

ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL

IN THE YEAR

1952
FIRST SESSION

FREDERICK FRASER
COMMISSIONER



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

BY
W. A. WARDROP, Queen's Printer

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CHAPTER 1

AN ORDINANCE TO PROVIDE FOR THE IMPOSITION
AND COLLECTION OF A TAX ON PERSONS*(Assented to May 10th, 1952.)*

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 "Poll Tax Ordinance." Short
Title

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

"Collector"—shall mean the Collector appointed under this Ordinance and shall include sub-collector.

"Commissioner"—shall mean the Commissioner of the Yukon Territory.

"Employer of Labour" — includes merchants, farmers, traders, corporations and companies, and every person who employs labourers, servants, clerks, domestics or hired help of any kind whatsoever, whether for wages, salary, fee or reward or otherwise.

"Male person"—means a male person above the age of eighteen years, who has resided in the Yukon Territory for a period of one month and who has not paid the tax.

"The Tax"—shall mean the Poll Tax authorized hereby.

PART I

TERRITORIAL POLL TAX

3. Every male person in the Yukon Territory, except as herein provided shall pay an annual poll tax of five dollars, which tax shall be due and payable from and after the first By whom
tax payable

day of January in each year or from or after the expiry of the period of residence provided by Section 2 of this Ordinance to a person authorized to collect the tax.

Exemptions

4. (1) This Ordinance shall not apply to nor shall the tax be collected from any person who:
 - (a) is over the age of sixty years and whose last yearly income did not exceed one thousand dollars; or
 - (b) is a member of the Armed Forces of Her Majesty; or
 - (c) is on active service as a member of the United States Army in any rank or capacity; or
 - (d) is ordinarily a resident of the United States of America residing in the Territory as an official or employee of the United States Government or of any Commission of the United States Government or as a workman engaged on highway, railroad or pipeline construction; or
 - (e) is a clergyman; or
 - (f) is an Indian; or
 - (g) has paid to the Government of the Yukon Territory, or to any municipality in the Yukon Territory, assessed taxes which that person was liable to pay on land for the year ending the thirty-first day of December immediately preceding the date of the making of the demand for the poll tax, and who exhibits to his employer and to the Collector proof of the payment of such taxes either by the production of the official receipt for the same, or of a certificate from the official who collected such taxes that such taxes for such year have been paid, unless such taxes are less than five dollars in which case the tax payable shall be the amount by which the tax imposed by this Ordinance exceeds the amount of the taxes paid;

(h) is attending a school or a university and who is employed on seasonal employment only;

(i) is in receipt of a pension or annuity and not otherwise gainfully employed;

(j) is a resident of the Yukon Territory for the whole of the year next preceding the year in which the tax becomes due and payable. The onus of proof of establishing residence shall be upon the person claiming exemption under this section.

(2) No poll tax imposed under Section 3 shall be collected from any person who has paid or is liable to pay to any Municipal Collector of Taxes any poll tax