the barrister and solicitor an annual non-practice certificate in the Form C in the Schedule to this Ordinance for the certificate year therein specified.

Annual
Non-
Practice
Certificate

10. (1) A barrister and solicitor, who has not paid his annual fee for any year or years since his enrollment and who wishes to resume practise as a barrister and solicitor in the Yukon Territory, may:

Upon
resumption
of Practice.

- (a) file with the Territorial Treasurer a statutory declaration stating that he has not at any time or times when he was not the holder of an annual practice certificate or of an annual certificate issued under the provisions of "The Legal Profession Ordinance", being Chapter 50 of the Consolidated Ordinances of the Yukon Territory, 1914, practised as a barrister and solicitor in the Yukon Territory and his reasons for not so practising; and
- (b) pay to the Territorial Treasurer a sum equal to five dollars for every year in which since his enrollment he has not held such an annual practice certificate or such an annual certificate; and
- (c) pay to the Territorial Treasurer the full annual practice fee for the then current certificate year.

Declaration
Filed.

Non-
practice
Fees paid.

Annual
Practice
Fee paid.

(2) Upon receipt of the declaration and the full amount of the sums mentioned in sub-section (1), the Territorial Treasurer shall issue to the barrister and solicitor an annual practice certificate for the then current certificate year.

Current
Annual
Practice
Certificate
shall be
given.

11. (1) Before any person enrolled as a barrister and solicitor begins the practice of his profession as such he shall be presented to the Court by a barrister and solicitor in good standing and shall in open Court take an oath administered by the Clerk of the Court in the following form:

Oath of
Barrister
and
Solicitor in
Open Court

Oath of a Barrister and Solicitor

"I, _____, do swear that I am a Canadian citizen by birth (OR by naturalization,) and that I am of the full age of twenty-one years. So help me God";

The Clerk of the Court under the direction of the Court shall say to the barrister:

"You are called to the degree of barrister to protect and defend the rights and interests of such persons as may employ

you. You shall conduct all causes faithfully and to the best of your ability. You shall neglect no man's interest nor seek to destroy any man's property. You shall not refuse causes of complaint reasonably founded, nor shall you promote suits upon frivolous pretenses. You shall not pervert the law to favour or prejudice any man, but in all things shall conduct yourself truly and with integrity. The King's interests and your fellow subjects you shall uphold and maintain according to the constitution and laws of this Territory."

To which the barrister shall answer:

"All this I swear to observe and perform to the best of my knowledge and ability. So help me God."

"I, _____, do further swear that I will truly and honestly demean myself in the practice of a solicitor according to the best of my knowledge and ability. So help me God."

Legal
Adviser
deemed
qualified.

12. The Legal Adviser shall be deemed a duly qualified barrister and solicitor practising in the Yukon Territory.

Prohibition.

13. No person is entitled to recover a fee, reward or remuneration for professional services rendered as a barrister and solicitor unless at the time the services are rendered he holds an annual practice certificate.

Offences.

14. (1) Any person, not being the holder of an annual practice certificate who, within the Yukon Territory:

- (a) publicly or privately for hire, gain or hope of reward practises as a barrister or solicitor; or
- (b) appends to his name the title of barrister or solicitor or any word used in substitution for or in abbreviation thereof; or
- (c) holds himself out in any way to be duly qualified to practise as a barrister or solicitor; or
- (d) assumes any title or description implying or designed to lead the public to believe that he is duly qualified to practise as a barrister or solicitor; or
- (e) holds himself out as a partner or agent of any barrister or solicitor; or

- (f) participates in the profits as profits of the office or any business of any barrister or solicitor carried on or transacted as the practice of such barrister or solicitor; is guilty of an offence and is liable upon summary conviction to a fine of one hundred dollars for the first offence and to a fine of two hundred dollars for each subsequent offence.
- (2) Any person who assists any person to contravene any provision of this section or of section 13 is guilty of an offence and is liable upon summary conviction to a fine of one hundred dollars for the first offence and to a fine of two hundred dollars for each subsequent offence and if a barrister and solicitor shall be struck off the Roll and disqualified from practising as a barrister and solicitor.
- (3) Any person who contravenes any provision of this section is guilty of contempt of Court and may be so dealt with by the Court. Guilt of contempt.
- (4) Any person doing any of the acts prohibited by this section shall be incapable of recovering any fee, reward or disbursement on account thereof, and any sum paid to such person therefor may be recovered by the person paying the same. Disability
- (5) Nothing in this section shall be deemed to prevent any person acting on his own behalf in any action, cause, suit or matter. Proviso.
15. In the case of an offence under this Ordinance punishable upon summary conviction the complaint shall be made, or the information laid, within one year from the time when the matter of the complaint or information arises. Limitation.
16. All barristers and solicitors shall be officers of the Court and other Civil Courts of the Territory and the Court or any judge thereof shall possess and exercise the same powers and jurisdiction over and in respect of such barristers and solicitors as on the twenty-sixth day of March, 1915, was possessed by the Supreme Court of Judicature in England over and in respect of solicitors of the said last mentioned Court. Barristers and Solicitors shall be officers of Court.
Discipline by Court
17. (1) No barrister and solicitor shall wilfully and knowingly act as the professional agent of any person not duly enrolled and qualified to act as a barrister and solicitor or suffer Offences of Barristers and Solicitors.

his name to be used in any such agency on account of or for the profit of any unqualified person or send any process to such person or do any other act to enable such person to practise in any respect as a barrister and solicitor knowing him not to be duly qualified.

(2) No barrister and solicitor shall enter into any partnership agreement or arrangement in the nature of a partnership, or into any agreement or arrangement for sharing or dividing costs, proceeds or profits, or the fruits of any litigation or of any legal business transacted by such barrister and solicitor with any person not duly enrolled and qualified to practice as a barrister and solicitor in the Yukon Territory.

Investigation of complaint against Barristers and Solicitors

18. (1) The Legal Adviser shall inquire into and thoroughly investigate any complaint made to the Legal Adviser by any person against any barrister and solicitor for any cause whatsoever, or against any person for any violation of any of the provisions of this Ordinance.

(2) The Legal Adviser to whom such complaint is made, if the same is well founded, shall take proceedings for disciplining or otherwise punishing such barrister and solicitor or other person in the manner provided therefor in this Ordinance.

Inquiry into misconduct of a Barrister or Solicitor by Court.

19. (1) If upon application by any person concerned, supported by affidavit, made to the Court, it shall appear **prima facie** that a barrister and solicitor has been guilty of:

- (a) professional misconduct or conduct unbecoming a barrister and solicitor; or
- (b) such misconduct as would in England be sufficient to bring a solicitor under the punitive powers of the Supreme Court of Judicature; or
- (c) a breach of any of the provisions of this Ordinance;

the Court shall cause notice to be given to such barrister and solicitor calling upon him to answer the charges and at the time and place appointed by such notice shall hear the complainant and the barrister and solicitor and any evidence adduced by them or either of them.

Discipline by Court.

(2) If the Court finds the complaint well founded it shall direct that the name of such barrister and solicitor be struck off the Roll or shall suspend him from practising for such period as may be considered proper or make such other order as is just.

20. (1) The Court may order that notice of any application made under section 21 be given by the complainant to the Legal Adviser and to such other person or persons as the Court **thinks** proper, and the Legal Adviser and the person or persons so notified may appear in person or by barrister and solicitor on such application.

Notice of Inquiry.

(2) The conduct of an application made under section 21 may be entrusted by the Court to the Legal Adviser.

21. In any application made to the Court under the provisions of section 20, 21 and 22, the name of the barrister and solicitor complained of shall be suppressed and all proceedings shall be headed: "In the matter of _____, a Barrister and Solicitor", until the Court directs the insertion of the name of such barrister and solicitor.

Form of proceeding on Inquiry

22. Whenever any barrister and solicitor is struck off the Roll of barristers and solicitors or suspended from practising the Clerk of the Court shall certify the same under his hand and seal of the Court to the Secretary who shall file such certificate and shall make a note opposite the name of the person on the Roll of his having been struck off the same or suspended, and in the case of suspension of the time of such suspension.

Certificate of striking off or of suspension.

23. (1) The Court may, on application made for that purpose, and when in the opinion of the Court the subsequent conduct of the barrister and solicitor and the facts warrant it, order the name of any barrister and solicitor struck off the Roll to be restored thereto upon such terms as to the payment of money or otherwise as the Court directs, and in such case the Clerk of the Court shall certify the same under his hand and the seal of the Court to the Secretary, who shall file such certificate and make a note opposite the name of such person on the roll of his having been restored thereto.

Order and Certificate of restoration to Roll.

(2) Notice of such application shall be given to the Secretary, the Legal Adviser and such other person or persons as the Court or a judge upon **ex parte** application directs and the persons so notified may appear in person or by barrister and solicitor and oppose or consent to the application.

(3) Before being entitled to be restored to the Roll under the provisions of this section the person whose name is sought to be restored shall pay all arrears of fees due by him to the Territorial Treasurer including the fees for the period which has elapsed since he was struck off the Roll.

Payment of arrears of Fees on restoration to Roll.

Striking name off Roll of Articled Clerks.

24. Whenever a person being an articled clerk shall be found by the Court or a judge, after due enquiry, to have been, either before or after the coming into force of this Ordinance, guilty of professional misconduct or conduct unbecoming an articled clerk or of having contravened any of the provisions of this Ordinance or any of the provisions of "The Legal Profession Ordinance", being Chapter 50 of the Consolidated Ordinances of the Yukon Territory, 1914, it shall be lawful for the Court or Judge to strike the name of such clerk from the Roll of Articled Clerks.

Legal Adviser may institute proceedings.

25. The Legal Adviser may institute or authorize the institution of any proceedings under this Ordinance for any breach of its provisions.

Repeal Cap 50, C O Y T, 1914

26. Except as is herein specifically provided otherwise "The Legal Profession Ordinance", being Chapter 50 of the Consolidated Ordinances of the Yukon Territory, 1914, and amending Ordinances, is hereby repealed.

SCHEDULE

Form A

(Section 5)

Registration Certificate

To All To Whom These Presents Shall Come or Whom The Same May In Anywise Concern

Greeting:

Know Ye that _____, of _____, in the _____, Barrister-at-law and member of the Bar of _____, has qualified to be named on the Barristers and Solicitors Roll for the Yukon Territory pursuant to "The Legal Profession Ordinance", and that, pursuant to and under the authority of the said Ordinance, the said _____ is entitled to be enrolled as a Barrister and Solicitor in the Yukon Territory.

Given under my hand and the Seal of the Territorial Court of the Yukon Territory, at the City of Dawson, in the Yukon Territory, this _____ day of _____, 19 .. .

Clerk of the Court.

(SEAL)

Form B

(Section 8)

Annual Practice Certificate

No.

Yukon Territory.

This is to certify that
of the of
in the Yukon Territory, a duly enrolled Barrister and Solicitor of
the Yukon Territory, has paid a fee of **\$30.00** as provided for by
"The Legal Profession Ordinance" for a practising Barrister and
Solicitor and is entitled to all the rights and privileges of a
Barrister and Solicitor and to practice as a Barrister and Solicitor
in the Yukon Territory for one year commencing on the first day
of April, 19 . . . , and ending on the thirty-first day of March,
19

Dated at Dawson in the Yukon Territory, the day of
. , 19

.
Territorial Treasurer.

(SEAL)

Form C

(Section 9)

Annual Non-Practice Certificate

No.

Yukon Territory.

This is to certify that
of the of
in the , a duly enrolled Barrister
and Solicitor of the Yukon Territory, has paid a fee of **\$5.00** as
provided for by "The Legal Profession Ordinance" for a non-
practising Barrister and Solicitor and is entitled to all the rights and
privileges of a Barrister and Solicitor of the Yukon Territory other
than the right to practise law in the said Territory for one year
commencing on the first day of April, 19 . . . , and ending on
the thirty-first day of March, 19

Dated at Dawson in the Yukon Territory, the day of
. , 19

.
Territorial Treasurer.

(SEAL)

CHAPTER 7

AN ORDINANCE TO AMEND "THE YUKON TERRITORIAL PUBLIC SERVICE ORDINANCE"

(Assented to May 11th, 1950.)

S. 18, Cap.
76, C.O.Y.T.,
1914.
Amended.

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of said Territory, enacts as follows: "The Yukon Territorial Public Service Ordinance", being Chapter 76 of the Consolidated Ordinances of the Yukon Territory, 1914, is amended by adding the following paragraph immediately after paragraph (e) of Section 18:

"(f) He shall execute under the seal of the Yukon Territory and his signature all transfers of land given from the Government of the Yukon Territory as the registered owner of land."

CHAPTER 8

AN ORDINANCE RESPECTING THE CONTROL OF TUBERCULOSIS

(Assented to May 11th, 1950.)

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 Tuberculosis Control Ordinance".

Interpre-
tation.

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

- (a) "Board" means the Board of Directors of the League.
- (b) "Commissioner" means the Commissioner of the Yukon Territory.
- (c) "Director" means a director of the League.
- (d) "Institution" means an institution either within or without the Yukon Territory established or approved by the League for the treatment of tuberculosis.
- (e) "League" means the Yukon Anti-Tuberculosis League.

(f) "Member" means a member of the League.

3. The Yukon Anti-Tuberculosis League is hereby constituted as a body corporate and politic.

League
Incorporated.

4. The objects of the League shall be the care, conduct and management of sanatoria and hospitals for the treatment of tuberculosis, the establishment, either independently or in co-operation with municipal, hospital or other authorities of clinics for examination and diagnosis, and the adoption of such measures and the promotion of such works and undertakings as may in its opinion be deemed necessary or desirable for preventing the development and spread of tuberculosis in the Yukon Territory.

Objects.

5. The following persons shall be members of the League:

Membership

- (a) The Territorial Treasurer and the Territorial Agents at Whitehorse and Mayo;
- (b) All Medical Health Officers in the Yukon Territory appointed under the provisions of any Ordinance or Municipal by-law;
- (c) All members of hospital boards;
- (d) All members of municipal boards of health;
- (e) Such other persons as may be admitted to membership under the bylaws, rules or regulations of the League.

6. The property, business and affairs of the League shall be managed by a board of directors who shall be appointed or elected in accordance with the provisions of this Ordinance.

Management.

7. (1) On or before the 30th day of June, 1950, and every two years thereafter, the Commissioner may appoint five persons to be directors, who shall hold office for a period of two years from the first day of July following their appointment.

Appointment and election of Directors.

- (2) The Territorial Treasurer shall be a director.
- (3) The Territorial Agent at Whitehorse shall be a director.
- (4) The Territorial Agent at Mayo shall be a director.
- (5) The Mayors and Reeves of all municipalities shall be directors.
- (6) In each year each local hospital board shall elect one of its members who shall be a director and hold office for a period of one year or until his successor is elected.
- (7) Every medical health officer shall be a director.

(8) In each year the directors may appoint from the members a further number of directors, not exceeding five in any one year, who shall hold office for one year.

Quorum.

8. Five directors shall be a quorum of the Board.

President
and
Chairman.

9. (1) The directors shall at their first meeting in each year choose from their number a president and vice-president, a chairman and a vice-chairman who shall hold office until their successors have been elected in like manner.

(2) The chairman shall act as presiding officer at meetings of the League and of the board, or in his absence the president may act as presiding officer, voting only when there is an equality of votes.

(3) In the absence of the president or chairman, their powers shall be exercised respectively by the vice-president and vice-chairman.

League.

10. The board may exercise all powers of the League.

Powers of
Board.

Objects and
aims of
League

11. (1) The chief objects and aims of the League shall be the care and treatment of residents of the Yukon Territory afflicted with tuberculosis and the adoption of such measures as may be deemed requisite for preventing or minimizing the development and spread of the disease in the Yukon Territory.

Powers.

(2) To attain its objects in so far as possible, and without restricting the generality of sub-section (1), the League shall have power:

- (a) to continue to maintain and operate any institution heretofore established as a sanatorium for the treatment of tuberculosis;
- (b) to assist in the training of persons for the study, care and treatment of tuberculosis;
- (c) to establish such sanatoria, clinics and other institutions or agencies as are necessary or incidental to the fulfilment of the objects of the League, with full authority to maintain, operate and carry on, the same; and, in particular, and without restricting the generality of the foregoing;
 - (i) to operate, or to arrange for the operation of clinics for the purpose of diagnosis and to facilitate the distribution of cases of tuberculosis to various institutions for treatment; and

- (ii) to conduct, or arrange for the conducting of, tuberculosis travelling clinics and chest X-ray surveys;
- (d) to enter into agreements with organizations and institutions, including municipalities and provincial governments, for the purpose of carrying out the diagnosis, treatment, mitigation and elimination of tuberculosis;
- (e) to carry on, in co-operation with the Canadian Tuberculosis Association, the sale of Christmas seals;
- (f) to take such steps as may from time to time be necessary for the solicitation and collection from the public, or from individuals, of funds for the purpose of furthering the objects of, and carrying out and exercising the duties and powers imposed upon or granted to the League.
- (g) to correlate and co-ordinate all agencies established in the Yukon for the purpose of diagnosis, prevention and treatment of tuberculosis and for the furtherance of educational efforts with respect thereto;
- (h) to set up minimum uniform standards for the care of tuberculosis patients in all institutions and to plan the most effective use of the facilities available for that purpose;
- (i) to develop and extend throughout the Yukon Territory an educational program for tuberculosis control and prevention;
- (j) to render consultatory, advisory and supervisory services to all agencies established, or to be established, for the prevention, diagnosis and treatment of tuberculosis;
- (k) to co-operate with the Indian Health Services of the Department of National Health and Welfare of the Government of Canada in endeavoring to establish a satisfactory tuberculosis control programme for the Indian population of the Yukon Territory;
- (l) to perform such other duties, not inconsistent with this Ordinance, as the Commissioner may order.

12. (1) Subject to the provisions of this Ordinance, the League may pass by-laws and resolutions and make rules and regulations prescribing the terms and conditions upon which patients may be admitted into or discharged from institutions

By-laws.

under its control and the fees to be paid for the care, while under observation, of persons other than those mentioned in section 20, providing for the management and control of such institutions and for paying the expenses of any incidental medical, surgical, dental or other services in connection with the treatment of any patient returning to his home, respecting the endowment of wards or beds or pavilions by individuals or organizations, and in general for carrying out the provisions of this Ordinance and effecting the objects for which the League has been established.

Assent to
By-laws.

(2) By-laws of the League shall be valid and binding and shall have force and effect only after a majority of the directors have given their assent in writing thereto.

Management of
Institutions.

13. The Commissioner in Council may upon such terms and conditions as he deems expedient commit to the League the care, control, conduct and management of any institutions or tuberculosis sanatoria at any time owned by the Government of the Yukon Territory.

Maintenance
of buildings.

14. The League shall maintain and keep in good order and repair all sanatoria, hospitals and other buildings under its charge and also all equipment used in connection therewith.

League May
accept gifts.

15. The League may receive, accept and enjoy such grants, gifts, devises and bequests as are made, given or bequeathed to it by any person, association, corporation or municipal or government authority and whether given for the general purposes of the League or any particular purpose; and may establish a permanent endowment fund for the purposes of the League.

General
Meetings.

16. (1) A general meeting or meetings of the League may be held at such times and places in the Yukon Territory as the board may appoint.

(2) Due notice of such meeting written or printed shall be given by the president to each member mailed to him at his last known place of address at least fourteen days previous to the date of meeting.

Superintendents
and other
Employees.

17. The board by by-law may appoint 17 or more medical superintendents, a managing director, a secretary, a treasurer or secretary-treasurer and such other officers and employees as are necessary and proper for the due administration of its affairs and may make provision for their remuneration.

Physicians.

18. The board may appoint one or more physicians to examine applicants for admission to the sanatoria or institutions and to determine whether such persons are suffering from tuberculosis.

19. Directors and officers of the league may visit all hospitals where patients are being treated for tuberculosis to ascertain what facilities are afforded for their treatment and to advise with regard thereto.

Visitation
of
Hospitals.

20. (1) No patient for whose care the Government of Canada is responsible shall be entitled to receive care and treatment at the expense of the League.

Persons
entitled
to care and
treatment.

(2) Subject to the other provisions of this Ordinance, every person suffering from tuberculosis and every person who, on the certificate of a duly qualified medical practitioner, is suspected of so suffering may receive care and treatment at the expense of the League.

(3) Where a person so suspected of suffering from tuberculosis is declared by any clinic or medical superintendent of the League to be non-tubercular, he shall be immediately discharged, and the expenses in connection with his care while under observation for purposes of diagnosis may be charged such person at the average rate of cost of maintenance.

(4) The medical superintendent shall discharge any patient who in his opinion has received the necessary education or treatment, and may at his discretion request the board to discharge any patient for misconduct or breach of any by-law, resolution, rule or regulation of the League.

21. The board in the interests of a patient, or to reduce the cost of caring for a patient who, in the opinion of the board, is fit for partial employment, may make such provision and may erect such buildings as it deems necessary or desirable for the vocational training or employment of such patient and for his maintenance while so engaged.

Vocational
training of
patients.

22. The board may make such arrangements as it deems expedient, either with an insurance company, or in any other manner, for indemnifying its employees against accident or sickness, or both, and may also make similar arrangements for insuring the lives of its employees.

Insurance
for
Employees.

23. The board may make provision for paying directors for their expenses in going to and returning from its meetings including an allowance for sustenance if the meetings in respect of which such expenses are paid are held in a place which is not the community where the directors reside.

Expense of
Directors.

Annual estimates.

24. As soon as practicable in each year the board shall prepare in detail an estimate of the probable expenditure of the League for the year.

Notice to Commissioner.

25. On or before the 15th day of February in each year the board shall give notice to the Commissioner of the net estimated expenditure of the League to be borne by the Government of the Yukon Territory and giving the following additional particulars, namely:

- (a) the number of patients who received care and treatment under section 20 during the preceding year;
- (b) the cost of such treatment;
- (c) the total sums received or payable from sources other than the Government of the Yukon Territory during the preceding year;
- (d) the total amount of estimated expenditures for the year.

Payment by Government of Yukon Territory.

26. The Government of the Yukon Territory shall pay to the League one-half of the amount to be borne by the Government of the Yukon Territory on or before the thirtieth day of June and the balance on or before the thirty-first day of December of the current year.

Financial year.

27. The financial year of the League shall end on the thirty-first day of December on which date the books and accounts shall be closed and balanced.

Auditor.

28. The Commissioner shall in each year appoint an auditor for the League.

Auditor's report.

29. (1) The accounts of the League shall be audited annually and the auditor shall submit an annual report to the League not later than the first day in February in each year.

(2) Such report shall show:

- (a) the total number of patients treated during the preceding year;
- (b) the total number of days during which such patients were under treatment;
- (c) the cost of such treatment;
- (d) the total sum received or payable by grant from the Government of the Yukon Territory during the preceding year.

- (e) the total sum received or payable from other sources during the preceding year;
 - (f) the total number of patients who received care and treatment at the expense of the League under section 20 during the preceding year;
 - (g) the total number of days during which such patients were under treatment;
 - (h) the cost of the League administration during the preceding year;
 - (i) such other information as the directors may require.
- (3) The expression "cost" mentioned in clause (c) of subsection 2 shall include all expenditures for maintenance and operation of sanatoria and institutions, for consultant and clinic diagnostic services, and travelling expenses paid in accordance with a by-law passed under the authority conferred by section 12.

30. (1) The board shall transmit to the Commissioner, on or before the first day of March in each year, a report on the affairs of the sanatoria, hospitals or institutions under its charge or in which it has placed patients under its charge, showing in detail the assets and liabilities of the League at the end of the preceding financial year and the number of patients received and treated during that year in such sanatoria, hospitals or institutions and containing such further information as to the sanatoria, hospitals or institutions and the affairs of the League generally as the Commissioner may require.

Annual
Report

(2) The report shall be laid before the Council of the Yukon Territory at the then next ensuing session.

31. The Commissioner may appoint one or more inspectors to inspect and to report upon the sanatoria, hospitals and institutions in charge of or used by the League, and for such purpose such inspectors shall make all proper inquiries as to the maintenance, management and affairs thereof, and, by examination of the register and by such other means as may be deemed necessary, satisfy themselves as to the correctness of any returns made under this Ordinance.

Inspectors

32. This Ordinance shall come into force on the first day of January, 1951.

Coming into
force.

CHAPTER 9

AN ORDINANCE TO REGULATE THE SALE OF SPIRITUOUS LIQUOR FOR BEVERAGES IN COCKTAIL LOUNGES

(Assented to May 11th, 1950.)

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 Cocktail Lounge Ordinance."

Interpreta-
tion.

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

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

"Commissioner" means the Commissioner of the Yukon Territory.

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

The words "Disorderly house" shall have the meaning given them by Part V of the Criminal Code.

"Interdicted person" means a person interdicted pursuant to any Ordinance or law in force in the Yukon Territory.

"Inspector" means any person appointed an inspector of licenses or licensed premises under the provisions of this Ordinance and means also the Chief Inspector.

"Licence" means every licence granted hereunder for the sale of liquor to be consumed on the premises on which the same is sold.

"Liquor" means all fermented, spirituous and malt liquors, and all combinations thereof, and all liquids which are intoxicating, and any liquid which contains more than two and one-half per cent alcohol by volume shall be conclusively deemed to be intoxicating."

"Licensed premises" means the hotel **premises** or steamship in respect of which a license has been granted, under the provisions of this Ordinance and is in force and extends to every room, closet,

cellar, cabin, yard, stable, outhouse, shed, or any other place whatsoever belonging or in any way appertaining to such premises, place or steamship.

“Lounge” means the part of any licensed premises provided with special accommodation, facilities and equipment as prescribed by this Ordinance or the regulations, where in consideration of payment therefor liquor is served.

“Judge” means a Judge of the Territorial Court.

“Prohibited hours” means the time during which the sale of liquor may not be made lawfully under the provisions of this Ordinance.

“Sale” and “sell” includes exchange, barter and traffic.

“Municipality” means a municipality designated under the provisions of the “Municipal Ordinance”.

3. Nothing in this Ordinance shall be held to prohibit the sale of liquor in any mess or canteen in the Yukon Territory of

- (a) The Royal Canadian Mounted Police;
- (b) Any unit of naval, military or air forces of which the Officer Commanding is the holder of a canteen permit.

Sale of liquor in certain Canteens.

4. (1) The Commissioner may appoint one or more license inspectors for any municipality or for the Territory and fix the salaries and fees of such inspectors and prescribe their duties.

License Inspectors.

(2) Until the appointment of such inspector or inspectors by the Commissioner, the Territorial Treasurer shall be the license inspector for the Territory.

5. Every inspector shall:

(a) Keep a register to be called “The Register of Cocktail Lounge Licences” containing the particulars of all licences granted in the municipality and premises in respect of which they are granted and shall enter on the register all forfeitures of licences, disqualifications of licences and other matters relating to the licences listed on the register.

Registrar of Licenses

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

Record of Application

6. It shall be the duty of every inspector at such intervals of time as can be conveniently arranged, to visit and inspect every licensed premises in his district and to report to the Commissioner every case of infraction of the provisions of this Ordinance, and every inspector shall at once and in conformity with the provisions

Inspectors to visit and inspect and report to Commissioner.

herein contained prosecute any person so offending and shall suffer no unnecessary delay to intervene between his obtaining the information and the prosecution.

Inspector
to lay
informa-
tions.

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

Licences
to be issued
under
authority of
Commis-
sioner.

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

One licence
only.
Annual
Licence
Fee.

9. No person shall have more than one licence.

10. Every person to whom a cocktail lounge licence is granted, before receiving such license, shall pay an annual fee for such license of five hundred dollars.

Expiration
of Licence.

11. Every cocktail lounge license shall expire at midnight on the thirty-first day of December next after the date of the issue thereof.

Restriction
on number
of Licences

12. The number of licenses which may be issued under this Ordinance shall be restricted in each municipality as follows:

- (a) in a municipality having a population of at least fifty but not more than five hundred to one license;
- (b) in a municipality having a population of five hundred but not more than fifteen hundred to two licenses;
- (c) in a municipality having a population of fifteen hundred but not more than three thousand to three licenses;
- (d) in a municipality having a population of three thousand but not more than five thousand to four licenses.

"Health
Ordinance."

13. The licensee shall satisfy the inspector that he conducts every part of his licensed premises in compliance with any provisions of the "Yukon Health Ordinance", being Chapter 7 of the Ordinances of the Yukon Territory, 1948, and of any regulations made thereunder which apply to such premises.

Regulations.

14. The Commissioner may make such regulations with respect to any and all matters and things provided for in this Ordinance as he may deem necessary, and without limiting the generality of the foregoing, such powers shall extend to and include the following:

- (a) prescribing the special accommodation, facilities and equipment which shall be required in or in respect of the premises for which licenses may be issued;
- (b) prescribing any special services which shall be furnished in

respect of lounges which are conducted in premises which contain a restaurant;

(c) restricting the scope and effect of licenses and prescribing terms and conditions governing the sale of liquor and other relevant matters relating to the operation of licensed premises;

(d) governing and regulating licensed premises;

(e) governing the issue, renewal, transfer, refusal, suspension and cancellation of licenses;

(f) governing the location, construction, maintenance, management and operation of licensed premises;

(g) providing for the licensing of employees of persons operating licensed premises and prescribing requirements applicable to such employees;

(h) prescribing the books and records to be kept, returns to be made and information to be furnished with respect to licensed premises and the examination and audit which shall be made of such books and records;

(i) prescribing the duties of inspectors and the books of account and other records to be kept by them;

(j) prescribing the signs which may be erected on or in licensed premises;

(k) prescribing the offences against the laws of Canada and the Yukon Territory conviction of which by any person shall disqualify him from holding a license;

(l) prescribing any special services which shall be furnished in a lounge which is conducted on board a steamship;

(m) generally for the better carrying out of the provisions of this Ordinance.

15. Every hotel in respect to which a cocktail lounge license may be granted hereunder shall contain during the continuance of the license not less than fifteen separate bedrooms for the use of guests together with a suitable quantity of bedding and furniture.

Licensed
Hotels to
have not
less than
15 rooms.

16. (1) Every steamship in respect to which a cocktail lounge license may be granted hereunder shall contain during the continuance of the license cabin and dining room accommodation for not less than twenty-five passengers and shall be appointed with bedding, furniture, equipment and appliances to the satisfaction of the inspector.

Accommo-
dation in
licensed
Steamships.

(2) Liquor may be sold upon a steamship in respect of which a license is issued only while such steamship is in transit on a trip transporting passengers from one point to another point.

17. Notwithstanding anything contained in the "Government Liquor Ordinance", being Chapter 1 of the Ordinances of

Sale of
liquor by
the glass
permitted.

1921, Second Session, the licensee under any license issued hereunder may sell and dispose of liquor by the glass for consumption in the lounge.

Application
for licence.

18. (1) Every application for a license hereunder shall be in writing in Form A in the Schedule hereto and accompanied by an affidavit in Form B and, except as herein otherwise provided, shall be sent to the inspector together with the amount of the license fee, but if the application be refused such sum shall be returned to the applicant.

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

Fees to
form part
of general
Revenue
Fund.

Commis-
sioner may
examine
witnesses
on applica-
tion for
licence.
Procedure
on examina-
tion of
witness.

19. Forthwith upon the granting of the license, all moneys paid to the inspector for license fees shall be paid into and form part of the general revenue fund of the Territory.

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

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

Procedure
when
objection
made to
granting
licence

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

Adjourn-
ment of
hearing.

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

Commis-
sioner to
act upon
other infor-
mation.

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

Costs of
hearing

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

21. (1) A license issued under the provisions of this Ordinance shall not become void when the licensee named therein transfers his business or dies if, within two months from such transfer or death, the licensee's assign or his personal representative or his assign obtains the written consent of the Commissioner for the continuance of the licensee's business in the licensed premises and the transfer of the license issued in respect of such licensed premises.

Licence not to be void by death or transfer.

(2) Application for such consent shall be in writing addressed to the Commissioner and shall be accompanied by a fee of \$25.00.

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

Licence to be exposed in conspicuous place.

23. Liquor may be sold in cocktail lounges in licensed premises during the following hours: Monday to Saturday from seven o'clock in the forenoon until twelve o'clock midnight.

Hours of closing.

24. No sale or other disposal of liquor shall take place in or out of or from any licensed premises on Good Friday or on Christmas Day or on any polling day for or at any parliamentary election or election of a member for the Yukon Council or any municipal election or plebiscite.

No sale on certain days.

25. No person shall sell or shall keep or have in any house, or in any other place whatsoever, any liquor for the purpose of selling, bartering or trading therein, without having first obtained a license authorizing him to do so.

Selling or keeping liquor for sale without licence prohibited.

26. No licensee licensed to sell shall take or carry or employ or suffer any other person to take or carry any liquor out of or from the lounge of such licensee for the purpose of being sold on his account or for his benefit or profit, and of being consumed in any other house, or in any tent, shed, or other building of any kind whatever, belonging to such licensee or hired, used or occupied by him. In any proceeding under this section it shall not be necessary to prove that the premises or place or places to which such liquor is taken to be drunk belonged to, were hired, used or occupied by the seller, if proof is given to the satisfaction of the Court hearing the case that such liquor was taken to be consumed thereon with intent to evade the conditions of the license.

No liquor to be taken off premises

27. Violation of any of the provisions of sections 23, 24, 25 and 26 shall be an offence for which the person violating shall

Offences.

be liable, on summary conviction:

First
Offence.

For the first offence to a penalty of not less than \$100.00 and costs, nor more than \$500.00 and costs, and, in default of payment forthwith after conviction, not less than two months nor more than four months' imprisonment;

Second
Offence.

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

Third or
subsequent
offence.
Conviction
entails for-
feiture of
Licence.

For the third offence a penalty of \$500.00 and costs and in default of payment forthwith after conviction to imprisonment for three months. Upon conviction of such third offence the license shall be forfeited and shall be delivered up to be cancelled.

Civil
Liability.

28. Where any licensee or his servant or agent sells liquor to or for a person whose condition is such that the consumption of liquor would apparently intoxicate him or increase his intoxication so that he would be in danger of causing injury to his person or injury or damage to the person or property of others, if the person to or for whom the liquor is sold while so intoxicated,

(a) commits suicide or meets death by accident an action under "An Ordinance respecting Compensation to the Families of Persons Killed by Accident", being Chapter 19 of the Consolidated Ordinances of the Yukon Territory, 1914, will lie against the licensee who or whose servant or agent sold the liquor; or,

(b) causes injury or damage to the person or property of another person, such other person shall be entitled to recover an amount to compensate him for his injury or damage from the licensee who or whose servant or agent sold the liquor.

Licencee
failing to
deliver up
licence or
permitting
sign to
remain up
after
forfeiture.

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

Conviction
for dis-
orderly
house
entails
forfeiture.

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

Commis-
sioner may
cancel
Licence.

31. The Commissioner may at any time cancel any license upon proof satisfactory to him that the conditions necessary to the granting of such license do not exist, and also in case it is

known that the licensee is not keeping his premises in accordance with the provisions of this Ordinance, or of any regulations made thereunder.

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

Cancellation
of Licence
at request
of licence

33. (1) Subject to the provisions of this Ordinance as to removals and transfer of licenses, every cocktail lounge license shall be held to be a license only to the person named therein, and for the premises mentioned, and shall remain valid only so long as such person continues to be the owner of the business being carried on, and remains within the Yukon Territory.

Licence
only good
for person
named
therein.

(2) A licensee may absent himself from the Territory for a period not exceeding four consecutive months provided that before leaving the Territory he notify the Commissioner in writing of his intention in that regard and appoint a manager to conduct during his absence the premises in respect to which the license is issued. The person so appointed as manager shall be named in the notice to the Commissioner and shall, during the absence of the licensee, be responsible, in every way for compliance with the provisions of this Ordinance as if he were himself the person to whom the license had been issued.

34. Any licensee who permits drunkenness or any quarrelsome, riotous or disorderly conduct to take place on his premises, or sells or delivers any liquor to any drunken person or permits or suffers persons of notoriously bad character to assemble or meet on his premises for improper or unlawful purposes, shall, in addition to any other punishment provided by law be guilty of an offence and on summary conviction thereof be liable to a penalty of not less than \$20.00 and costs, and not more than \$100.00 and costs, and, in default of payment forthwith after conviction, to not less than one nor more than two months' imprisonment.

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

35. Any licensee shall refuse to admit to the premises in respect of which his license is granted any person who is intoxicated, and shall refuse to admit, and shall turn out of the premises any person who is violent, quarrelsome, or disorderly, and any person whose presence on his premises would subject the licensee to a penalty under this Ordinance; and any such person who, upon being requested, in pursuance of this section by such licensee,

Licence
shall refuse
to admit
or shall
evict person
intoxicated.

his agent, servant, or any constable, to quit such premises, refuses, or fails to do so, shall be guilty of an offence, and upon summary conviction thereof, be liable to a penalty of not more than \$50.00 and costs, and, in default of payment forthwith after conviction, to one week's imprisonment, and all constables are required, on demand of such licensee, his agent or servant, to expel, or assist in expelling every such person from such premises, and may use such force as is necessary for that purpose.

36. (1) Any licensee who knowingly allows to be supplied in his licensed premises, by purchase or otherwise, any liquor to any person under the age of twenty-one years and the person who actually gives or supplies the liquor shall be guilty of an offence, and, on summary conviction thereof, be liable to a penalty of fifty dollars and costs for a first offence, and, in default of payment forthwith after conviction, to one month's imprisonment, and for a second or subsequent similar offence, to a penalty of one hundred dollars and costs, and, in default of payment forthwith after conviction, to two months' imprisonment.

Proviso

(2) For the purposes of this Ordinance a member of the naval, military or air forces of Canada, who having been placed on active service or called out for training, service or duty, is serving or has served in any such forces, shall be deemed to be twenty-one years of age.

Sale by
person
under 21
prohibited.

37. Any licensee who knowingly allows any person under the age of twenty-one years to dispense any liquor on the premises for which such license is granted shall be liable to all the penalties provided in section 36.

Violations
for which
no penalty
provided.

38. Any person who violates any of the provisions of this Ordinance, or any regulation made thereunder, for which violation no penalty is herein specially provided, shall be guilty of an offence, and, on summary conviction, shall be liable to a penalty of not less than \$50.00 and not more than \$500.00 and costs, and, in default of payment forthwith after conviction, to imprisonment for not less than one month nor more than six months.

Violations
by employee
of Licensee.

39. (1) Any contravention of the provisions of this Ordinance by any servant, agent, or employee of a licensee shall be presumed to be the act of such licensee, but except in the case of prosecution under section 27, such presumption may be rebutted by proof of explicit instructions to the contrary by such licensee.

(2) Any such servant, agent or employee contravening any of the provisions of this Ordinance, and disobeying any such explicit instructions, shall be liable, on summary conviction, to imprisonment for not less than one week nor more than three months without the option of a fine.

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

Third
Conviction.

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

Penalties
to be paid
to Terri-
torial
Treasurer.

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

Costs of
prosecutions
to be paid
by Terri-
tory.

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

Witness
fees to be
on scale in
Territorial
Court.

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

Officials to
have right
of entry.

43. Every person being therein or having charge thereof who refuses or fails to admit such Commissioner, Inspector, police officer, policeman or constable, demanding to enter in pursuance of this Ordinance in the execution of his duty, or who obstructs or attempts to obstruct the entry of such Commissioner, Inspector, Police Officer, policeman or constable, or any such searchers as aforesaid shall be guilty of an offence, and, on summary conviction thereof, be liable to a fine of \$300.00 and costs, and, in default of payment forthwith after conviction, to one month's imprisonment, in addition to any other punishment in such cases provided.

Penalty for
refusing to
admit
officials.

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

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

45. 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 negated in the information.

Description
of offences.

Several Charges in one information.

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

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

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

Onus upon defendant to prove licence.

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

Magistrate to require production of licence.

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

Procedure upon conviction.

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

Particulars to be endorsed on licence.

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

Licence may be retained by Magistrate.

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

Certificate of conviction to be sent Commissioner.

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

No appeal from any conviction.

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

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

No costs to be allowed unless no reasonable cause for prosecution.

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

Proceedings where previous conviction charged.

(1) The Magistrate shall in the first instance inquire concerning such 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.

Enquiry to be first made concerning later offence.

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

Proof of previous conviction.

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

If conviction for subsequent offence becomes void.

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

Certificate by Inspector to be prima facie evidence.

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

55. 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, in respect to which a license is required under this Ordinance, by some person other than the occupier of the premises, shall be 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.

Production of books, papers, etc.

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

Certificate of Analyst.

57. A certificate, purporting to be signed by any person appointed or designated by the Commissioner in writing as an analyst for the purposes of this Ordinance, as to the percentage of alcohol contained in any liquid, drink, liquor or combination of liquors, when produced in any Court or before any Justice, shall be PRIMA FACIE evidence of the percentage of alcohol contained therein, without proof of the signature or official position of the analyst by whom the certificate is made.

Proof that liquor is intoxicating.

58. The Justice trying a case shall be at liberty to infer, in the absence of proof to the contrary, that the liquor in question is intoxicating from the fact that a witness described it as intoxicating liquor.

Penalty for sale to interdicted person.

59. (1) Any licensee who, directly or indirectly, sells or in any way procures or permits the sale, disposal, gift or delivery of liquor to any interdicted person, shall be liable, upon summary conviction thereof, to a penalty of not less than \$100.00 and costs, and not more than \$500.00 and costs, and, in default of payment, to imprisonment, for not more than two months.

Notice of interdiction to be given Licensees.

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

60. (1) No licensee shall recover or be allowed to set off or counter claim for any charge for liquor sold or delivered by him or on any licensed premises, and all bills, notes, agreements or accounts given or made therfor shall be void.

No recovery allowed for liquor sold or delivered

(2) It shall not be necessary for any person wishing to take advantage of this provision to raise the defence in the pleadings, but advantage may be taken thereof at any stage of the proceedings by way of defence to the action, counter claim or set off.

61. (1) No liquor shall be kept or offered for sale or sold by any licensee except such as is purchased by him from or supplied him by or through the Government in connection with the business being conducted in the Territory under "The Government Liquor Ordinance."

Only liquor sold by Government Liquor Stores shall be kept.

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

No responsibility on Government for failure to supply liquor.

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

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

Form A.

(Section 18)

SCHEDULE
APPLICATION

To the License Inspector:

The petition of the undersigned sheweth:

THAT your petitioner makes application for a license to sell spirituous beverages in the cocktail lounge in the building occupied by your petitioner at in the Yukon Territory, the same building being known as, and being (insert full description of the premises).

Your petitioner sends you herewith five hundred dollars, the fee payable for such license.

And your petitioner humbly prays that a license may be granted accordingly and so will ever pray.

DATED this day of 19 ..
at, in the Yukon Territory.

Form B.

(Section 18)

SCHEDULE
Affidavit in Support of Application

CANADA
YUKON TERRITORY

TO WIT:

I, _____, of the _____
of _____ in the Yukon Territory
_____, make oath and say:

1. THAT I am the applicant named in the annexed application for a license to sell spirituous beverages in a cocktail lounge.
2. THAT I am of the full age of twenty-one years.
3. THAT I have no knowledge of any cause why such license should be refused.

SWORN before me at _____,
in the Yukon Territory, this _____
day of _____ 19 _____.

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

Form C.

(Section 8)

LICENSE
FORM OF LICENSE

WHEREAS _____
of _____, in the Yukon Territory,
_____, has made application
under "The Cocktail Lounge Ordinance," and it having been made
to appear to me that the said
has complied with the provisions of the said Ordinance in that
behalf;

THIS IS TO CERTIFY that the said
is hereby licensed as required by law to sell liquor under the pro-
visions of said Ordinance at _____
in _____, in the Yukon Territory,
being the premises referred to in his said application, from the
day of _____ 19 _____,
to midnight on the 31st day of December, 19 _____, except during
prohibited hours and during the days designated in Section 25 of
the said Ordinance.

Dated at _____ in the Yukon Territory
this _____ day of _____ 19 _____
Commissioner.

CHAPTER 10

AN ORDINANCE TO AMEND "THE MOTOR VEHICLE ORDINANCE"

(Assented to May 11th, 1950.)

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

1. "The Motor Vehicle Ordinance", being Chapter 2 of the Ordinances of the Yukon Territory, 1947, and amendments thereto, is amended by inserting after subsection (1) of section 11 the following:

Section 11
Amended.

"(1A) The Commissioner may issue, without fee, to a dealer "In-transit" markers which shall be used only on the original trip of new motor vehicles from the distributor to the dealer.

In-transit
Markers.

(1B) An "In-transit" marker shall be pasted on the wind-shield of the motor-vehicle and shall be destroyed immediately upon the arrival of the vehicle at the dealer's place of business.

One use
only.

(1C) Every dealer shall account to the Commissioner for all "In-transit" markers issued to him."

Accounted
for.

2. The said Ordinance is further amended by striking out Section 13 and substituting therefor the following:

New
Section 13.

"13. (1) If an owner disposes of his registered motor vehicle or trailer he shall immediately notify the Commissioner and furnish the name and address of the new owner thereof.

Procedure
on disposal
of register-
ed vehicle.

(2) The owner shall deliver to the Commissioner for cancellation the certificate of registration and number plates of the vehicle or trailer of which he has disposed or he shall transfer them from such to another owned by him and in the latter case he shall apply immediately, in the form required by the Commissioner, for a transfer of registration and shall pay a fee of \$2.00 in respect of such transfer of a motor vehicle registration and of \$1.00 in respect of such transfer of a trailer registration, and the vehicle to which the number plates have been transferred shall be deemed to be sufficiently registered for the purposes of this Ordinance if the application and fee have been filed with or mailed to the Commissioner.

(3) On receipt of the application and payment of the fee, the Commissioner shall register the vehicle to which the plates have been transferred in the name of the owner.

(4) Where the ownership of a registered motor vehicle or trailer passes from the registered owner to a dealer or any other person

and where the person transferring has not removed the number plates as required in subsection (2) the dealer or other person shall himself remove them and return them to the Commissioner for cancellation forthwith."

New
Section 16.

3. The said Ordinance is further amended by striking out section 16 and substituting therefor the following:

"16. (1) The Commissioner may:

Power of
Commis-
sioner to
refuse
driver's
licence.

(a) refuse to issue a driver's license to any person unless he is satisfied by examination or otherwise of the physical and other competency of the applicant to drive a motor vehicle without endangering the safety of the general public;

(b) require any applicant to submit himself to examination as to his competency as a driver by a person designated by the Commissioner as an examiner;

(c) from time to time by order under his hand prescribe the cases in which an examination as to competency as a driver may be dispensed with.

Evidence to
be furnished
before
Chauffeur's
licence
issued.

(2) The Commissioner shall refuse to issue a chauffeur's license to any person unless such person has filed with him:

(a) a certificate of good character signed by the Mayor, Reeve or Municipal Clerk of the municipality in which he resides or by the Territorial Treasurer or Territorial Agent for the district in which he resides or by a member of the Royal Canadian Mounted Police or some other person satisfactory to the Commissioner; and

(b) a certificate by a duly qualified medical practitioner that, in his opinion, the applicant is not suffering from any physical or mental disability or disease which would be likely to cause the driving by him of a motor vehicle to be a source of danger to passengers or the public; and

(c) a certificate by a person, appointed as an examiner by the Commissioner, that the applicant has submitted to examination as to his competency as a driver and has satisfied such person that he is competent."

Power to
make regu-
lations.

(3) The Commissioner may make regulations providing for the temporary suspension or modification of any of the provisions of this Ordinance in respect of the registration of a motor vehicle registered outside the Territory and in respect of any person resident outside the Territory who has complied with the provisions of the law of the Province, State or place in which such motor vehicle is registered and such person resides, as to the registration of motor vehicles, the display of the registration number thereon and the licensing of such person as driver or chauffeur to the extent only to which the provisions of such law extends like exemptions and privileges in respect of a motor vehicle registered

under this Ordinance and licensing of a driver or chauffeur who is a resident of the Territory.”

4. (1) The said Ordinance is further amended by striking out the symbol and numbers “\$1.00” at the end of subsection (1) of section 20 and substituting therefor the words “two dollars for a driver’s license and five dollars for a chauffeur’s license.”

Amend
Section
20 (1).

(2) The said section 20 is further amended by striking out subsection (3) thereof and substituting therefor the following:

New
Section
20 (3).

“(3) No application for a driver’s license shall be accepted from any person under the age of sixteen years and no application for a chauffeur’s license shall be accepted from any person under the age of eighteen years.”

Age Limit.

5. The said Ordinance is further amended by inserting immediately after the word “Ordinance” where the same occurs in the second line of subsection (4) of section 44 thereof the following words:

Amend
Section
44 (4).

“or so designated by any order of the Commissioner”,

6. The said Ordinance is further amended by striking out the word “Controller” wherever the same occurs therein and substituting therefor the word “Commissioner.”

“Commis-
sioner.”

7. The provisions of subsection (1) of section 4 hereof shall come into force on the first day of April, 1951.

CHAPTER 11

AN ORDINANCE TO AMEND

“THE GASOLINE AND DIESEL OIL TAX ORDINANCE” (Assented to May 11th, 1950.)

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

1. (1) “The Gasoline and Diesel Oil Tax Ordinance” being Chapter 3 of the Ordinances of the Yukon Territory, 1949, Second Session, is hereby amended by striking out the definition of “dealer” in section 2 thereof.

Section 2
Amended.

(2) The said section 2 is further amended by striking out the definition of “purchaser” therein and substituting therefor:

“Purchaser, means any person, other than an importer or vendor, who, within the Yukon Territory, purchases or receives delivery of gasoline or diesel oil for his own consumption or use.”

(3) The said section 2 is further amended by striking out the definition of "vendor" therein and substituting therefor:

"vendor, means any person, including an importer, who sells or delivers gasoline or diesel oil to a purchaser."

New
Section 8.

2. The said Ordinance is further amended by striking out section 8 thereof and substituting therefor:

Return
when tax
payable by
vendor.

"8. (1) Every vendor shall, at the time of paying the tax and furnishing the return referred to in section 5, furnish to the Territorial Treasurer an additional return showing all gasoline and diesel oil disposed of or consumed by him other than by sale or delivery to purchasers and shall pay a tax of six cents per imperial gallon on all gasoline and diesel oil so disposed of or consumed by him.

When tax
payable by
importer.

(2) Every importer shall at the time of furnishing the return referred to in section 7, pay a tax of six cents per imperial gallon on all gasoline and diesel oil disposed of or consumed by him other than by sale or delivery to a vendor or purchaser."

Section 9
Amended.

3. (1) The said Ordinance is further amended by striking out the words "subject to the provisions of section 8 hereof" where the same occur in the first line of subsection (1) of section 9 and substituting therefor the words "unless kept in storage for resale use or other disposition by an importer or vendor."

(2) The said section 9 is further amended by striking out the words "or a dealer who remits his tax according to the provisions of section 8 hereof", where the same occur in the third and fourth lines of subsection (3) thereof.

Section 11,
13, 16
Amended.

4. The said Ordinance is further amended by striking out the words "or dealer" where the same occur in the first line of section 11, and the words "or a dealer" where the same occur in section 13, and the words "or dealer", wherever the same occur in section 16.

Form A
struck out.

5. (1) The Schedule to the said Ordinance is amended by striking out Form A therein.

Forms B
and C
Amended.

(2) The said Schedule is further amended by striking out the words "or dealer" wherever the same occur in Form B and in Form C therein.

CHAPTER 12

AN ORDINANCE TO AUTHORIZE AND IMPLEMENT
AN AGREEMENT BETWEEN THE
DEPARTMENT OF NATIONAL DEFENCE OF THE
GOVERNMENT OF CANADA AND THE
GOVERNMENT OF THE YUKON TERRITORY

(Assented to May 11th, 1950.)

Whereas, a School is to be built in Whitehorse, Yukon Territory, to accommodate both the children of the townspeople of Whitehorse and the children of the Armed Forces personnel and,

Preamble.

Whereas, the Department of National Defence has made substantial contribution to the cost of construction of said School and is prepared to make a further contribution to the maintenance of said School in an amount not to exceed \$150.00 per pupil per school year, and

Whereas, the said Department has requested that an agreement be negotiated and concluded between the Government of the Yukon Territory and the Department:

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

1. This Ordinance may be cited as the "School Agreement Ordinance."

Short
Title.

2. The Commissioner of the Yukon Territory is authorized to execute and deliver, on behalf of the Territory, an Agreement with the Department of National Defence.

Commis-
sioner
authorized
to execute.

3. The Agreement may, with the approval of the Commissioner, be varied or amended, from time to time, as may be agreed upon with the Department of National Defence by the Commissioner on behalf of the Government of the Yukon Territory, if, in the opinion of the Commissioner, the Yukon Territory is not adversely affected financially by such variation or amendment.

Agreement
may be
varied.

4. The Commissioner may make regulations to enable the Government of the Yukon Territory to implement any obligations assumed by it under the terms of the Agreement.

Regula-
tions.

CHAPTER 13

AN ORDINANCE RESPECTING GARAGE KEEPERS

(Assented to May 11th, 1950.)

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 Garage Keepers Ordinance."

Interpre-
tation.

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

(a) "Garage" means any building or part of a building within or in connection with which service is rendered upon a motor vehicle in the ordinary course of business;

(b) "Garage keeper" means any person, firm or corporation who or which renders service upon a motor vehicle in a garage for or at a charge, price or consideration in the ordinary course of business, and as the principal employment or one of the principal employments of such person, firm or corporation;

(c) "Motor vehicle" means every vehicle propelled by any power other than muscular power except aeroplanes and motor vehicles which run only on tracks or rails;

(d) "Service" means **bona fide** repairs to a motor vehicle by labour or by supplying parts thereof or accessories thereto.

Garage
Keeper's
Lien.

3. (1) In addition to every other remedy which a garage keeper has for recovery of money owing to him for services, he shall have a lien upon every motor vehicle and upon any part, accessory or equipment pertaining thereto for services, to an amount not exceeding the charge, price or consideration therefor.

(2) Actual and continued possession of the motor vehicle or part, accessory or equipment is essential to the existence of the lien.

(3) Section 31 of "The Mechanics Lien Ordinance" shall not apply to a lienholder under this Ordinance.

Registration
of claim
of Lien and
Effect
Thereof.

4. (1) In lieu of remaining in actual and continued possession under subsection (2) of section 3, a garage keeper by himself or through his authorized agent may file a claim of lien in Form A and an affidavit in Form B, made by the claimant or his agent, verifying the claim in the office of the registration clerk appointed under "The Bills of Sale Ordinance" for the district in which the services were performed.

(2) A garage keeper or his authorized agent may file true copies of the claim and affidavit filed under subsection (1) in the office of any other registration clerk.

(3) If the claim is so filed within fifteen days after the date upon which the services were completed, the garage keeper shall have a lien on the motor vehicle for a period of one hundred and eighty days from the date of filing and on expiration of that period the lien shall determine unless within that period proceedings had been commenced under this Ordinance to enforce the lien.

(4) If the charge, price or consideration for repairs required to a motor vehicle and for supplying parts therefor and accessories thereto, or for any of them, will exceed the sum of one hundred dollars and the vendor of the motor vehicle or his assignee has a lien thereon for all or part of the purchase price, the garage keeper shall not proceed with such repairs or supply such parts or accessories until he has received the written authority of the vendor or his assignee to do so, and if the garage keeper proceeds without such authority the lien of the vendor or his assignee shall have priority over any lien filed by or on behalf of the garage keeper under this section.

5. (1) A lien under this Ordinance shall be postponed to any interest in or charge, lien or incumbrance on the motor vehicle which is created or arises in good faith and without express notice of the first mentioned lien, at any time during which the motor vehicle is out of the possession of the person entitled to the lien under this Ordinance and before the filing of the lien under section 4.

Priorities

(2) If at any time more persons than one have a lien under this Ordinance upon the same motor vehicle, the person whose claim of lien is filed earlier in time shall have a prior lien over that of a person whose claim of lien is filed later in time; and if one of such persons causes a seizure to be made of the motor vehicle, he shall be deemed to have made the seizure on behalf of all persons who have a lien upon the motor vehicle which is subsisting at the time of the seizure.

6. (1) At any time during the continuance of the lien created by section 4 the garage keeper may issue a warrant addressed to the sheriff or deputy sheriff for the judicial district in which the car is for the time being, directing the person to whom the warrant is addressed to seize the motor vehicle within one hundred and eighty days from the date on which the lien was filed, and return the vehicle to the garage keeper, and in such case the person to whom the warrant is addressed shall seize the vehicle if found in such judicial district within the said one hundred and eighty days and shall deliver the same to the garage keeper or his agent at the place at which the same is kept under seizure in the

**Enforce-
ment of
Lien by
seizure.**

judicial district, upon receipt of the amount of the fees payable in respect of the warrant and seizure.

(2) A Judge of the Territorial Court may from time to time prescribe a tariff of fees which may be charged in respect of my warrant and any seizure thereunder or any matter or thing incidental thereto.

Enforcement of Lien on delivery of Motor Vehicle to Garage Keeper.

7. Upon delivery to him of the motor vehicle so seized the garage keeper shall have the same rights and remedies for enforcing his lien against the motor vehicle as if he then had a possessory lien for the same amount as the amount of the lien which he has pursuant to this Ordinance, and may enforce the lien in the manner herein mentioned.

Power of sale at Public Auction.

8. If the amount payable to the garage keeper for services on the motor vehicle has not been paid:

(a) Upon the expiration of one hundred and eighty days from the date upon which the services were completed in case the garage keeper retains possession of the motor vehicle; or

(b) Upon the expiration of the period mentioned in subsection (2) of section 4, or on the expiration of sixty days from the date of delivery of the motor vehicle to the garage keeper under section 7, whichever is later;

the garage keeper may sell the motor vehicle or any part thereof at public auction.

Notice of Sale.

9. Before a sale is held a garage keeper shall insert in **The Yukon Gazette** and shall post and keep posted during a period of at least two weeks, on the outside of a front door of his garage, a notice of such intended sale, stating:

(a) the name so far as known of the owner of the motor vehicle to be sold;

(b) a general description of the vehicle, including its engine number and serial number;

(c) the time and place of sale; and

(d) the name of the person who is to act as auctioneer.

Application of proceeds.

10. (1) The proceeds of the sale shall be applied in payment of:

(a) the costs of seizure of the vehicle;

(b) the costs of advertising the sale, the auctioneer's fee and other reasonable costs of the sale;

(c) the claim of a prior lien-holder, if any, under subsection (3) of section (4);

(d) the claim of any person under subsection (1) of section 5 or any prior lien-holder under subsection (2) of section 5;

(e) the amount payable to the garage keeper for services;
 (f) the claim of any other lien-holder; and the surplus, if any, shall be paid on application to the person entitled thereto.

(2) If such person does not apply for the same within one month from the day of sale, the surplus shall be handed over to the Territorial Treasurer to be kept by him in a special trust account for one year, after which, if such person does not claim it, the surplus shall be paid into and belong to the Consolidated Revenue Fund.

11. (1) No garage keeper shall operate, or permit to be operated, outside his premises, any motor vehicle, or use, or permit to be used, any part of a motor vehicle, left with him for service or held by him; but nothing contained in this section shall apply to the operation of a motor vehicle for the sole purpose of testing it either before or after making repairs thereto or supplying parts therefor or of transferring it to the place at which it is to be sold pursuant to this Ordinance.

Operation
of Vehicles
Prohibited.

(2) A garage keeper who violates subsection (1) shall be guilty of an offence and liable on summary conviction to a fine of not less than twenty-five dollars nor more than two hundred dollars.

Ordinance
to be kept
posted up.

12. Every garage keeper shall keep a copy of this Ordinance conspicuously posted in the office and in at least two other conspicuous places in the garage, and unless he complies with this section he shall not be entitled to the benefits of this Ordinance.

SCHEDULE

Form A

(Section 4)

Claim of Lien

(Name of Claimant) of (Address of Claimant) carrying on the business of a garage keeper at (give address of garage) pursuant to "The Garage Keepers Ordinance" claims a lien upon a certain vehicle (set out license number, if any, of the vehicle and the make, style, year and model thereof and the serial number of the vehicle and its engine) in respect of (insert particulars of the services rendered) for (state name and address) and which were completed on (state date of completion of services).

The amount for which the lien is claimed is the sum of
 Dollars.

The address for service of the claimant is
 in the Yukon Territory

Dated at
 day of , 19 .

Signature of Claimant or
 his authorized agent.

Form B

(Section 4)

Affidavit Verifying Claim

Canada
Yukon Territory

To Wit:

I, (name, address and occupation of person by whom the claim of lien is signed) make oath and say that the statements set out in the above (or annexed) claims are true and that I have a full knowledge of such facts.

Sworn before me at

.....
in the Yukon Territory,

this _____ day of _____

, 19 _____

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

CHAPTER 14

AN ORDINANCE TO AMEND
"THE WOLF BOUNTY ORDINANCE"

(Assented to May 11th, 1950.)

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

S. 7, Cap.
14, O.Y.T.,
1944,
Amended.

New (C).

1. The "Wolf Bounty Ordinance", being Chapter 14 of the Ordinances of the Yukon Territory, 1944, is hereby amended by striking out paragraph "C" of Section 7 and substituting therefor: "(C) Split both ears of the pelt from base to tip."



CHAPTER 15

AN ORDINANCE TO AMEND "THE MINING SAFETY ORDINANCE"

(Assented to May 11th, 1950.)

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

1. "The Mining Safety Ordinance", being Chapter 2 of the Ordinances of the Yukon Territory, 1946, is amended by striking out the words "the Sanitary Control Ordinance of the Yukon Territory" where the same occur in subsection (6) of section 24 and in rules 32 and 38 of section 25 and by substituting therefor the words "The 'Yukon Health Ordinance', being Chapter 7 of the Ordinances of the Yukon Territory, 1948, and the 'Regulations for the Sanitary Control of Lumbering, Mining, Construction and Other Camps', made pursuant to subsection (1) of section 4 of the said Ordinance."

Cap. 2,
O.Y.T.,
1946,
Amended.

CHAPTER 16

AN ORDINANCE TO AMEND THE "STEAM BOILER ORDINANCE"

(Assented to May 11th, 1950.)

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

Annual
Inspection
of Boiler.

1. Section 9 of the Steam Boiler Ordinance being Chapter 9 of the Consolidated Ordinances of the Yukon Territory, 1914, is hereby repealed and the following substituted therefor:

Inspector
to record
particulars.

"9. Every owner of a boiler or pressure vessel shall cause it to be inspected at least once in each year by an Inspector.

Inspector
may with-
hold
Certificate.

(2) It shall be the duty of the Inspector to record all particulars of inspection so that the fees prescribed in Schedule Two to this Ordinance may be collected by the Territorial Treasurer of the Yukon Government.

Certificate
to issue.

(3) The Inspector may withhold any certificate of inspection until the fees are paid.

Fees

(4) Upon completion of an inspection the Inspector may issue to the owner a Certificate of inspection in accordance with Form "A" in Schedule One to this Ordinance.

Certificate
to be
produced.

(5) The fees to be charged and paid under this Ordinance shall be as set out in Schedule Two of this Ordinance.

Operating
Boiler
without
Certificate
or Permit.

(6) A Certificate issued pursuant to the provisions of this Section shall be produced at the demand of an Inspector.

(7) Any one who employs, to operate a steam boiler or pressure vessel, a person who has not a Certificate or Permit under this Ordinance, shall be guilty of an infraction of this Ordinance."

2. Section 25 of the said Ordinance is hereby amended by striking out the words "of \$5.00" as they appear in line twelve and substituting therefor "as set out in Schedule Two to this Ordinance."

3. Immediately following Section 26 of the said Ordinance insert:

"26. A. No person shall weld on any boiler, pressure vessel or piping in a steam plant or oil still within the Yukon Territory unless he is the holder of a valid Certificate under this Ordinance, permitting him to perform the class of work to be undertaken.

Fees.

(2) Fees for a Certificate under this Section shall be as set out in Schedule Two to this Ordinance.

Qualifica-
tions for
Welders'
Certificates.

(3) Welders' Certificate shall be issued only to those qualifying under the provisions as set out in Schedule One to this Ordinance.

4. Section 27 of the said Ordinance is hereby amended by striking out the word "the" in line three and inserting the word "One" after the word Schedule in line three.

5. Section 28 of said Ordinance is hereby repealed.

6. Schedule One of said Ordinance is amended by adding thereto:

A Class 'A' welders' Certificate shall permit the holder thereof to repair boilers and fired or unfired pressure vessels by means of gas or electric welding or both.

Class "A"
Welders'
Certificate.

A Class 'B' welders' Certificate shall permit the holder thereof to repair boilers or other pressure vessels by means of gas or electric welding or both, provided that when a fired pressure vessel carries a pressure in excess of fifteen pounds per square inch, the welding shall be done, on such vessel, under the direction of the holder of a Class "A" Certificate.

Class "B"
Welders'
Certificate.

A provisional welders' Certificate may be granted to any person, who has been employed as a welder for a period of at least twenty-four months, and said person may perform the type of work endorsed on the certificate, and in any event such Certificate shall not be issued for a period of more than six months in any one year.

Welders'
Provisional
Certificate.

Examination of Welders

Welders, to qualify for any Certificate must pass an examination, which may include a written examination, and in any event shall include the following:

- (a) Physical qualifications;
- (b) A test on the candidate's knowledge of welding sheet-steel, heavy steel, cast iron and of brazing;
- (c) A test on the candidate's knowledge of the behaviour of materials under the stresses of welding and shall include
 - (1) the expansion and contraction of materials;
 - (2) the proper method of elimination of stresses by pre-heating and annealing;
 - (3) the preparation of work for welding, patching, building up and reinforcing.
- (d) A practical test.

Qualifica-
tions neces-
sary for
Certificates

The Inspector shall conduct the examination and no person shall be qualified to undertake the examination unless the Inspector is satisfied such person has had sufficient experience to justify the taking of such examination to qualify for the class of Certificate applied for.

Experience
necessary

SCHEDULE TWO

FEES

Fees for Boilers Carrying Pressure Exceeding Fifteen Pounds Square Inch.	Less than 15 Horse Power	\$ 7.50
	15 H.P. and less than 25 H.P.	10.00
	25 H.P. and less than 75 H.P.	12.50
	75 H.P. and less than 100 H.P.	15.00
	100 H.P. to 150 H.P., inclusive	17.50
	Exceeding 150 H.P.	20.00
Receivers.	Where the volume does not exceed 235 Cu.Ft.	5.00
	Where the volume exceeds 235 Cu.Ft. but does not exceed 400 Cu.Ft.	7.50
	Where the volume exceeds 400 Cu.Ft. but does not exceed 1000 Cu.Ft.	10.00
	Where the volume exceeds 1000 Cu.Ft. but does not exceed 2000 Cu.Ft.	12.50
	Where the volume exceeds 2000 Cu.Ft. but does not exceed 4000 Cu.Ft.	15.00
	Where the volume exceeds 4000 Cu.Ft. ..	17.50
Engineer's and Welders' Fees.	Engineer's First Class Certificate	20.00
	Engineer's 500 H.P. Second Class Cert.	15.00
	Engineer's Third Class Certificate ...	10.00
	Engineer's Provisional Certificate	5.00
	Welder's Class "A" or "B" Certificate for Gas or Electric ...	10.00
	Welder's Class "A" or "B" Certificate for Gas and Electric	15.00
Welder's Provisional Certificate	5.00	
Fees for Annual Registra- tion of Certificates.	Engineer's First Class Certificate ..	2.00
	Engineer's Second Class Certificate ...	2.00
	Engineer's Third Class Certificate	2.00
	Engineer's Provisional Certificate ...	1.00
	Welder's Class "A" and "B" Certificate	2.00

CHAPTER 17

AN ORDINANCE TO AMEND "THE OLD AGE PENSION ORDINANCE"

(Assented to May 11th, 1950.)

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

1. The "Old Age Pension Ordinance", being Chapter 2 of the Ordinances of the Yukon Territory, 1949, First Session, is amended in the manner hereinafter set forth:

2. (1) Section 2 is amended by adding thereto the following sub-section:

Supple-
mental
Payments

"(c) Provide for the payment, by the Government of the Yukon, or a supplemental allowance not exceeding \$20.00 per month for the period 1st day of April, 1949, to the 30th day of June, 1949, and not exceeding \$10.00 per month thereafter to persons who are from time to time in receipt of pensions under this Ordinance."

(2) This sub-section shall be deemed to have been in force on and from the 1st day of April, 1949.

3. (1) An agreement between the Government of Canada, represented therein by the Minister of National Health and Welfare, of the first part, and the Government of the Yukon Territory, represented therein by the Commissioner of the Yukon Territory, of the second part, dated the 31st day of July, 1949, and set forth in the Schedule hereto, is approved, ratified and confirmed, and so long as the said Agreement remains in force the said Ordinance shall be read and construed as if the agreement were incorporated therein.

Agreement
Ratified.

(2) This section shall be deemed to have been in force on and from the 1st day of July, 1949.

CHAPTER 18

AN ORDINANCE TO AMEND "THE WORKMEN'S COMPENSATION ORDINANCE"

(Assented to May 11th, 1950.)

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

1. The "Workmen's Compensation Ordinance", being Chapter 1 of the Ordinance of the Yukon Territory, 1917, is amended by adding immediately after Section 3 thereof the following:

Employer
must carry
insurance.

"3A (1) Every employer shall enter into and maintain a contract of insurance, in such form for such amount, and with such Insurer as the Commissioner of the Yukon Territory may approve, providing for payment of compensation to employees of the employer and their dependents in respect of personal injuries by accident arising out of and in the course of their employment, or disability by reason of industrial diseases due to the nature of their employment.

Commis-
sioner may
exempt
certain
employees.

(2) The Commissioner of the Yukon Territory may exempt from the application of this section any employer, who has made other arrangements satisfactory to the Commissioner, for the protection of his employees."

Penalty.

(3) Every employer who fails to enter into a contract of insurance as required by this Ordinance is guilty of an offense and is liable on summary conviction to a fine not exceeding five hundred dollars and, in addition, the Commissioner may refuse to grant to the employer a license or permit to carry on any business, calling, trade or occupation in the Territory or may cancel any such license or permit.

2. Section 17 of the said Ordinance, as it is amended by Chapter 5 of the Ordinances of the Yukon Territory, 1943, is hereby repealed and the following substituted therefor:

No Action
to lie where
Workman
entitled to
Compensa-
tion in
another
Province or
the U.S.A.

"17. Notwithstanding anything in this Ordinance, where, in any employment to which this Ordinance applies, personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall not be liable to pay compensation under this Ordinance if in consequence of such injury or accident such workman or his dependent or dependents, becomes entitled to compensation under any legislation of any Province or Territory other than the Yukon Territories or becomes so entitled under any legislation of the United States of America,

and in every such case such right to compensation shall be in lieu of all rights of action, statutory or otherwise, to which such dependent or dependents will or may be entitled against such employer for or by reason of such injury or accident and no action in respect thereof shall lie."

3. The said Ordinance is further amended by striking out Section 4 of the First Schedule thereto, and substituting therefor:

"4. (1) For other injuries causing temporary total disability the employer shall pay the workman weekly, during the period of such disability, sixty-six and two-thirds per centum of his daily average wages; however, in no case shall the period of payment for temporary total disability exceed twelve months.

Compensation to be paid for temporary total disability.

(2) For injuries causing temporary partial disability the employer shall pay the workman weekly, during the period of such disability, sixty-six and two-thirds per centum of the difference between the average earnings of the workman before the accident and the average amount he is earning or is able to earn in some suitable employment or business after the accident; however, in no case, shall the period of such payment exceed twelve months."

Compensation to be paid for temporary partial disability.

CHAPTER 19

AN ORDINANCE TO AMEND

"THE DENTAL PROFESSION ORDINANCE"

(Assented to May 11th, 1950.)

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

1. "The Dental Profession Ordinance", being Chapter 1 of the Ordinances of the Yukon Territory, 1947, is amended by inserting immediately after Section 6 thereof the following:

"6A. Notwithstanding anything contained in this Ordinance, the Commissioner may issue special permits to practise dentistry in the Yukon Territory, subject to the following provisions:

Special Permits.

(a) such permits shall be issued only to persons duly qualified to practise dentistry in one of the Provinces of Canada or in one of the States of the United States of America or to duly qualified dentists enrolled in or attached to the armed forces of Canada or of the United States of America.

(b) applicants for permits shall furnish credentials satisfactory to the Commissioner.

(c) the permit shall be for a period stated therein but the Commissioner may, in his discretion, renew any permit or at any time cancel any permit.

(d) the permit shall entitle the holder to furnish professional services to armed forces personnel anywhere in the Yukon Territory and to civilian personnel, native Indians and Eskimos in such parts of the Yukon Territory as are designated therein by the Commissioner.

(e) the fee for a permit issued under the provisions of this section shall be fifty dollars except in the case of a permit issued to a duly qualified dentist enrolled in or attached to the armed forces of Canada or of the United States of America in which case no fee shall be charged."

"Commis-
sioner"

2. The said Ordinance is further amended by striking out the word "Controller" wherever the same occurs therein and substituting therefor the word "Commissioner".

Chapter 21,
Ordinances
of Y.T.,
1949, 2nd
Session,
Repealed.

3. "An Ordinance to Amend 'The Dental Ordinance'," being Chapter 21 of the Ordinances of the Yukon Territory, 1949, Second Session, is hereby repealed.

CHAPTER 20

AN ORDINANCE TO AMEND "THE YUKON GAME ORDINANCE"

(Assented to May 11th, 1950.)

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

S. 37, Cap.
3, O.Y.T.,
1947,
Amended.

1. The "Yukon Game Ordinance", being Chapter 3 of the Ordinances of the Yukon Territory, 1947, as it is amended by Chapter 16 of the Ordinances of the Yukon Territory, 1949, is further amended by striking out subsection 4 of Section 37.

CHAPTER 21

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

(Assented to May 11th, 1950.)

WHEREAS, it appears by message from John Edward Gibben, Esquire, Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" to this ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purposes relating thereto, for the twelve months ending March 31st, 1951, and

WHEREAS, it appears by message from John Edward Gibben, Esquire, Commissioner of the Yukon Territory and in the estimates accompanying the same, that the sums hereinafter mentioned in Schedules "B" and "C" to this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and the City of Dawson and, for the purposes relating thereto, for the twelve months ended March 31st, 1950.

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

1. From and out of the sums at the disposal of the Yukon Council there shall be paid and applied a further sum not exceeding in the whole two million ninety-six thousand six hundred and eighty-five dollars for defraying the several charges and expenses of the Public Services of the Yukon Territory for the twelve months ending March 31st, 1951, as set forth in Schedule "A" of this Ordinance.

2. From and out of the funds at the disposal of the Yukon Council there shall be paid and applied a sum not exceeding one hundred and twenty-eight thousand nine hundred and fifty-six dollars for defraying the several charges and expenses of the Public Service of the Yukon Territory for the twelve months ended March 31st, 1950, as set forth in Schedule "B" of this Ordinance.

3. From and out of the funds at the disposal of the Yukon Council there shall be paid and applied a sum not to exceed four thousand four hundred and thirty-two dollars for defraying the several charges and expenses of the Public Service of the City of Dawson for the twelve months ended March 31st, 1950, as set forth in Schedule "C" of this Ordinance.

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

SCHEDULE "A"

Sums granted to the Commissioner by the Ordinance for the twelve months ending March 31st, 1951, and the purpose for which they are granted.

Vote

No.

1. Yukon Council

A	Sessional Indemnities	\$	3,000.00	
B	Travelling and Living Expenses		1,000.00	
C	Legislative Printing		2,600.00	
D	Municipal Elections		1,000.00	
			<hr/>	\$ 7,600.00

2. Territorial Offices

A	Salaries		33,170.00	
B	Supplies, Expenses, Equipment and Renewals		8,525.00	
C	Assayer's Office		3,000.00	
			<hr/>	44,695.00

3. Department of Education

A	Salaries		110,820.00	
	(1) Administration	\$	2,100.00	
	(2) Dawson District		28,100.00	
	(3) Whitehorse Dist.		54,560.00	
	(4) Mayo District		7,800.00	
	(5) Other Districts		18,260.00	
			<hr/>	
B	Supplies, Expenses, Equipment and Renewals		35,470.00	
	(1) Administration		900.00	
	(2) Dawson District		15,970.00	
	(3) Whitehorse Dist.		14,850.00	
	(4) Mayo District		2,600.00	
	(5) Other Districts		1,150.00	
			<hr/>	
C	Grants to Separate Schools		17,500.00	
			<hr/>	163,790.00

4. Department of Public Works and Buildings

A	Salaries		6,300.00	
B	Supplies, Expenses, Equipment and Renewals		4,000.00	
			<hr/>	10,300.00

5. Department of Health & Public

Welfare-Health Division

A	Salaries	9,405.00
B	Supplies, Expenses, Equipment and Renewals	3,750.00
C	Communicable Diseases Control..	3,500.00
D	Medical Care of Indigents	3,900.00
E	Hospital Grants	123,000.00
F	Hospital Care T.B. Patients	14,000.00

 157,555.00
Welfare Division

G	Child Welfare	27,390.00
H	Social Assistance Indigents	27,390.00
I	Grants to Public Institutions	6,350.00
I	Old Age Pensions	31,000.00

 101,815.00

259,370.00

6. Local Administration

A	City of Dawson	60,000.00
B	Town of Whitehorse	73,550.00
C	Town of Mayo	6,000.00

 139,550.00

7. Game and Publicity Dept.

A	Salaries	9,000.00
B	Supplies, Expenses, Equipment and Renewals	7,400.00
	Wolf and Coyote Bounties	7,000.00
D	Game Preservation	1,500.00
E	Publicity	1,000.00

 25,900.00

8. Non-Departmental

A	General and Unforseen	7,000.00
B	Retirement Annuity	10,000.00
C	Unemployment Insurance	1,500.00
D	Municipal Assessment	3,500.00
E	Plebiscites	2,500.00

 24,500.00

9. Roads, Bridges and Public Works

A	Salaries	27,980.00
B	Supplies, Expenses, Equipment and Renewals	15,000.00
C	Maintenance of Roads	125,000.00

D Maintenance of Airfields	9,000.00	
E Maintenance of Ferry Service	6,000.00	
F Replacement of Equipment	35,000.00	
		217,980.00

Capital Expenditures

C2 Public Works and Buildings		
A Whitehorse Public School	300,000.00	
B Dawson Liquor Store	15,000.00	
		315,000.00
Total Administration and Capital		\$2,208,268.00

Government Liquor Ordinance**Purchase of Stock**

Merchandise	488,000.00	
Freight and Marine Insurance	160,000.00	
Customs Excise Duty	175,000.00	
Selling Expense	65,000.00	
		880,000.00

Total Vote \$2,096,685.00

SCHEDULE "B"

Sums granted to the Commissioner by the Ordinance for the twelve months ended March 31st, 1950, and purpose for which they were granted.

Yukon Council

1-C Legislative Printing	\$ 1,250.00
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Department of Education

3-A2 Salaries, Whitehorse	4,950.00
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Local Administration

6-B Town of Whitehorse ..	\$3,385.08
6-C Town of Mayo	600.00
	3,986.00

Roads, Bridges & Public Works

9-B Supplies, Expenses, Equipment and Renewals	10,650.00
---	-----------

Total Administration of roads ... 20,836.00

Government Liquor Ordinance

Merchandise Purchases	67,000.00
Freight and Marine Insurance	14,620.00
Customs Duty	17,200.00

Selling Expense	9,300.00	
	<u> </u>	
Total Liquor Control	108,120.00	
	<u> </u>	\$128,956.00

SCHEDULE "C"

Sums granted to the Commissioner by the Ordinance for the twelve months ended March 31st, 1950, and the purpose for which they were granted:

City of Dawson

Fire Department

Salaries	3,165.00	
Equipment	1,025.00	
Supplies, Expenses, Equipment and Renewals	242.00	
	<u> </u>	\$ 4,532.00



CHAPTER 22

AN ORDINANCE TO AMEND THE "CROWN GRANT TAX ORDINANCE"

(Assented to May 11th, 1950.)

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

S.S. (2).
Cap. 5.
O.Y.T.,
1919
Amended.

1. "The Crown Grant Tax Ordinance", being Chapter 5 of the Ordinances of the Yukon Territory, 1919, and amendments thereto, is further amended by striking out the words "first Tuesday" where the same occur in the fourteenth line of sub-section (2) of section 5 and substituting the words "third Tuesday".



CHAPTER 1

AN ORDINANCE TO REPEAL

“AN ORDINANCE FOR THE PROTECTION OF BRIDGES”

(Assented to Nov. 3rd, 1950)

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

1. “An Ordinance for the Protection of Bridges,” being Chapter 11 of the Consolidated Ordinances of the Yukon Territory, 1914, is hereby repealed.

Cap. 11,
C.O.Y.T.,
1914,
Repealed.



CHAPTER 2

AN ORDINANCE TO AMEND THE "OLD AGE AND BLIND PENSIONS ORDINANCE"

(Assented to Nov. 3rd, 1950)

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

1. The "Old Age and Blind Pensions Ordinance," being Chapter 2 of the Ordinances of the Yukon Territory, 1949, is amended by striking out subsections (2) and (3) of section 3 and substituting therefor the following:

S. 3, Cap. 2.
O.Y.T., 1949
Amended.

"(2) The Board shall consist of one member who shall be appointed by the Commissioner, the Territorial Treasurer, and the member of the Yukon Council for Whitehorse.

"(3) The Commissioner shall designate the chairman of the Board."



CHAPTER 3

AN ORDINANCE TO AMEND

"THE GASOLINE AND DIESEL OIL TAX ORDINANCE"

(Assented to Nov. 3rd, 1950)

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

Cap. 3,
O.Y.T., 1949,
2nd
Amended.

1. "The Gasoline and Diesel Oil Tax Ordinance," being Chapter 3 of the Ordinances of the Yukon Territory 1949, Second Session, as amended by Chapter 12 of the Ordinances of the Yukon Territory, 1950, is amended further by striking out section 15 and substituting therefor the following:

New S. 15.

"15. Gasoline or diesel oil used in:

- (a) any equipment owned by, or operated on behalf of, any Department of the Government of Canada, the Government of the Yukon Territory or the Government of the United States of America, or
- (b) any equipment owned by a municipality of the Yukon Territory, or
- (c) any aeroplane,
shall not be subject to the tax imposed by this Ordinance."

Effective
Date.

2. This Ordinance shall be deemed to have come into effect on the first day of January, 1950.

CHAPTER 4

AN ORDINANCE TO AMEND "THE MINING SAFETY ORDINANCE"

(Assented to Nov. 3rd, 1950)

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

1. "The Mining Safety Ordinance," Being Chapter 2 of the Ordinances of the Yukon Territory, 1946, as amended, is amended further by striking out the word "Controller" wherever the same occurs in said Ordinance and substituting therefor the word "Commissioner."

Cap. 2,
O.Y.T., 1946,
Amended.

2. The said Ordinance is amended further by striking out subsection (1) of section 43 and substituting therefor the following:
"(1) Every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Ordinance shall take place before a Judge of the Territorial Court of the Yukon Territory or a police magistrate or a justice of the peace with the powers of two justices of the peace."

New S. 43
(1).

CHAPTER 5

AN ORDINANCE TO AMEND "THE JUDICATURE ORDINANCE"

(Assented to Nov. 3rd, 1950)

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

1. "The Judicature Ordinance," being Chapter 48 of the Consolidated Ordinances of the Yukon Territory, 1914, as amended, is amended by inserting immediately after section 7 the following section:

Cap. 48,
C.O.Y.T.,
1914,
Amended.

"7A. A justice of the peace having the power of two justices of the peace shall have and may exercise all the powers, authorities and functions of a judge of the Court in any action commenced under the provisions of Part III being order XLVI of the rules of Court."

New S. 7A.

CHAPTER 6

AN ORDINANCE TO AUTHORIZE AND IMPLEMENT AN AGREEMENT BETWEEN THE DEPARTMENT OF RESOURCES AND DEVELOPMENT OF THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE YUKON TERRITORY

(Assented to Nov. 3rd, 1950)

Preamble.

WHEREAS, a school is to be built in the City of Whitehorse, in the Yukon Territory, to accommodate both the children of the townspeople of Whitehorse and the children of the armed services personnel, and

WHEREAS, the Department of Resources and Development is prepared to make a substantial contribution to the cost of construction of said school, and

WHEREAS, the said Department has requested that an agreement be negotiated and concluded between the Government of the Yukon Territory and the Department;

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

**Short
Title.**

1. This Ordinance may be cited as the "Whitehorse School Agreement Ordinance".

**Commis-
sioner
authorized
to execute.**

2. The Commissioner of the Yukon Territory is authorized to execute and deliver, on behalf of the Government of the Yukon Territory, an agreement with the Department of Resources and Development.

**Agreement
may be
varied.**

3. The agreement may, with the approval of the Commissioner, be varied or amended, from time to time, as may be agreed upon with the Department of Resources and Development by the Commissioner on behalf of the Government of the Yukon Territory, if, in the opinion of the Commissioner, the Yukon Territory is not adversely affected financially by such variation or amendment.

Regulations

4. The Commissioner may make regulations to enable the Government of the Yukon Territory to implement any obligations assumed by said Government under the terms of the agreement.

CHAPTER 7

AN ORDINANCE TO AMEND THE "SOCIETIES ORDINANCE"

(Assented to Nov. 3rd, 1950)

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

1. The "Societies Ordinance," being Chapter 13 of the Ordinances of the Yukon Territory, 1949, First Session, is amended by striking out the figures "57" wherever the same occur in section 2 and substituting therefor the figures "59". S. 2, Cap. 13,
O.Y.T., 1949,
Amended.
2. The said Ordinance is amended further by striking out the figures "57" where the same occur in section 18 and substituting therefor the figures "59". S. 18
Amended.
3. The said Ordinance is amended further by striking out the word and figures "56 and 58" where the same occur in section 50 and substituting therefor the word and figures "58 and section 60". S. 50
Amended.
4. The Schedule B to the said Ordinance is amended by striking out the sentence "(See subsections (2) and (3) of section 30 of the Ordinance)" where the same occurs at the end of paragraph (3) of said schedule. Schedule
"B"
Amended

CHAPTER 8

AN ORDINANCE TO PROVIDE FOR ANNUAL HOLIDAYS WITH PAY FOR EMPLOYEES

(Assented to Nov. 3rd, 1950)

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 "Annual Holidays Ordinance". Short
Title.

Interpreta-
tion.

2. Unless the context otherwise requires, in this Ordinance:

- (a) "Annual Holiday" means an annual holiday with pay to which an employee is entitled by virtue of the Ordinance.
- (b) "Commissioner" means the Commissioner of the Yukon Territory.
- (c) "Employee" means any person who is in receipt of or entitled to any remuneration for labour or services performed for an employer.
- (d) "Employer" means any person, firm or corporation employing one or more employees and includes every agent, manager, representative, contractor, subcontractor or principal and every other person who either has control or direction of one or more employees or is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the receipt of wages by, one or more employees.
- (e) "Working Year" means one year of continual service, comprising not less than two hundred and eighty days of actual work.

3. This Ordinance applies to all employees employed by any employer, except:

- (a) employees employed primarily on or about any farm, ranch, market garden or other similar place used principally for the culture or production of grain, fruit, vegetables, live stock and dairy produce or any of them, and
- (b) employees employed in domestic service in a private residence, and
- (c) employees employed in any undertaking in which only members of the employer's family are employed.

Annual
Holiday.

4. (1) Every employee to whom this Ordinance applies shall be entitled after each working year of his employment with any employer to an annual holiday of at least fourteen days.

(2) If any statutory holiday occurs during the period of any annual holiday which an employee has been permitted by his employer to take under the provisions of this Ordinance the period of the said annual holiday shall increase by one working day and the employee shall be paid by his employer in addition to the wage which he is entitled to be paid on account of that annual holiday, the wage which he is entitled to be paid for the statutory holiday.

5. (1) On the termination of the employment of an employee during the course of a working year in respect of which he has not received an annual holiday but during which he has performed at least ninety days of actual work in such employment, the employer shall pay to that employee, in addition to all other amounts due to him, the equivalent of one day's pay for each twenty-five days of actual work performed by the employee during the uncompleted working year.

Holiday when employee not employed for a year.

(2) Where, on the termination of his employment, an employee has not been given an annual holiday to which he is entitled under the provisions of section 4, the employer shall pay to the employee, in addition to any payment accruing to the employee under subsection (1), fourteen days wages in lieu of the annual holiday which has not been given.

(3) A period of less than twenty-five days of actual work performed by an employee shall not entitle an employee to a fraction of one day's pay as a part of any payment made under subsection (1).

6. For the purpose of this Ordinance, the employment of any employee, with the employer by whom he is employed on the date when this Ordinance comes into force, shall be deemed to have commenced on the latest of the following dates:

Commencement of employment.

(a) one year immediately preceding the date on which this Ordinance comes into force;

(b) the date on which the employee's current employment with that employer commenced;

(c) the date on which the employee became entitled to any annual holiday under any Ordinance, custom or agreement or under his contract of service.

7. (1) Nothing in this Ordinance shall affect any provision in any Ordinance, agreement or contract of service, or any custom that insures to an employee more favorable conditions in respect of holidays than those provided by this Ordinance.

Contracts more favourable to employee.

(2) Any provision in any Ordinance, agreement or contract of service, or any custom which is less favorable to employees than the provisions of this Ordinance shall be superseded by this Ordinance.

Contracts less favourable to employee.

8. (1) No agreement, whether heretofore or hereafter entered into, shall have any force or effect in so far as it deprives any employee of any right, power, privilege or other benefit provided by this Ordinance.

Cannot contract out of Ordinance.

(2) No employer shall require an employee to return to him, nor shall he accept from an employee, either the whole or any

part of any moneys which he has paid to that employee under the provisions of this Ordinance.

Regulations.

9. For the purpose of carrying into effect the provisions of this Ordinance according to the true intent and meaning thereof, the Commissioner may make such regulations not inconsistent with the spirit of this Ordinance as he may consider necessary, advisable or convenient.

Records
and
inspection.

10. For the purpose of ascertaining whether the provisions of this Ordinance and any regulations made thereunder are being, or have been, complied with, the Commissioner or his authorized representative may:

- (a) Inspect the books, pay-rolls or other business records of any employer;
- (b) Require any employer to verify by statutory declaration or in other manner the entries in such books, pay-rolls or records;
- (c) Require any person to furnish, in the form prescribed by the Commissioner, any information deemed necessary for the effective enforcement of this Ordinance.

Offences.

11. (1) Any person who:

- (a) fails to comply with any provisions of this Ordinance or of any regulations made thereunder, or
- (b) with intent to deceive, makes any false or misleading statement in any communication, whether in writing or otherwise, to the Commissioner or his representative, or
- (c) interferes with or obstructs the Commissioner or his representative in the exercise of any power conferred upon him by this Ordinance or any regulation made thereunder, shall be guilty of an offence and liable on summary conviction to a fine of not less than twenty-five dollars nor more than one hundred dollars for the first offence, and in default of payment to imprisonment for a period of not less than ten days nor more than thirty days, and for each subsequent offence to a fine of not less than fifty dollars nor more than two hundred dollars and, in default of payment, to imprisonment for a period of not less than thirty days nor more than ninety days.

(2) If an employer is convicted of failure to pay to any employee any money that he is required so to pay under the provisions of this Ordinance or any regulations made thereunder, the convicting magistrate or justice of the peace, shall order the employer to pay

to him, in addition to the fine imposed, forthwith an amount equal to that which the employee is entitled to be paid under the provisions of this Ordinance, and the magistrate or justice of the peace shall pay the said amount to the employee forthwith upon receipt of it.

12. This Ordinance shall come into force on the first day of January, 1951.

Coming into force.

CHAPTER 9

AN ORDINANCE TO PROVIDE FOR A TAX ON MINERAL CLAIMS HELD BY CROWN GRANT AND NOT WORKED

(Assented to Nov. 3rd, 1950)

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 Crown Grant Tax Ordinance, 1950".

Short Title.

2. In this Ordinance unless the context otherwise requires:

Interpretation.

(a) "Claim" and "land" mean the mineral claim in respect of which the tax is imposed and includes 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.

(b) "Collector" means the official designated as such by section 3 of this Ordinance.

(c) "Commissioner" means the Commissioner of the Yukon Territory.

(d) "Court" means the Territorial Court of the Yukon Territory.

(e) "Judge" means a Judge of the Court.

(f) "Owner" means the person in whose name the land is registered in the Land Titles Office.

(g) "Person" means an individual, corporation, firm and association.

(h) "Tax" means the tax imposed by this Ordinance and, where the context permits, includes the penalties, cost of advertising and sale and interest as provided in this Ordinance.

Territorial
Treasurer
to be
Collector.

3. The Territorial Treasurer of the Yukon Territory is the Collector under and for the purposes of this Ordinance.

Assessment
of Tax

4. (1) There shall be assessed upon and levied and collected from the owner or occupier of every mineral claim situate in the Yukon Territory, for which a Crown Grant has been issued pursuant to Regulations for the disposal of Quartz Mining Claims, a tax of twenty cents for every acre and fractional part of an acre of land conveyed by the grant.

Tax payable
August 1st.

(2) The tax shall be payable on the first day of August next after the expiration of one year from the date of the grant and thereafter on the first day of August in each year.

Develop-
ment work
in lieu
of tax.

5. (1) Notwithstanding the provisions of section 4, if the owner of such a mineral claim shall establish to the satisfaction of the Collector that the sum of not less than two hundred dollars has been expended upon such claim in **bona fide** mining development work during the year preceding the date when the tax becomes payable, the tax shall not be levied in respect thereof for that year.

(2) Such work shall be valued by the collector in accordance with the schedule of prices in force from time to time required as assessment work on quartz mineral claims and any owner of adjoining mineral claims, whether Crown granted or not, not exceeding eight in number, shall be allowed to perform in mining development work during the year preceding the date when the tax became payable upon any one or more of such adjoining claims of the full value required at the rate of two hundred dollars on each claim to entitle all of such mineral claims to exemption from the payment of the tax.

Statement
of work
furnished
under oath.

(3) To secure the benefit of the provisions of this section, the owner must file with the Collector a statement showing:

- (a) in detail the nature of the work performed;
- (b) the amount expended on the claim;
- (c) the name and address of the owner or occupier, and
- (d) if the owner or occupier is not a resident of the Yukon Territory, the name and post office address of his agent within the Yukon Territory; duly verified by the affidavit of the owner, occupier or his agent on or before the first day of August in each and every year in which such exemption is claimed.

When
Collector
dissatisfied
with
statement.

(4) Within thirty days after the receipt of any statement of expenditure, unless the Collector is satisfied as to the correctness and **bona fides** of the same, he shall give notice to the person who filed the same that he is not satisfied with his statement.

(5) the owner or occupier or his agent may within thirty days after the service of a notice under the provisions of subsection (4) refer the statement questioned to the Commissioner who shall enquire into and determine the matter and, for the purposes of such enquiry, may examine on oath or affirmation such witnesses as may be produced before him or as he may require and may require the production of such documents, books and instruments as he may deem necessary and shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in the Court in civil cases.

(6) The decision and determination of the Commissioner as to the correctness of such statement and the **bona fides** of the expenditure shall be final and conclusive and shall be reported to the Collector in writing.

6. (1) All notices required by this Ordinance to be given to or served upon any owner or occupier may be served personally on such owner or occupier or his agent or may be served by sending the same by prepaid post to such owner or occupier or agent at the address which he files in the office of the Collector or sets out in a statement filed under the provisions of section 5.

Service
of notice.

(2) When any notice required by this Ordinance is sent or served by post, service of such notice shall be deemed to have been effected by properly addressing, prepaying and mailing such notice and such notice shall be deemed to have been served on the day on which the notice is mailed.

Service
by post.

7. (1) On or before the first day of August in each year, the Collector shall prepare a tax list upon which shall be entered alphabetically the names of the owners, the name and description of each claim subject to the tax, the acreage of each such claim, the amount of the arrears of taxes and penalties, if any, and the amount of the current year's tax and the total of such amounts in respect of each claim and shall date and sign the list.

Collector
to prepare
tax list.

(2) On or before the first day of August in each year the Collector shall date and sign and deposit a copy of the Tax List in the office of the Mining Recorder and in the office of the agent to the Mining Recorder for the districts in which the claims therein designated are situate and in the Land Titles Office for the Yukon Land Registration District and in the office of the Collector.

Posting of
List.

(3) The copies of the Tax List shall be posted up in each of the offices in which they are deposited under the provisions of subsection (2) and be open to inspection without fee by any person during the hours when such offices are open to the public.

Penalty if
tax not
paid on
Jan. 1st.

8. If the tax imposed by this Ordinance remains unpaid on and after the first day of December in any year, there shall be added to the amount of such tax at the beginning of each month thereafter as a penalty an additional sum in the amount of three-fourths of one per centum 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 penalty added shall have been fully paid to the Collector.

Tax payable
in one sum.

9. The tax shall be payable to the Collector in one sum upon the total acreage of the claim and the Collector shall not receive any portion of the tax from any person on account of alleged divided or undivided interests or shares in the claim and unless the full amount of the tax on the total acreage of the claim together with all penalties and charges made under this Ordinance is tendered and paid no receipt shall be issued.

Tax to form
a first
charge.

10. The tax shall form a first charge upon the claim in respect to which the same is levied.

Notice by
Collector
that tax
delinquent.

11. On or before the first day of January in each year, the Collector shall mail to the last known address of the owner of the claim in respect to which such tax is unpaid and to the address of his agent filed under the provisions of section 5 a notice stating that the tax on the claim has become delinquent and that the penalty will be added thereto monthly until the tax and all penalties thereto added are paid and that, if the tax and penalties are not paid, the claim will be advertised and offered for sale at public auction on the third Tuesday in the month of July occurring in the second year after the expiration of the year in which the tax became payable.

Notice of
sale.

12. (1) The Collector shall give notice of every such sale by publication in three consecutive weekly issues of a newspaper published in the Yukon Territory nearest to the location of the lands to be sold and once in the Yukon Gazette.

60 days
notice.

(2) The first publication of the notice of sale shall be made not less than sixty days before the date of the sale.

Form of
notice.

(3) Notice of sale published under this section shall state in respect to each claim:

- (a) the name of the owner of the claim;
- (b) the name and description of the claim;
- (c) the amount of the unpaid taxes and penalties due and that will accrue due on the day of the sale;
- (d) the costs of advertising and other expenses;
- (e) the total amount of the tax, penalties, costs of advertising and other expenses;

- (f) that if such total amount is not paid before the third Tuesday in the month of July the claim will be offered for sale at public auction under the provisions of this Ordinance.

13. (1) On the day appointed for the sale of the claim, the Collector or his agent shall proceed to sell the claim at public auction to the highest bidder therefor.

Sale by
Auction.

(2) At such sale the Collector shall be authorized to receive a price equal to, or exceeding, the sum of the amounts due for taxes, penalties and costs in respect of the claim which sum shall be the upset price and shall be the lowest amount for which the claim may be sold.

Upset
Price.

(3) If the price realized at the sale shall exceed the upset price, the Collector shall pay the balance to the owner of the claim if he is known to the Collector unless the claim sold is subject to a registered lien or encumbrance.

Surplus.

(4) If the owner of such claim is not known to or cannot be found by the Collector or if such claim is subject to a registered lien or encumbrance, the Collector shall pay such balance into Court to abide the order of a Judge.

(5) Upon the sale of a claim the Collector shall issue in triplicate an interim receipt in Form A to the purchaser for the full amount of the purchase money and he shall deliver one of the interim receipts to the purchaser and file one in the Land Titles Office for the Yukon Land Registration District and retain and file one in his own office.

Interim
receipt.

(6) If the purchaser of any claim fails to pay immediately to the Collector the amount of the purchase money, the Collector forthwith shall put up again the claim for sale.

Re-sale.

(7) If there is no bid for, or no bid equal to the upset price of, any claim, the Commissioner shall be declared to be the purchaser thereof.

Unsold
claim to
Commis-
sioner.

14. Any mortgagee, judgment creditor or other person having an encumbrance or lien upon or against any claim advertised for sale under the provisions of this Ordinance may pay the sum of the amounts due for taxes, penalties, costs of advertising and other expenses in respect of such claim to the Collector and obtain a certificate to that effect from him and thereupon shall be entitled to add the amount so paid to the principal sum due or owing on such mortgage, judgment, encumbrance or lien.

Mortgagee,
etc., may
pay tax.

15. (1) The owner of any claim sold for taxes may redeem the same at any time before the expiration of twelve months from the day of the sale by paying to the Collector the full amount

Owner may
redeem
within
twelve
months.

for which the claim was sold together with the interest thereon at the rate of twelve per centum per annum from the date of the sale until the date of such payment and also the amount of any taxes and penalties which have accrued due in respect of such claim since the date of the sale.

Certificate
of
redemption.

(2) Upon receipt of a payment made under the provisions of subsection (1), the Collector shall issue to the owner a certificate that the claim has been redeemed and shall file a copy of the said Certificate in the Land Titles Office and at once shall notify the purchaser of such redemption and request him to return to the Collector the interim receipt issued to him at the time of the sale or produce to the Collector satisfactory evidence of its loss.

Payment to
Purchaser.

(3) Upon receipt of the interim receipt or satisfactory evidence of its loss from the purchaser, The Collector shall pay to the purchaser the amount of the purchase money and interest thereon received from the owner.

No further
rights to
purchaser.

(4) From the time of the issue of the notice of redemption to the purchaser under the provisions of this section, he shall have no further rights or interest in the claim.

Right of
Possession
and removal
of certain
improve-
ments by
owner.

16. (1) During the twelve months period of redemption the owner shall have the right of possession of the claim as fully as before the sale and during such period, but not after, the owner may remove from the claim such mining plant and buildings thereon as he may remove without damage to any tunnel or other mining development work begun, done or constructed upon the claim and he shall be liable to the purchaser for any damage done to any such tunnel or works in such removal.

(2) Notwithstanding the provisions of subsection (1), the purchaser of the claim shall have the right to protect the claim from spoiliation and waste during the period of redemption.

Confirma-
tion order.

17. (1) No application for an order for confirmation of a sale of a claim or claims for taxes made under the provisions of this Ordinance shall be heard by a Judge until twelve months have elapsed since the date of the sale to be confirmed.

(2) Notice of such application shall be given by one publication in a newspaper published in the mining district where the claim or claims are situate, or, if there be no such newspaper, in a newspaper published in the Yukon Territory and circulating in that mining district, at least thirty days before the day on which the application will be made.

(3) In such notice the name and description of the claim and the names of all persons appearing by the records of the Land Titles

Office on the date of the sale to be confirmed and of all persons appearing on the Tax List to have any interest in the claim shall be set forth.

(4) Such publication shall constitute good and effective service of the notice upon any person having any interest in the claim sold.

18. (1) Application to confirm such sale may be made to the Court at any time after the expiry of the period mentioned in subsection (2) of section 17 by the Collector, the Legal Adviser or any person interested in the sale.

Procedure
on applica-
tion for
order.

(2) Upon such application the production of an interim receipt for the price paid for the claim signed by the Collector or his agent shall be conclusive evidence that all conditions have existed and all acts have been performed and all requirements of this Ordinance in that behalf complied with which are necessary to entitle the applicant to the order of confirmation, except on proof of any one or more of the following:

- (a) fraud or collusion;
- (b) that all taxes have been paid previous to the sale;
- (c) that the claim was not liable to assessment.

19. (1) Forthwith upon the granting of an Order of a Judge confirming the sale the Collector shall notify the purchaser, other than the Commissioner, that such order has been granted and that upon receipt of a payment of ten dollars and the purchaser's interim receipt he will issue to the purchaser a transfer of the claim in Form B.

Tsfr. to
purchaser.

(2) Upon receipt of the payment of ten dollars and the purchaser's interim receipt or, if the Commissioner is the purchaser, immediately, after the granting of the order, the Collector shall issue and deliver to the purchaser a transfer in Form B which shall be as effective to transfer and convey all the estate of the owner of the claim sold as if the same had been executed and delivered by such owner to such purchaser and as if such claim were free of all liens and encumbrances.

20. All monies received by the Collector under the provisions of this Ordinance shall be paid over to the Territorial Treasurer for the use of the Territory and shall form a part of the Consolidated Revenue Fund.

Monies to
Consolidated
Revenue
Fund.

21. The Commissioner is authorized to transfer and convey to His Majesty the King in right of Canada any claims which have become vested in the Commissioner or in His Majesty the King in right of the Yukon Territory by virtue of any tax sale

Forfeited
claims to
Crown.

proceedings heretofore taken or which may become so vested by virtue of tax sale proceedings taken in future, without the payment of any consideration for such transfer to the Government of the Yukon Territory.

Sales under
Crown
Grant Tax
Ordinance,
1919,
ratified.

22. (1) Any sale of claims hereintofore made under the provisions of "The Crown Grant Tax Ordinance", being Chapter 5 of the Ordinances of the Yukon, 1919, and amendments thereto are hereby ratified and validated.

(2) Without restricting the generality of subsection (1) hereof, and notwithstanding the omission to post the Collector's List and to give notice to the owners of claims at the times required by the provisions of the said Ordinance and notwithstanding any omissions made from the said notices or any irregularity in the service thereof, the notice of the sale of claims held under the provisions of the said Ordinance on Tuesday, the eighteenth day of July, 1950, as given and published shall be deemed to have been a sufficient compliance with the said Ordinance for the purposes of said sale and all proceedings had and all things done pursuant to the said notice are hereby declared to have been lawfully had and done and to be as effectual as if the said Notice of the sale when so posted, published and given had been in compliance with the provisions of the said Ordinance.

Confirma-
tion of
1950
Tax Sale.

(3) Subject to the provisions of subsection (2), the provisions of this Ordinance with respect to the period for and manner of redemption of claims sold for taxes and the time and procedure for the confirmation of sales of claims for taxes shall apply to the said sale held on the eighteenth day of July, 1950.

Repeal
Cap. 5,
1919.

23. "The Crown Grant Tax Ordinance", being Chapter 5 of the Ordinances of the Yukon Territory, 1919, with amendments thereto, is repealed.

SCHEDULE

Form A (Section 14)
Crown Grant Tax Sale Interim Receipt No.

RECEIVED from (Name)
of (Address) (Occupation)
the sum of dollars, in payment of the
following crown granted mineral claims purchased at a tax sale
held on the day of , 19 ,
(here described the claim
by name, if any, and by lot and group number of the claims)
, in the Yukon Territory.

This receipt is to be surrendered to the collector on delivery
to the above named purchaser of a transfer of the above claims
under section 19 of "The Crown Grant Tax Ordinance, 1950."

Collector.

Form B (Section 19)
Transfer of Claim Sold for Taxes

I, , of the
City of Dawson, in the Yukon Territory, the Collector under
"The Crown Grant Tax Ordinance, 1950," by virtue of the
authority vested in me by said Ordinance to sell unworked Crown
Granted Mineral Claims for arrears of taxes, do hereby, in con-
sideration of the sum of dollars paid
to me by

(Here set out name, address and occupation of transferee)
transfer to the said
all that piece of land which is described as

(Here set out description of the claim by lot and group number
and by name, if any)
in the Yukon Territory.

In witness whereof I have hereunto set my hand the
day of , 19 .

Signed by the above named

In presence of

Collector.

Affidavit of Attestation

CANADA
YUKON TERRITORY
TO WIT:

I, _____, of the City of Dawson, in the Yukon Territory, make oath and say:

1. THAT I was personally present and did see _____ named as Collector in the annexed transfer who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.
2. THAT the same was so executed in the City of Dawson, in the Yukon Territory, on the day of the date thereof and that I am the subscribing witness thereto.
3. THAT I know the said _____ and he is in my belief of the full age of twenty-one years.

SWORN before me at the _____
City of Dawson, in the _____
Yukon Territory, this _____
day of _____,
19 _____.

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

Affidavit of Value

CANADA
YUKON TERRITORY
TO WIT:

I, _____ of the _____ of _____, in the _____, make oath and say:

1. THAT I am _____ and as such have a knowledge of the lands described in the annexed transfer.
2. THAT in my belief the fair actual value of the said lands with all improvements thereon and thereto is _____ dollars and no more.

SWORN before me at _____
in the Yukon Territory, this _____
day of _____,
19 _____.

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

CHAPTER 10

AN ORDINANCE TO AMEND THE "MUNICIPAL ORDINANCE"

(Assented to Nov. 3rd, 1950)

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

1. The "Municipal Ordinance", being Chapter 8 of the Ordinances of the Yukon Territory, 1949, Second Session, and amending Ordinances, is hereby amended by striking out the words "Lot numbered Seven (7) in said group numbered Eight Hundred and Four (804) saving and excepting therefrom that portion of the said lot Numbered Seven (7) lying within the Whitehorse Airport Reserve" where the same occur in subsection (4) of section 5 and substituting therefor the following: "that portion of lot numbered Seven (7) in said group numbered Eight Hundred and Four (804) which lies outside the Whitehorse Airport Reserve."

S. 5 (4),
Cap. 8,
O.Y.T., 1949,
2nd
Amended.

2. (1) The said Ordinance is amended further by inserting immediately after section 105 thereof the following: "105A. In so far as the provisions of this Ordinance permit, every election for a member or members of a municipal council shall be conducted in the same manner as by law is provided for an election of a member of the Yukon Council."

New S.
105A.

(2) Subsection (1) hereof shall be deemed to have come into effect on the first day of June, 1950.

Effective
date.

3. (1) The said Ordinance is amended further by striking out the period at the end of paragraph (m) of section 253 and substituting therefor a semicolon.

S. 253
Amended.

(2) The said section 253 is further amended by adding the following paragraph immediately after paragraph (m) thereof: "(n) subject to the approval of the municipal council, all lands and improvements occupied and used solely as a public recreational site, but this exemption shall apply only if and so long as from such occupation and use no profit is made by any person, firm or organization having an interest in the lands and improvements."

New
Paragraph
"(N)"

4. (1) The said Ordinance is amended further by striking

S. 340
Amended.

out the period at the end of paragraph (n) of section 340 and substituting therefor a semicolon.

New
paragraph
“(o)”

(2) The said section 340 is further amended by adding the following paragraph immediately after paragraph (n) thereof:

“(o) subject to the approval of the Commissioner, all lands and improvements occupied and used solely as a public recreational site, but this exemption shall apply only if and so long as from such occupation and use no profit is made by any person, firm or organization having an interest in the lands and improvements.”

New S. 427.

5. The said Ordinance is amended further by striking out Section 427 thereof and substituting therefor:

“427. There shall be levied annually upon every municipality a special levy in an amount fixed annually by the Council of the Yukon Territory, and when said amount is fixed, the Territorial Treasurer shall strike a rate upon the total taxable assessment of the municipality to provide the amount of such levy.”

S. 172
Amended.

6. The said Ordinance is amended further by inserting immediately after clause (64) of section 172 the following:

“(64A). Raising revenue by the assessment of a tax on all or any of the businesses licensed under the provisions of section 313 which tax shall be in addition to any other fee, license fees, rates or taxes imposed under the provisions of this or any other Ordinance.

(64B). Classifying businesses according to the character and extent or the volume of business done or the area of the premises used for or in connection with such businesses to provide a method of assessment and collection of a business tax imposed under the provisions of clause (64A).”

CHAPTER 11

AN ORDINANCE TO AMEND "THE YUKON GAME ORDINANCE"

(Assented to Nov. 3rd, 1950)

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

1. (1) Paragraph (j) of subsection (2) of section 38 of "The Yukon Game Ordinance", being Chapter 3 of the Ordinances of the Yukon Territory, 1947, as amended is hereby repealed.

S. 38 (2),
Cap. 3,
O.Y.T., 1947.
Amended.

(2) Paragraph (i) of subsection (2) of said section 38 is amended by striking out the semicolon and word "or" at the end thereof and substituting therefor a period.

2. The said Ordinance is amended further by striking out paragraph (h) of subsection (1) of section 4 and substituting therefor the following paragraphs:

S. 4 (1)
Amended.

"(h) Squirrel between the 15th day of March and the 1st day of November.

"(hh) Weasel (ermine) between the 31st day of March and the 1st day of November."

3. (1) The said Ordinance is further amended by inserting the words "or hunting" immediately after the word "trapping" where the same occurs in the first line of section 11 thereof.

S. 11
Amended

(2) The said section 11 is amended further by inserting the words "or hunter" immediately after the word "trapper" wherever the same occurs therein.

(3) The said section 11 is amended further by striking out the period at the end of the second sentence thereof and substituting therefor "or hunt".

(4) The said section 11 is amended further by striking out the word "trapper's" where it occurs in the third sentence thereof immediately before the word "licence" and substituting therefor the word "his".

4. The said Ordinance is further amended by striking out section 53 thereof and substituting therefor:

New
Section 53.

"53. The provisions of "The Fur Export Tax Ordinance", shall not apply with respect to nor shall the tax imposed thereunder be collected upon the pelts of animals raised in captivity by the holder of a Fur Farm Licence."

New
Section 77.

5. The said Ordinance is further amended by striking out section 77 thereof and substituting therefor:

“77. (1) No person shall hunt, trap, kill or molest any wildlife within an area extending a distance of one mile on either side of the centre of the Alaska Highway and Haines Cut-off Road.

“(2) For the purposes of subsection (1) “wildlife” means all animals and birds mentioned in section 4 of this Ordinance.

“(3) No person shall carry or have in his possession any loaded rifle or discharge any rifle within an area extending a distance of one mile on either side of the centre of the Whitehorse to Mayo to Dawson Highway.

“(4) No person shall carry or have in his possession any loaded shotgun or discharge any shotgun within an area extending a distance of one-half mile on either side of the Whitehorse to Mayo to Dawson Highway.

“(5) Any person who violates any of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred dollars and costs, nor less than five dollars and costs, or to imprisonment for a term not exceeding two months, or to both fine and imprisonment.”

CHAPTER 12

AN ORDINANCE RESPECTING SCHOOLS

(Assented to Nov. 3rd, 1950)

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 School Ordinance".

Short
Title.

Part I

Territorial Schools

2. In this Part unless the context otherwise requires:
 "Commissioner" means the Commissioner of the Yukon Territory.
 "Department" means the Department of Education.
 "School" means a school which is supported by or receives any financial assistance from the Government of the Yukon Territory.
 "Superintendent" means the Superintendent of Schools.
 "Taxpayer" means a person who has been rated upon the last revised Territorial or municipal assessment in respect of lands and improvements.

Interpreta-
tion.

3. The Commissioner shall appoint a Superintendent of Schools for the Yukon Territory.

Superin-
tendent.

4. From time to time the Commissioner may:

- (1) establish a school in any place in the Territory as he considers necessary;
- (2) grant such sum as he thinks proper to pay the salary of the teacher or teachers in a school;
- (3) grant such sum as he thinks proper to pay the cost of erecting any school house;
- (4) grant such sum as he thinks proper to pay the cost of maintaining any school house;
- (5) grant such sum as he thinks proper to pay the cost of enlarging or improving any school house;
- (6) grant such sum as he thinks proper to purchase, erect or rent sites or premises for the residence of a teacher or teachers and to build, repair, furnish and keep in order such residence;
- (7) grant such sum as he thinks proper to pay the cost of transporting pupils to and from their homes and the school house which they attend;

Commis-
sioner's
powers.

- (8) grant such sum as he thinks proper to assist any student to study by correspondence;
- (9) appoint some person or persons to inquire into and report upon the existing condition of education in any part of the Territory and, subject to the provisions of this Ordinance, take such action upon such report as he deems expedient;
- (10) direct the Superintendent to perform any of the duties conferred upon him by this Ordinance;
- (11) make and enforce all such general and particular rules, orders and regulations as are necessary for the purpose of giving full effect to all or any of the provisions of this Ordinance or which may be necessary to meet exigencies occurring under its operation.

Superintendent's duties.

5. It shall be the duty of the Superintendent:

- (1) to visit all schools and to inquire into and report to the Commissioner upon the progress and attendance of the pupils, the discipline and management of schools, the system of education pursued, the mode of keeping school registers, the condition of school buildings and premises, and generally upon all such other matters as by the Commissioner are required;
- (2) subject to the approval of the Commissioner, to make and to establish rules and regulations for the conduct of schools;
- (3) to prescribe the duties of teachers;
- (4) to provide the teachers with the books necessary for keeping proper records of their classes;
- (5) to keep in order the school houses, school sites, school furniture, fences and all school property;
- (6) to keep school wells and all school sites and premises in a proper sanitary condition and to make due provision for properly lighting, heating, ventilating and cleaning the school sites and school premises;
- (7) to provide wholesome drinking water for children during school hours;
- (8) to regulate the management of school libraries;
- (9) subject to the approval of the Commissioner, to select and provide all such reference books for the use of pupils and teachers and all such globes, maps, charts, and other apparatus and supplies as are required for the proper instruction of pupils;
- (10) to require that no text books or apparatus not approved by the Superintendent be used in any school;
- (11) to engage teachers duly qualified under the regulations of the Department to teach in schools on such terms as he deems expedient;

(12) to suspend or dismiss any teacher for gross misconduct, neglect of duty or refusal or neglect to obey any of the Superintendent's lawful orders or any regulation or rule of the Department, and forthwith to transmit a written statement of the facts in such case to the Commissioner;

(13) to insure that the schools are conducted according to the provisions of this Ordinance and the regulations of the Commissioner and of the Department;

(14) subject to the provisions of this Ordinance, and the approval of the Commissioner, to make the regulations of the Department for the management of schools and to communicate them in writing to the teachers;

(15) to provide, in the cases of graded schools, at what age pupils may be admitted to Grade One;

(16) to settle all disputes arising in relation to a school between the parents or children and a teacher;

(17) to discipline as he sees fit any pupil whom upon investigation he finds to be guilty of truancy, open opposition to authority, habitual neglect of duty, the use of profane or improper language or other conduct injurious to the moral tone or well-being of the school;

(18) to see that the law with reference to compulsory education and truancy is observed;

(19) to make annually for the information of the Yukon Council a report of the actual state of the schools throughout the Territory, showing:

- (a) the number of pupils taught in each school;
 - (b) the branches taught in each school;
 - (c) the average attendance in each school;
 - (d) the number of his official visits to each school;
 - (e) the salaries of the teachers;
 - (f) the qualifications of each teacher;
 - (g) the number of teachers of each sex;
 - (h) any other information he may possess respecting the educational state and wants and advantages of each school;
 - (i) any statements and suggestions for improving the schools and school laws and promoting education generally which he deems useful and expedient;
- which report shall be laid before the Yukon Council immediately after the opening of the next session thereof;

(20) subject to the approval of the Commissioner, to select, adopt and prescribe series of text books to be used in the schools as well as the courses and standards of instruction for schools;

(21) to prepare suitable forms and give such instructions as he considers necessary and proper for making all reports and conducting all proceedings under this Ordinance;

(22) with due diligence after any complaint has been made to him respecting the state of education in any part of the Territory or the conduct of any school, to investigate such complaint and report the facts to the Commissioner;

(23) to close any school when the average attendance therein falls below seven;

(24) to perform such other duties as are assigned to him by the Commissioner.

**New
School.**

6. On the petition of three taxpayers residing in an area of not more than five square miles containing not less than four resident taxpayers and fifteen children between the ages of five and sixteen years inclusive and upon the verification of these facts by statutory declaration of one of the petitioners the Commissioner shall establish a school in such area at such place therein as he deems proper.

**Separate
school
petition.**

7. (1) A minority of the taxpayers residing in an area of not more than five square miles, whether Protestant or Roman Catholic, may petition the Commissioner to recognize as a school, within the meaning of this Part, a separate school which they have established for children of their religious faith in that area.

(2) Such petition shall be signed by three taxpayers of the minority religious faith resident in the area and shall state:

- (a) the religious faith of the petitioners;
- (b) the name of the school, stating whether Protestant or Roman Catholic;
- (c) the proposed limits, location and approximate area of the district which the school serves;
- (d) the location of the school;
- (e) the total number of taxpayers and of children between the ages of five years and sixteen years inclusive of the religious faith of the petitioners residing within the area.

(3) The petition shall be accompanied by a solemn declaration of one of the petitioners verifying the facts set forth in the petition.

**Recognition
of separate
school.**

8. The Commissioner, upon being satisfied, that

- (a) there are four taxpayers of the religious faith of the petitioners residing in the area described in the petition,
and

- (b) there are not less than fifteen children between the ages of five and sixteen years inclusive of the religious faith of the petitioners residing within the area, and
- (c) that the school is and will be staffed by a teacher or teachers whose qualifications comply with the rules and regulations of the Department, and
- (d) that the course of study and equipment of the school are in accord with the rules and regulations of the Department, and
- (e) that the building in which the school is situate is in a fit condition of repair and sanitation and meets the requirements of the rules and regulations of the Department respecting school houses;
shall declare such school a school within the meaning of this part.

9. The school year shall begin on the first day of September and end on the thirtieth day of June following.

School
year.

10. (1) School shall be held between nine o'clock and twelve o'clock in the forenoon and one o'clock and four o'clock in the afternoon of every day, standard time, not including Saturdays, Sundays, or holidays.

School
hours.

(2) Subject to the approval of the Commissioner, the Superintendent may alter or shorten the school hours for all or any of the schools.

11. (1) The Superintendent shall apportion holidays to all schools.

Holidays

(2) Ash Wednesday, Good Friday, Easter Monday, Arbor Day, the birthday of the reigning sovereign, Empire Day, Dominion Day, Discovery Day, Labour Day, and any day specially appointed as a holiday by the Governor General, the Commissioner, or the council for the municipality in which the school is situated shall be a holiday.

(3) The Superintendent may give such other holiday or holidays as he deems proper to any school which is open during the whole school year, but any such school shall be open at least one hundred and eighty days in each school year.

(4) Notwithstanding the foregoing provisions of this section, with the approval of the Commissioner, the Superintendent may close any school or schools at such time and for such period as he deems necessary.

English
Language.

12. All schools shall be taught in the English language but the Superintendent may permit a primary course to be taught in the French language in any school.

Religious
instruction.

13. (1) No religious instruction shall be permitted in any school from the opening of such school until one half-hour previous to its closing in the afternoon, after which time such daily religious instruction may be given as is permitted by the Superintendent.

(2) The Superintendent may direct that any school or schools be opened by the recitation of the Lord's Prayer.

Child may
leave during
religious
instruction.

14. (1) Any child shall have the privilege of leaving the school at the time at which the religious instruction is commenced under the provisions of section 13, or of remaining without taking part in any religious instruction that is given.

(2) No teacher shall attempt in any way to deprive such child of any advantage that he might derive from the ordinary education given in such school and any such action on the part of any teacher shall be held to be a disqualification for and voidance of the office held by him.

Kinder-
garten.

15. The Superintendent may establish kindergarten classes in any school for the teaching and training of children between the ages of four and six years and, with the approval of the Commissioner, may fix and charge a monthly fee for each pupil attending such classes to cover the cost of maintaining the kindergarten.

Compulsory
education.

16. (1) Every parent, guardian or other person having charge of any child or children between the ages of seven and fourteen inclusive resident in an area in which there is a school shall send such child or children to school for the whole school year.

Penalty.

(2) Every parent, guardian or other person having care or control of a child between the ages of seven and fourteen years, who fails to provide that such child shall attend school or be educated otherwise shall be guilty of an offence and shall be liable on summary conviction before a Justice of the Peace to a fine not exceeding \$5.00, and in default of payment, to imprisonment for not more than five days, with or without hard labour.

Excuses for
not sending
child to
school.

17. The Justice of the Peace, upon complaint being made to him by the Superintendent, any teacher, or any police officer or truant officer of the failure of such parent, guardian or other person to provide for the education of any such child as required by section 16, shall hear evidence of the said complaint, and shall also make or cause inquiry to be made into the circumstance and

means of the person charged, and may convict unless it be shown to his satisfaction,

- (a) that the child has been prevented from attending school by illness or other unavoidable cause, or
- (b) that there is no school open which the child can attend within a distance of one mile measured by the nearest passable road from the residence of such child, or
- (c) that the child has reached a standard of education equal to or higher than that to be attained in such school, or
- (d) that the person charged had not the means to clothe the child adequately, or
- (e) that the child's mental condition has been such as to prevent his attendance at school, or his application to study.

18. The Superintendent may appoint a truant officer for any school and may make regulations for the direction of such officer in the enforcement of the provisions of this Ordinance as are not inconsistent with the provisions of this Ordinance.

19. No person shall be engaged, appointed, employed or retained as a teacher in any school unless his qualifications are approved by the Superintendent.

Qualifica-
tions of
teacher.

20. The salary of a teacher who has been engaged for the year shall be paid in monthly installments.

Salary
of teacher.

21. In case of sickness certified by a qualified medical practitioner a teacher shall be entitled to his salary during such sickness for a period or periods not to exceed four weeks during the year, but, in his discretion, the Superintendent may increase such period or periods for a further time of not more than four additional weeks in the year.

Sick leave
for teacher

22. It shall be the duty of every teacher:

- (a) to teach diligently and faithfully all the subjects required to be taught by the regulations of the Department;
- (b) to maintain proper order and discipline and to conduct and manage the school according to the regulations of the Department;
- (c) to keep in a conspicuous place in the school room a time-table and to submit such time-table to the Superintendent for his approval;
- (d) to keep in the prescribed form the school registers and records and to give access to them to the Superintendent and any other person authorized to inspect them by the Commissioner;
- (e) to make at the end of each term or any other time promotions from one class to another as he deems fit, subject to the approval of the Superintendent;

Duties of
teacher.

- (f) to send at approved times as may be directed by the Superintendent reports to the parents or guardians of each pupil upon that pupil's attendance, conduct and progress;
- (g) to encourage the observance of Arbour Day by holding suitable exercises, to take an interest in cleanliness and tidiness of the school grounds;
- (h) to give strict attention to the proper heating, ventilating and cleanliness of the school house and to the condition of the out-houses of the school and to report to the Superintendent any defects in same;
- (i) to exercise vigilance over the school property, the buildings, fences, furniture and apparatus and to give prompt notice in writing to the Superintendent of any injury to the same;
- (j) to report to the Superintendent any needed repairs to the school buildings or furniture and any required supply of fuel, drinking water, furniture or equipment;
- (k) to notify the Superintendent and the Medical Health Officer for the district in which the school is situate whenever he has any reason to believe that any pupil attending school is affected with or exposed to any infectious or contagious disease, and to prevent the attendance of any pupil so affected or exposed or suspected of being affected or exposed until furnished with a written statement of a physician or a public health nurse that the child is not suffering from any infectious or contagious disease or has not been exposed to such a disease or that all danger from such exposure has passed;
- (l) to suspend from school any pupil for violent opposition to authority and forthwith to report in writing the facts of such suspension to the Superintendent;
- (m) to assist the Superintendent in making any returns or reports required by this Part;
- (n) to furnish to the Commissioner, the Superintendent or any person designated by the Commissioner, any information which it is in his power to give respecting anything connected with the operation of the school or in any way affecting its interests or character;
- (o) to deliver up any school register, school house key or other school property in his possession when required to do so by written order of the Commissioner or Superintendent in the manner and to the person described in the order;
- (p) to attend all meetings of teachers called by the Superintendent or the principal of the school in which he is employed;
- (q) to report in writing at once to the Superintendent or the Commissioner upon any matter of which they require a report.

23. In every school in which more teachers than one are employed the Superintendent shall designate the principal.

Principal.

24. The principal shall be responsible for the organization and general discipline of the whole school.

Part 2

District Schools

25. In this Part unless the context otherwise requires:

Interpretation.

“Board” means a Board of School Trustees.

“Commissioner” means the Commissioner of the Yukon Territory.

“Council” means the Council of the Yukon Territory.

“Department” means the Department of Education of the Yukon Territory.

“School” means a district school established under this Part.

“Superintendent” means the Superintendent of Schools appointed under section 3 of this Ordinance.

“Taxpayer” means in the case of a person resident in a school district or proposed school district which is a municipality a person who has been rated upon the last revised assessment of the municipality in respect of real property and means in the case of a person resident in a school district or proposed school district which is an area outside a municipality, a person who has been rated upon the last revised Territorial assessment in respect of real property in said area.

26. On the petition of a majority of the taxpayers resident in a municipality established under the “Municipal Ordinance” or in an area of not more than five square miles outside such a municipality where there are resident not less than four taxpayers and fifteen children between the ages of five and sixteen years inclusive and upon the verification of these facts by statutory declaration of one of the petitioners, the Commissioner by proclamation shall establish such municipality or area a school district under this Part.

When Commissioner to establish school district.

27. As soon as any municipality or area is erected into a school district, the Commissioner shall appoint a returning officer and fix a day for holding an election of three trustees who shall hold office until the day in January next following when their successors are sworn in.

Returning officer.

28. The returning officer within ten days from the receipt of his appointment, shall post notices as nearly as may be in Form A in the schedule hereto in five public places within the school district.

Notice by returning officer.

Who may
vote.

29. Every taxpayer resident within the school district is qualified to vote at an election held under this Part who:

- (a) is a British subject of the full age of twenty-one years; and
- (b) has fully paid his rates and taxes of all kinds before the day of nominating candidates.

30. Every wife or husband of a taxpayer, who is qualified to vote under the provisions of section 29, is qualified to vote at an election held under this Part who:

- (a) is a British subject of the full age of twenty-one years; and
- (b) is a resident of the school district.

Voters'
list.

31. The Collector of Taxes for the municipality or area forming the school district shall cause to be prepared a list alphabetically arranged of the names of all taxpayers qualified to vote under the provisions of section 29 and of the names of all wives and husbands of such taxpayers qualified to vote under the provisions of section 30 and shall certify such list which shall be the voters list for the election of trustees.

Qualifica-
tion of
trustee.

32. A person is qualified to be a trustee who:

- (a) is entitled to vote at an election of trustees held under this part; and
- (b) is able to read and write in either the English or French language; and
- (c) is not disqualified under this Ordinance.

Nomina-
tions.

33. Every candidate for the office of trustee shall be nominated in writing by two taxpayers of the district and the nomination papers shall be delivered to the returning officer not later than five o'clock in the afternoon of the second day of January or, if such day is a holiday, then before five o'clock of the next day thereafter which is not a holiday.

Election by
application.

34. In case the number of nominations do not exceed the number of trustees to be elected, the returning officer shall declare the persons nominated to be elected and shall make a return thereof to the Commissioner with the nomination papers of all persons nominated.

When poll
provided.

35. If more nominations are received than the number of trustees to be elected the returning officer shall provide a polling place for every two hundred and fifty voters and shall appoint a deputy returning officer for each polling place and a poll clerk for each polling place.

Election
procedure.

36. An election held under this Part as to division of voters' lists for the several polling stations, the secret marking of ballots,

declare the seat vacant, and it shall thereby become vacant, and an election to fill the vacancy so created shall be held forthwith.

82. When any vacancy is created in the board of any school district, it shall be the duty of the remaining trustee or trustees in office to appoint a returning officer and hold an election to elect the required number of trustees to complete the board, which election shall be held in the same manner as is provided by this Ordinance for the annual election of trustees; but if any vacancy is not filled within one month the Commissioner may appoint some qualified person to fill the same.

Election to fill vacancy.

83. A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected, and he shall within ten days after his election take the declaration of office provided for in section 44 of this Ordinance.

Trustee to fill vacancy holds seat only for unexpired term.

84. The board of any district may by resolution authorize its chairman and treasurer to borrow from any chartered bank of Canada such sum, not exceeding sixty per centum of the school taxes to be levied for the current year, as is required to meet the expenditures of the school district until such time as the school taxes levied for the current year are available, and such loan shall be paid out of and shall be first charge upon the taxes which are collected for the year in which the loan was made, and may be secured by the promissory note or notes of the chairman and treasurer of the board given on behalf of the board.

Borrowing for current expenditures.

85. (1) The board of any district may upon receiving the approval of the Commissioner borrow a sum of money not to exceed \$2,000 for the purposes of securing or improving a school site, or purchasing, repairing, erecting, furnishing or adding to any school building or for all or any of the said purposes;

Borrowing for special purposes.

(2) Any such loan shall be made repayable in equal annual instalments with interest and may be extended over a period of not more than five years; and any such loan may be secured by the promissory note or notes of the chairman and treasurer given on behalf of the board.

86. (1) The provisions of the "Municipal Ordinance" respecting assessment, rating and collection of taxes shall be deemed to form part of this Ordinance and shall, so far as they are not inconsistent with the provisions of this Ordinance, be deemed to apply to all school districts established throughout the Territory.

Assessment for school district.

(2) Where a district is situated within a municipality the trustees may as soon as may be after the final revision of the

Rating and collection of school taxes.

to such person unless such person has refused to take any prescribed oath or affirmation, in which case no ballot paper shall be delivered to him.

Closing of
Poll and
Count of
Votes.

(6) At the hour of six o'clock in the afternoon the deputy returning officer shall declare the poll closed and with the assistance of his poll clerk and in the presence of the candidates and their agents, or such of them as are then present, forthwith shall open the ballot box and examine the ballots therein and proceed to count the votes.

Spoiled
Ballots.

(7) Any ballot paper which is:

- (a) not initialed by the deputy returning officer, or
- (b) on which votes are given to more candidates than are to be elected, or
- (c) on which anything is written or marked appearing to have been put there for the purpose of enabling the same to be identified as a ballot of a particular voter, or
- (d) which is unmarked, or
- (e) from which it is uncertain for which candidate or candidates the voter votes,

shall be void and not counted.

Certificates
of Votes.

40. If requested to do so by any candidate or agent of any candidate, after summing up the votes the deputy returning officer shall give to such candidate or agent a certificate of the number of votes given for each candidate and of the number of rejected ballots.

Returning
Officer to
Declare
Election and
Make
Return.

41. (1) After summing up the votes, the deputy returning officer shall place all the ballots, the poll books, the oaths and voters' lists in the ballot box and seal up the same and return it to the returning officer with a written statement of the votes cast for each candidate and the number of rejected ballots.

(2) As soon as possible, the returning officer shall sum up the result of the returns of all the deputy returning officers and shall declare the three candidates receiving the greatest number of votes elected and shall make a return thereof to the Commissioner and then shall deliver all voters' lists, ballot boxes, ballots and oaths to the city clerk if the school district is in a municipality or to the Territorial Secretary or his agent if the school district is outside a municipality.

Oath of
Voter.

42. In case any objection is made to the right of any person to vote at an election of trustees held under the provisions of this part, the deputy returning officer shall require that person to make the following oath or affirmation:

"I, _____ do solemnly swear (or affirm) that I am a British subject of the full age of twenty-one years and a resident tax-payer (or the wife or husband of a tax-payer) of _____ (name of school district) and have paid all taxes due by me in respect of property in the said school district; that I have not before voted at this election; and that I have not received either directly or indirectly nor have I any hope of receiving any reward for voting at this time and place. So help me God."

43. Every trustee elected under the provisions of this Part shall hold office for two years or until his successor is sworn in.

Term of
Trustee.

44. (1) Before any trustee attends his first meeting with the Board, he shall make the following declaration before a justice of the peace or commissioner for affidavits:

Declaration
of Trustee.

"I, _____ do hereby accept the office of trustee for the _____ school district to which I have been elected and I will to the best of my ability honestly and faithfully discharge the duties devolving on me as such trustee."

45. Within ten days after the election the trustees shall meet for the purpose of choosing one of their number as chairman and appointing a secretary and treasurer or secretary-treasurer and transacting such other business as is necessary.

First
meeting.

46. The minority of the taxpayers of any school district, whether Protestant or Roman Catholic, may petition the Commissioner to establish a separate school district therein and in such case the taxpayers of such Protestant or Roman Catholic separate school shall be liable only for the assessment of such school taxes as they impose upon themselves in respect thereof.

Separate
school
district.

47. (1) The petition for the erection of a separate school district shall be signed by three resident taxpayers of the religious faith indicated in the name of the proposed district.

Petition for
separate
school
district.

(2) The petition shall set forth:

- (a) the religious faith of the petitioners;
- (b) the proposed name, stating whether Protestant or Roman Catholic of the district;
- (c) the proposed limits and approximate area and definite location of the proposed school district;
- (d) the total number of tax-payers and of children between the ages of five and sixteen years inclusive of the religious faith, Protestant or Roman Catholic, of the petitioners residing within the limits of the proposed district.

(3) Such petition shall be supported by the solemn declaration of one of the petitioners verifying the facts set forth in their petition.

Erection of separate school district.

48. If the Commissioner is satisfied that the proposed separate school district contains;

(a) fifteen children of the religious faith, Protestant or Roman Catholic, of the petitioners;

and

(b) four resident taxpayers who on the erection of the separate school district would be liable to assessment for school taxes; he shall by proclamation order the erection of such separate school district.

Election of Trustees for separate school district.

49. For a separate school district, the number of trustees, their term of office and the time and manner of their nomination and election shall be the same as for the public school district within which it is situate.

Electors of separate school district.

50. (1) The persons qualified to vote for the election of trustees of a separate school district are the persons qualified to vote under the provisions of sections 29 and 30 who are of the same religious faith, Protestant or Roman Catholic, as the petitioners and have not voted at the election of trustees for the public school held in the same year.

(2) No person who votes at the election of the trustees for the public school shall vote at the election of the trustees for the separate school held in the same year.

Oath of voter.

51. In case any objection is made to the right of any person to vote at an election of trustees in any separate school district, the deputy returning officer shall require that person to make the following oath or affirmation;

“I, _____, do solemnly swear (or affirm) that I am a British subject of the full age of twenty-one years and a resident taxpayer (or wife or husband of a taxpayer) of _____ (name of school district) and have paid all taxes due by me in respect of property in the said school district; that I am of the _____ faith and a supporter of said separate school; that I have not before voted at this election; that I have not received any reward either directly or indirectly nor have I any hope of receiving any reward for voting at this time and place. So help me God.”

52. After the establishment of a separate school district under the provisions of this Part, such separate school district and the board thereof shall possess and exercise all powers, rights, privileges and be subject to the same liabilities and methods of government as are herein provided in respect to public school districts.

Board of
Separate
school
district.

53. An annual meeting of the taxpayers of every school district shall be held in the school house or some other suitable place within the district, not later than the first Tuesday of September in each year, commencing at the hour of eight o'clock in the evening.

Annual
taxpayers'
meeting.

54. The meeting shall be called by the board which shall at least eight days before the day for which the meeting is called, post notices giving the day, place and hour of the meeting; and such notices shall be posted up in five conspicuous places within the district, one of which shall be the post office and if there be no such post office, a sixth notice shall be posted up in the post office nearest thereto.

Notice of
Annual
Meeting.

55. At the time hereinbefore provided for the commencement of the meeting the chairman of the board shall take the chair and call the meeting to order and the secretary of the board or some one appointed by the chairman shall record the minutes of the meeting, and perform such other duties as may be required of him by this Ordinance;

Conduct of
Annual
Meeting.

(2) In the absence of the chairman the taxpayers present shall forthwith elect one of their number to preside.

56. The chairman shall not vote on any question whether the same is to be declared by a show of hands or a poll, but in case of a tie, he shall give a casting vote.

When
Chairman
may vote.

57. The business of the annual meeting may be conducted in the following order:

Business of
Annual
Meeting.

- (1) reading and adopting minutes of the last annual meeting;
- (2) receiving and considering the statements prepared by the teacher, trustees, treasurer, collector and auditor;
- (3) receiving and considering the report of the Superintendent of Schools;
- (4) miscellaneous business.

58. The chairman upon taking his place shall immediately call upon the secretary to read the following statements and reports, which shall be considered and disposed of by the meeting:

Reports
considered.

- (1) a statement of the teacher signed by him giving the following particulars:

- (a) the number of days on which school was kept open during each term succeeding the last annual meeting;
 - (b) the total number of children attending school during that period specifying the number of males and females;
 - (c) the number of children of school age residing in the district who did not attend school during the year;
 - (d) the average daily attendance for each term and for the year;
 - (e) the classification of pupils and the number of pupils in each class;
 - (f) the subjects taught in the school and the number of children studying each;
 - (g) the number of scholars suspended or expelled for misbehaviour or other causes;
 - (h) the date upon which the public examination of the school was held and the number of visitors present;
- (2) a statement prepared by the trustees showing:
- (a) the names of trustees;
 - (b) the officers of the district appointed by the trustees, and their salaries;
 - (c) vacancies created in the board during the year, giving the causes thereof with an account of the elections held to fill such vacancies and the results thereof;
 - (d) the engagements entered into during the year by the board as well as an account of those entailed upon them by their predecessors;
 - (e) the number of regular and special meetings of the board held during the year together with a statement showing the number of meetings attended by each member;
 - (f) the number of visits made by each member of the board to the school while it was in operation
- (3) the treasurer's statement for the fiscal year ending the 30th day of June preceding the annual meeting, in which shall be set forth:
- (a) the amounts of money received by the district from each source of revenue including government grants whether paid directly to the teachers or not;
 - (b) the amount of money paid out by the district with particulars of payment;
 - (c) the amount of money due to the district from all sources with the particulars;

- (d) the amount of money due by the district and the terms and times of payment
- (4) a statement prepared by the collector of taxes and signed by him giving the following particulars:
 - (a) the total assessed value of all property as shown by the last revised assessment roll;
 - (b) the rate of the school tax;
 - (c) the total amount of taxes levied during the year;
 - (d) the current taxes collected during the year;
 - (e) the arrears of taxes collected during the year;
 - (f) the total arrears of taxes which are due together with a statement of the amount owing by each taxpayer;
- (5) the Auditor's report;
- (6) the Superintendent of School's report received since the preceding annual meeting was held;
- (7) such further statements in relation to the affairs of the district as is deemed advisable.

59. In case from want of proper notice or other cause any first, annual or other school meeting required to be held under this Ordinance, is not held at the proper time, it shall be the duty of the secretary of the board when required to do so by any two resident taxpayers or by the Commissioner to call a meeting of the taxpayers by posting notices in the manner prescribed by this Ordinance for such meeting; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it was called.

Deferred
School
Meetings.

60. A special meeting of the taxpayers of any district may be held at any time for any necessary purpose not otherwise provided for in this Ordinance.

Special
Taxpayers'
Meetings.

61. It shall be the duty of the secretary of the board to call any special meeting when required to do so;

Special
Meetings
called by
Secretary.

- (a) by the board;
- (b) by the Commissioner;
- (c) by the Superintendent of Schools.

(2) The notice calling a special meeting shall set forth the purpose of the meeting and shall be posted in the manner provided for notices of annual meetings.

62. At the meeting so held the taxpayers present shall elect a chairman and secretary and no business shall be considered by the meeting other than that mentioned in the notices calling the same.

Conduct of
Special
Meeting.

Auditor.

63. The books and accounts of every school district shall be audited in each year prior to the annual meeting, by an official auditor appointed by the Commissioner.

Trustees a body corporate.

64. The trustees of every district shall be a corporation under the name "The Board of Trustees for the _____ School District No. _____ of the Yukon Territory."

Declaration of Trustee.

65. Within ten days after his election every trustee shall make the declaration of office provided for in section 44 of this Ordinance.

First Meeting.

66. The board shall meet within ten days after the election of trustees in each year for the purpose of organizing, and transacting such other business as is required.

Appointment of Chairman and Secretary.

67. (1) At the meeting thus held the board shall appoint a chairman and shall also appoint a secretary and a treasurer or a secretary-treasurer who shall respectively hold office during the pleasure of the board and shall be allowed such remuneration as the board fixes.

(2) Any member of the board other than the chairman may be appointed secretary, treasurer or secretary-treasurer.

(3) The teacher of the school district may be appointed secretary but not treasurer, nor secretary-treasurer.

How Meetings Called.

68. A meeting of the board may be called by the chairman or any trustee.

Notice of Meeting.

69. (1) Every regular or special meeting of the board shall be called by giving two clear days notice in writing, which notice may be given by delivering such notice to each trustee or in the absence from his residence of any trustee, to any adult person thereat; but the board of any district may at any meeting at which all the members of the board are present decide by resolution to hold regular meetings of the board, and such resolution shall state the day, hour and place of every such meeting and no further or other notice of any such meeting shall be necessary.

(2) The board may by unanimous consent waive notice of meeting and hold a meeting at any time, which consent shall be subscribed to by each member of the board and shall be recorded in the minutes of the meeting in the following form:

"We, the undersigned trustees of _____
 _____ hereby waive notice of this meeting.

Trustees."

Waiver of Notice of Meeting.

Acts of board to be valid must be adopted at meeting.

70. (1) No act or proceeding of any board shall be valid or binding on any party which is not adopted at a regular or

special meeting at which a quorum of the board is present.

(2) A majority of the board shall be a quorum.

71. If the number of trustees be reduced to one, that one shall immediately take the necessary steps to fill the vacancies in the board but he shall not transact any other business of the district.

One trustee
not to
transact
business.

72. All questions shall be submitted to the board on the motion of the chairman or any other trustee, and no seconder shall be required.

Seconder
not required
for motion.

73. (1) At all meetings of the board all questions shall be decided by the majority of the votes, and the chairman shall have the right to vote, but in case of an equality of votes the question shall be decided in the negative.

Questions to
be decided
by majority
of votes.

(2) In case of the absence of the chairman from any meeting of the board the trustees present shall elect one of their number to act as chairman of the meeting.

In absence
of chairman
Trustees to
elect one.

74. It shall be the duty of the board of every district, and it shall have power:

Duties of
Board.

(1) to appoint a chairman, a secretary and treasurer or a secretary-treasurer and such other officers and servants as are required by this Ordinance;

(2) to procure a corporate seal for the district;

(3) to see that all the reports and statements required by this Ordinance or by the Superintendent of Schools are transmitted to the department without delay;

(4) to keep a record of the proceedings of each meeting of the board signed by the chairman and secretary and see that true accounts both of the school and district are kept, and that the affairs of the district are conducted in the manner provided by this Ordinance and with due regard to efficiency and economy;

(5) to provide the officers of the board with the books necessary for keeping proper records of the district;

(6) to take possession and to have the custody and safe keeping of all the property of the district;

(7) to purchase or rent school sites or premises, and to build, repair, furnish and keep in order the school house or houses, furniture, fences and all other school property; to keep the wells, closets and premises generally in a proper sanitary condition, and to make due provision for properly lighting, heating, ventilating and cleaning the school-room or rooms under its control and if deemed advisable to purchase or rent sites or premises for a residence for the teacher and to build, repair and keep in order

such residence;

(8) to provide wholesome drinking water for the use of the children during school hours;

(9) to provide suitable sanitary facilities for pupils and teachers;

(10) to insure and keep insured the school building and equipment;

(11) to provide when deemed expedient a suitable library for the school and to make regulations for its management;

(12) to select and provide from the list authorized by the Commissioner all such reference books for the use of pupils and teachers and all such globes, maps, charts and other apparatus as are required for the proper instruction of pupils;

(13) to require that no text books or apparatus be used in the school under its control other than those authorized by the Superintendent;

(14) to exempt, in its discretion, from the payment of school taxes wholly or in part any indigent persons resident within the district, and where necessary to provide for the children of such persons text books and other supplies at the expense of the district;

(15) to engage a teacher or teachers duly qualified under the regulations of the department to teach in the school or schools in its charge on such terms as it deems expedient, and the contract with such teacher shall be in writing and must be in the form prescribed by the Superintendent of Schools and a certified copy of such contract shall be transmitted to the department;

(17) to suspend or dismiss any teacher for gross misconduct, neglect of duty or for refusal or neglect to obey any lawful order of the board and to transmit a written statement of the facts to the department;

(18) to see that the school is conducted according to the provisions of this Ordinance and the regulations of the Commissioner or department;

(19) to provide for the payment of teachers' salaries at least once in every three months;

(20) to make regulations for the management of the school;

(21) to provide in the cases of graded schools at what age pupils may be admitted to Grade I;

(22) to settle all disputes arising in relation to the school between the parents or children and a teacher;

(23) to discipline as they see fit any pupil who upon investigation by the board is found to be guilty of truancy, open opposition to authority, habitual neglect of duty, the use of profane or improper

language or other conduct injurious to the moral tone or well-being of the school;

(24) to see that the law with reference to compulsory education and truancy is observed;

(25) to perform such other duties as are required by this Ordinance or the regulations of the Commissioner or department.

75. It shall be the duty of the chairman of the board:

Duties of
chairman.

(1) to have the general supervision of the affairs of the district;

(2) to certify all accounts against the district passed by the board before such accounts are paid by the treasurer.

76. It shall be the duty of the secretary or secretary-treasurer of the board:

Duties of
secretary.

(1) to keep a full and correct record of the proceedings of every meeting of the board in the minute book provided for that purpose and to see that the minutes when confirmed are signed by the chairman;

(2) to conduct the correspondence of the board as he is directed by the board;

(3) to have charge of and keep on record all the books, papers, accounts, assessment rolls, plans and maps committed to his charge by the board during his term of office and deliver the same to the chairman on ceasing to hold office;

(4) to faithfully prepare and duly transmit to the department such reports and statements and such other information in regard to the district as is from time to time required by the Superintendent of Schools and in such form as is provided by the Superintendent of Schools;

(5) to call, at the request in writing of the chairman or any trustee, a meeting of the board;

(6) to produce the minute and other books, assessment rolls and all papers and other records of the board for inspection when required by the Superintendent of schools so to do;

(7) to prepare the statement of the trustees to be submitted at the annual meeting of the ratepayers;

(8) to give the notice required by this Ordinance of each annual meeting of the taxpayers and to call special meetings of the taxpayers as provided by section 60 of this Ordinance.

77. It shall be the duty of the treasurer or secretary-treasurer of the board:

Duties of
treasurers.

(1) to give security to the board before entering upon his duties by a bond signed and acknowledged in duplicate before a com-

missioner, notary public or justice of the peace, and such security shall be given by any two solvent sureties jointly and severally to the satisfaction of the board, or he may furnish in lieu thereof a guarantee bond from any guarantee company authorized to do business in Canada to the amount of any moneys for which the treasurer may at any time be responsible whether arising from the school funds or from any particular contribution or donation paid into his hands for the support or benefit of the district and such security shall be renewed at the beginning of each year or renewed at other times or changed whenever renewal or change is necessary as required by the board. The members of any board failing to take such bond or security from its treasurer shall be jointly and severally liable for his default to the extent of the sum for which such bond should have been taken, but when the majority of the board refuse or neglect to take security from the treasurer on the demand of any trustee such demand shall be duly recorded in the minutes and such trustee shall be relieved from all personal liability in case of the default of such officer;

(2) to receive all school moneys collected from the taxpayers or other persons for the purpose of the district of which he is treasurer and to disburse such moneys in the manner directed by the board;

(3) to pay all accounts against the district only when they are certified by the chairman of the board;

(4) to keep in a cash book provided for the purpose a complete and detailed account of all moneys received and disbursed for school purposes including government grants which may have been paid directly to the teacher;

(5) to give and take receipts for all school moneys received and paid out and to keep on file all vouchers of expenditure;

(6) to close and balance the books of the district at the end of the school year;

(7) to produce when called for by the trustees, auditor, Superintendent of Schools, or other competent authority, all books, vouchers, papers and moneys belonging to the district and to hand over the same to the trustees or any person named by them upon his ceasing to hold office;

(8) to prepare at the end of each year and in the manner provided by this Ordinance a statement of the finances of the district to be submitted to the annual meeting of the taxpayers;

(9) to faithfully prepare and duly transmit to the department such reports and statements with reference to the finances of the district as are from time to time required by the Superintendent of Schools and in such form as is provided by the Superintendent

of Schools.

78. (1) The board of every district shall cause to be prepared by the proper officers of the district and transmitted to the department the half-yearly and yearly returns respecting attendance and classification of pupils and the finances of the district which returns shall be in the form prescribed by the Superintendent of Schools.

Returns and reports.

(2) In case the board of any district neglects or refuses to have prepared and transmitted to the department any returns and reports required under the provisions of this Ordinance, or the regulations of the department or by the Commissioner or Superintendent, the trustees through whose neglect or refusal such returns and reports have not been prepared or transmitted shall be jointly and severally liable to a penalty of ten dollars for each week that the reports or returns are delayed which amount may be recovered by action in the Territorial Court of the Yukon Territory by any person authorized by the Superintendent to bring such action.

79. (1) Any trustee wishing to resign may do so by sending notice in writing to the remaining member or members of the board who shall immediately take the necessary steps to fill the vacancy, and such resignation shall only take effect upon the election of a new trustee.

Resignation of Trustee.

(2) A trustee who resigns his office may be re-elected with his own consent.

80. Any trustee who is convicted of any felony or misdemeanour or becomes insane or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be an actual resident within the district for which he is trustee shall, ipso facto vacate his seat and the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election to fill any vacancy thus created.

Vacation of office by trustee.

81. (1) No trustee shall take or possess any pecuniary interest, profit or promise or expected benefit in or from any contract, agreement or engagement either in his own name or in the name of another, with the corporation of which he is a member, or receive or expect to receive any compensation of any work, engagement, employment or duty on behalf of such corporation except as secretary, treasurer, or secretary-treasurer for a school district.

Trustee may not have interest in contract.

(2) Any trustee violating any of the provisions of this section shall thereby forfeit his seat, and the remaining trustees shall

conduct of polling places and in all other respects shall be conducted as far as may be without being inconsistent with the provisions of this Ordinance in the same manner as is provided by law for an election of a member of the Yukon Council.

Date of
Election.

37. (1) Subject to the provisions of subsection (3) hereof, all elections after the first election held under the provisions of this part shall be held on the twenty-first day after the day for nominating candidates or if such day is a holiday on the next day thereafter which is not a holiday.

(2) The returning officer shall be a person qualified to vote under the provisions of this Part.

(3) If a school district is within a municipality a nomination and election under the provisions of this part shall be held at the same time and place and before the same returning officer as the nomination and election of the municipal councillors.

Oaths.

38. The returning officer, deputy returning officers and poll clerks, before entering upon their respective duties shall take the oath in Form B in the schedule hereto.

Opening and
Closing.

39. (1) Upon the day of the election the deputy returning officer shall open the poll at nine o'clock in the forenoon and shall keep the same open until six o'clock in the afternoon.

Supplies
Provided.

(2) The returning officer shall provide each deputy returning officer with:

- (a) a sufficient number of ballots in Form C in the schedule hereto, and
- (b) necessary material to mark the ballots, and
- (c) a poll book which, with such variations as the provisions of this Ordinance make necessary, shall be in the form of the poll book lawfully provided for an election of a member of the Yukon Council, and
- (d) a copy of the instructions in Form D in the schedule hereto.

Conduct
of Poll.

(3) The poll clerk shall write in the poll book the name of each voter when he offers to vote.

(4) Every candidate shall be entitled to be represented at each polling place by an agent, who shall produce to the deputy returning officer his appointment signed by the candidate.

(5) When the name of any person claiming to vote is found upon the list of voters and when the proper entries respecting him have been made in the poll book the deputy returning officer shall writ his initials on the back of a ballot paper and deliver the same

assessment roll of the municipality make a demand on the council of such municipality for the sum required for school purposes for the then current year; but such sums shall not exceed an amount equal to 25 mills on the dollar according to the last revised assessment roll on the property liable to assessment in such district for ordinary school purposes with such additional amount as may be necessary to meet any indebtedness that has been incurred and is coming due, and the same shall be assessed and collected as the rates of the municipality.

(3) Subject to the provisions of this Ordinance the property liable to assessment and taxation for school purposes shall be the property liable to assessment and taxation for municipal or Territorial purposes.

87. After a separate school district is established the assessor shall add a column to the assessment roll, in which he shall place the religion (Protestant or Roman Catholic) of the person assessed.

Assessment
for separate
school
district.

88. In cases where separate school districts have been established whenever property is held by two or more persons as joint tenants or tenants in common, the holders of such property being Protestants and Roman Catholics, they shall be assessed in proportion to their interests in the property in the district in which they respectively are taxpayers.

Joint
interests of
persons
different
religions
assessed
separately.

89. (1) A company may by notice in that behalf to be given to the clerk of any municipality wherein a separate school district is either wholly or in part situated and to the secretary of the board of any public school district in which a separate school has been established, and to the secretary of the board of such separate school district, require any part of the real property of which such company is either the owner and occupant or not being such owner is the tenant or occupant or in actual possession of such company liable to assessment to be entered, rated and assessed for the purposes of said separate school and the proper assessor shall thereupon enter said company as a separate school supporter in the assessment roll in respect of the property specially designated in that behalf in or by said notice and so much of the property as shall be so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not for public school purposes but all other property of the company shall be separately entered and assessed in the name of the company as for public school purposes.

Assessment
of property
owned by a
corporation

(2) Any such notice given in pursuance of a resolution in that behalf of the directors of the company shall for all purposes be deemed to be sufficient and every such notice so given shall be

taken as continuing and in force and to be acted upon unless and until the same is withdrawn, varied or cancelled by any notice subsequently given pursuant to any resolution of the company or of its directors.

(3) Every such notice so given to a clerk of a municipality shall remain with and be kept by him on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect the assessment roll, and the assessor shall in each year before the completion and return of the assessment roll search for and examine all notices which may be on file in the Clerk's office and shall thereupon in respect of said notices, if any, follow and conform thereto and to the provisions of this Ordinance in that behalf.

(4) False statements made in any such notice shall not relieve the company from school taxes. Any company fraudulently giving such notice or making false statements therein shall be liable to a penalty not exceeding \$100. Any person giving for a company such a statement fraudulently or wilfully inserting in any such notice a false statement shall be guilty of an offence and liable on summary conviction to a like penalty.

Executions
against
boards.

90. Any writ of execution against the board of any district may be indorsed with a direction to the sheriff to levy the amount thereof by rate; and the proceedings thereon shall be the following:

(1) The sheriff shall deliver a copy of the writ and indorsement to the treasurer or leave such copy at the office or dwelling house of such officer with a statement in writing of the sheriff's fees and of the amount required to satisfy such execution including such amount of interest calculated to some day as near as is convenient to the day of service;

(2) In case the amount with interest thereon from the day mentioned in the statement be not paid to the sheriff within one month after the service the sheriff shall examine the assessment roll of such district and shall in like manner as rates are struck for general school purposes, strike a rate on the dollar on the assessable property in the said district sufficient to cover the amount due on the execution with such additional amount as the sheriff deems sufficient to cover the interest and his own fees up to the time when such rate will probably be available;

(3) He shall thereupon issue a precept or precepts under his hand and seal of office directed to the said treasurer and shall by such precept after reciting the writ and that the said board had neglected to satisfy the same, command the said treasurer to levy or cause to be levied such rate at the time and in the manner by law required in respect to the general school rates;

(4) At the time for levying the annual rate after receipt of such precept the treasurer shall add a column to the tax roll in the said district headed "Execution rate A.B. vs. Trustees of School District . . ." (or as the case may be, adding a column for each execution if more than one) and shall insert therein the amount of such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid; and such treasurer as soon as the amount of such execution or executions is collected shall return to the sheriff the precept with the amount levied thereon;

(5) The sheriff shall after satisfying the executions and all fees thereon return any surplus within ten days after receiving the same to the said treasurer for the general purposes of the said district;

(6) The treasurer shall for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Ordinance with respect to such executions be deemed to be an officer of the court out of which the writ issued and as such shall be amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel him to perform the duties hereby imposed upon him.

91. In the foregoing section the word "treasurer" shall mean:

- (a) in the case of a school district situate wholly or partially within a municipality, the treasurer of said municipality;
- (b) in the case of any other school district, the Territorial Treasurer.

"Treasurer"
defined.

92. No fees shall be charged by the board of any district on account of the attendance at its school of any child whose parent or lawful guardian is a taxpayer of the district; but if the board of any district maintains one or more departments in its school exclusively for pupils above Grade 8 as it may be defined from time to time by the regulations of the department, it may charge the parent or lawful guardian of any pupil in attendance at any such department a fee not exceeding six dollars for the first term and nine dollars for the second term in any year if such parent or lawful guardian is a resident taxpayer of the district, and in case such parent or lawful guardian is not a resident taxpayer of the district, a fee not exceeding eight dollars for the first term and thirteen dollars for the second term and all such fees shall be payable at such times and in such amounts as may be determined by the board.

No Fees for
certain
pupils.

93. The school year shall begin on the first day of September and end on the thirtieth day of June.

School year.

School hours.

94. (1) School shall be held between nine o'clock and twelve o'clock in the forenoon and one o'clock and four o'clock in the afternoon of every day, standard time, not including Saturdays, Sundays or holidays, but the board may alter or shorten the school hours upon receiving the permission of the Commissioner.

Holidays.

95. (1) The Superintendent shall apportion holidays to all schools.

Statutory holidays.

96. Ash Wednesday, Good Friday, Easter Monday, Arbour Day (second Friday in May), the birthday of the reigning sovereign, Empire Day, Dominion Day, Discovery Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, New Year's Day and any day specially appointed as a holiday by the Governor General, the Commissioner of the Yukon Territory, the Mayor of a city, or of a town shall be holidays; and it shall be at the discretion of the board to permit any other holidays not exceeding one day at a time.

English to be taught.

97. (1) All schools shall be taught in the English language, but it shall be permissible for the board of any district to cause a primary course to be taught in the French language.

Special language courses.

(2) The board of any district may, subject to the regulations of the department employ one or more competent persons to give instruction in any language other than English in the school of the district to all pupils whose parents or guardians have signified a willingness that they should receive the same, but such course of instruction shall not supersede or in any way interfere with the instruction by the teacher in charge of the school as required by the regulations of the department and this Ordinance.

(3) The board shall have the power to raise such sums of moneys as are necessary to pay the salaries of such instructors and all costs, charges and expenses of such course of instruction shall be collected by the board by a special rate to be imposed upon the parents or guardians of such pupils as take advantage of the same.

Religious instruction.

98. (1) No religious instruction except as hereinafter provided shall be permitted in the school of any district from the opening of such school until one-half hour previous to its closing in the afternoon after which time any such instruction permitted or desired by the board may be given.

(2) It shall be permissible for the board of any district to direct that the school be opened by the recitation of the Lord's prayer.

Child may leave during religious instruction.

99. Any child shall have the privilege of leaving the school at the time at which the religious instruction is commenced as

provided for in the next preceding section, or of remaining without taking part in any religious instruction that is given, if the parents or guardians so desire.

100. No teacher or school trustee shall in any way attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school, and any such action on the part of any trustee or teacher shall be held to be a disqualification for and voidance of the office held by him.

101. Kindergarten classes may be established in any school for the teaching and training of children between the ages of four and six years according to kindergarten methods and in such school a fee may be charged not exceeding \$5 per month for each pupil to cover cost of maintaining such department.

Kindergarten.

102. The board of any district may engage a teacher for and make necessary arrangements at the expense of the district for the maintenance of a night school; and if the school is kept open for one month, a fee may be charged of not more than ten dollars a month for each month or portion of month that the pupil is in attendance.

103. (1) The provisions of section 16, 17 and 18, respecting truancy and compulsory education shall apply to parents, guardians, and other persons having charge of any child of school age resident in a school district established under this Part.

Compulsory education.

(2) For the purposes of giving effect to the law respecting truancy and compulsory education the board of any school district may appoint a truant officer who within such district shall have all the powers of a truant officer appointed under the provisions of Part I of this Ordinance.

104. No person shall be engaged, appointed, employed or retained as a teacher in any school established under this Part unless his qualifications for such position are approved by the Superintendent.

Qualification of teacher.

105. A teacher shall not be engaged except under the authority of a resolution of the board passed at a regular or special meeting of the board.

Engagement of teacher.

106. The contract entered into shall be in the form prescribed by the Superintendent of Schools and such form may be altered or amended as may be mutually agreed upon by the contracting parties, if such alterations or amendments are not inconsistent with any of the provisions of this Ordinance or the regulations of the department.

Contract with teacher.

Executions
of contract.

107. The contract shall be valid and binding if signed by the teacher and by the chairman on behalf of the board.

Suspension
or dismissal
of teacher.

108. (1) Any teacher who has been suspended or dismissed by the board may appeal to the Superintendent of Schools who shall have power to take evidence and confirm or reverse the decision of the board and in the case of reversal he may order the reinstatement of said teacher.

(2) In case there is no appeal to the Superintendent of Schools or in the event of an appeal if the decision of board is sustained the teacher shall not be entitled to salary from and after the date of such suspension or dismissal.

Salary for
teaching
less than
school year.

109. The salary of a teacher who has been engaged in any district for four months or more continuously shall be estimated by dividing the rate of salary for the year by 180 and multiplying the result obtained by the number of actual teaching days within the period of his engagement; but if a teacher has taught more than 180 days in any calendar year, he shall only be entitled to a year's salary.

Teachers
leave for
illness.

110. Every teacher in case of illness certified by a qualified medical practitioner shall be entitled to his salary during such illness for a period not to exceed four weeks for the entire year, which period may be increased by the board.

Teacher
may recover
salary.

111. A teacher whose agreement with a board has expired or who is dismissed by them shall be entitled to receive forthwith all moneys due him for his services as teacher while employed by said board; if such payment be not made by the board or tendered to the said teacher he shall be entitled to recover the full amount of his salary due and unpaid with legal interest in any court of competent jurisdiction.

Duties of
teacher.

112. It shall be the duty of every teacher:

- (a) to teach diligently and faithfully all the subjects required to be taught by the regulations of the department;
- (b) to maintain proper order and discipline and to conduct and manage the school according to the regulations of the department;
- (c) to keep in a conspicuous place in the school room a time table which shall show the classification of pupils, and to submit such time table to the Superintendent of Schools for his approval and signature on the occasion of his visit to the school.
- (d) to keep in the prescribed form the school registers and to give access to them to trustees, officers of the board, the Superintendent of Schools and any other person authorized thereto by the Commissioner;

- (e) to make at the end of each term or at any other time promotions from one class to another as he may deem expedient, subject to the ratification of the Superintendent of Schools at his next visit;
- (f) to hold during each year a public examination of his school of which he shall give due notice to the board, and through the pupils to their parents or guardians;
- (g) to send monthly to the parents or guardians of each pupil if required by the board, a report of the pupil's attendance, conduct and progress;
- (h) to encourage the observance of Arbour Day by holding suitable exercises, to take an interest in the cleanliness and tidiness of the school grounds;
- (i) to give strict attention to the proper heating, ventilating and cleanliness of the school house and to the condition of the out-houses in connection with the same and to report to the board any defect with respect thereto;
- (j) to exercise vigilance over the school property, the building, fences, furniture and apparatus so that they may not receive unnecessary injury, and to give prompt notice in writing to the board of any such injury;
- (k) to report to the secretary of the board any necessary repairs to the school buildings or furniture and any required supply of fuel, drinking water, furniture or equipment;
- (l) to see that the provisions of clause 9 of section 74 of this Ordinance have been complied with, and if not to report to the board and in case of any neglect on the part of the board to notify the Commissioner;
- (m) to notify the chairman of the board whenever he has reason to believe that any pupil attending school is affected with or exposed to small-pox, scarlatina, diphtheria, whooping cough, measles, mumps, or other infectious or contagious disease; and to prevent the attendance of any pupil so affected or exposed or suspected of being affected or exposed until furnished with the written statement of a physician, public health nurse or the chairman of the board that such contagious or infectious disease does not exist or that all danger from exposure to any of them has passed away;
- (n) to suspend from school any pupil for violent opposition to authority and to forthwith report in writing the facts of such suspension to the board which may take such action with regard thereto as it deems necessary;
- (o) to assist the board and its officers in making the prescribed returns to the department;

(p) to furnish to the Commissioner, the Superintendent of Schools, the board or any person appointed by the Commissioner any information which it is in his power to give respecting anything connected with the operation of the school or in anywise affecting its interests or character;

(q) to deliver up any school registers, school house key or other property of the district in his possession when required to do so by a written order of the board;

(r) to attend all meetings of the teachers called by the Superintendent of Schools where more than one teacher is employed.

Principal.

113. In every school in which more teachers than one are employed, the head teacher shall be called the principal.

Duties of
Principal.

114. The principal shall prescribe with the concurrence of the board the duties of the teachers and shall be responsible for the organization and general discipline of the whole school.

Association
of teachers.

115. Any number of teachers may organize themselves into an association, and subject to the regulations of the department, may hold conventions and institutes for the purpose of receiving instruction and discussing educational matters.

Children of
non
residents
admitted to
school.

116. The parent or lawful guardian of any child residing outside the limits of any district may apply to the board for the admission of such child to its school, and it shall be the duty of the board to admit such child; but the board may demand that the application for admission of any non-resident child be accompanied by a statement from the Superintendent of Schools to the effect that the accommodation of the school is sufficient for the admission of such child.

Residents
who are not
taxpayers.

117. The parent or lawful guardian of any child residing within the limits of any district and who is not a taxpayer thereof may send his children to the school operated within the district.

Assessment
for school
tax of land
outside
school
district.

118. Any person not living within a district may apply to the board of any district to have his or her property if not already included in any other district, assessed in such district to secure the advantages of education for his children, and in such case on the report of the Superintendent of Schools that the accommodation of the school room is sufficient for the admission of the children of such person the board shall receive such application and place the said property on the assessment roll of the district, and such property shall remain liable to assessment in such district until a new district is established including the said property; and for the purpose of enforcing payment of taxes and of all remedies therefor the property shall be deemed to be within the school district on whose assessment roll it is placed.

119. With respect to a school established under this Part the Superintendent shall exercise all the powers and perform all the duties described in section 5 of this Ordinance except those which are by the provisions of this Part especially given to or imposed upon the board of such school.

Duties of Superintendent.

120. Any board or any member thereof that wilfully neglects or refuses to exercise or to assist in exercising all the corporate powers vested in such board by this Ordinance for the fulfillment of any contract or agreement made by it shall be personally responsible for the fulfillment of such contract or agreement.

Liability of board and members.

121. Should the board of any district wilfully contract liabilities in the name of the district, greater or other than as provided or allowed by this Ordinance, or appropriate any of the moneys of the district for purposes other than are provided or allowed by this Ordinance, the treasurer of the district or some other persons authorized by the Commissioner may recover as a debt in a court of competent jurisdiction from such board member jointly or severally the sum or sums for which the district has been rendered liable through the action of such trustees over and above the amount so provided by this Ordinance in addition to the total amount of any moneys that have been misappropriated by such trustees.

Liability of trustees for debts.

122. If any trustee knowingly signs a false report, or if any teacher keeps a false school register, or knowingly makes a false return, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty dollars.

Penalty for false reports.

123. Any trustee, officer or employee of a district who after ceasing to hold office retains any money, book, paper or thing belonging to the district, shall thereby incur a penalty not exceeding twenty dollars for each day during which he wrongfully retains possession of such money, book, paper or thing after having received notice in writing from the chairman of the board or from the Commissioner requiring him to deposit the same in the hands of some person mentioned in such notice.

Penalty for retaining money or books.

124. Any returning officer of any district or proposed district acting under the provisions of this Ordinance who shall knowingly and wilfully prejudice the result of any voting by preventing votes from being taken or by taking unlawful votes or by altering returns or books in any way, or by any other means, shall be liable to a penalty of not less than ten dollars and not more than one hundred dollars.

Penalty on returning officer for prejudicing result of election.

Penalty for disturbing meeting.

125. Any person who wilfully disturbs, interrupts or disquiets the proceedings of any school meeting authorized to be held by this Ordinance, or any one who wilfully interrupts or disquiets any school established and conducted under its authority by rude or indecent behaviour, or by making a noise either within the place where school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall be guilty of an offence for which he shall forfeit for the use of the district within which the offence was committed a sum not exceeding twenty dollars.

Teacher not to be trustee.

126. No school trustee shall be eligible to appointment as teacher within the district of which he is trustee, nor shall the teacher of any school hold the office of school trustee.

127. All moneys accruing from fines or penalties under this Ordinance shall unless otherwise provided belong to the consolidated revenue fund of the Territory.

128. "The School Ordinance" being Chapter 79 of the Consolidated Ordinances of the Yukon Territory, 1914, and amendments thereto is hereby repealed.

SCHEDULE

Form "A"

(Section 28)

Public notice is hereby given to the voters of the School District of _____ that nominations of candidates for the office of trustee for said district shall be delivered to me at _____ in said District before the hour of five o'clock in the afternoon on _____, the _____ day of _____, 19 _____.

Public notice is hereby given to the said voters that if a poll shall be granted for the election now pending for the said trustees such poll will be open on _____, the day of _____, 19 _____, from the hour of nine o'clock in the forenoon till six o'clock in the afternoon at the polling stations hereinafter designated in and for each of the following polling divisions; that is to say:

For Polling Division No. 1 consisting of those electors whose surnames commence with the letters from _____ to _____ (or whose residences are in the area bounded as follows _____, or as the division is otherwise designated) at _____

(here clearly describe the polling place)
 For Polling Division No. _____ (and so continue for all the other polling divisions in the school district).

And I will at , on the ..
 day of , 19.. . . , at
 o'clock in the noon, sum up the votes and declare the
 result of the election.

Given under my hand at the
 of in the Yukon Territory,
 this day of , 19

—Returning Officer.

Form "B"

(Section 38)

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

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

Form "C"

Election of School Trustees for the School District of	JOHN DOE	X
	RICHARD ROE	
	GEOFFREY STILES	X
	JOHN STILES	X

Instructions

The names of the persons nominated shall be printed in the
 space on the right of the form in alphabetical order and the voter
 shall mark his ballot for the persons for whom he desires to vote
 by placing a cross on the right hand side of the ballot, opposite
 the names of such persons. Any other marks placed on the ballot
 by any voter will invalidate the same.

CHAPTER 13

AN ORDINANCE TO REPEAL "THE SIDEWALKS ORDINANCE"

(Assented to Nov. 3rd, 1950)

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

Cap. 3,
O.Y.T., 1944,
Repealed.

1. "The Sidewalks Ordinance," being Chapter 3 of the Ordinances of the Yukon Territory, 1944, is hereby repealed.

CHAPTER 14

AN ORDINANCE TO AMEND "THE MOTOR VEHICLE ORDINANCE"

(Assented to Nov. 3rd, 1950)

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

Cap. 2,
O.Y.T., 1947,
Amended.

1. "The Motor Vehicle Ordinance," being Chapter 2 of the Ordinances of the Yukon Territory, 1947, and amendments, is amended by inserting the following section immediately after section 34 thereof:

New S. 34A.

"34A. On approaching or being approached by another vehicle proceeding in an opposite direction, and when within not less than three hundred yards of it, any person in charge of a motor vehicle on the Whitehorse to Mayo to Dawson Highway shall slow such vehicle to a rate of speed not exceeding fifteen miles an hour and maintain such rate of speed until he is past such other vehicle."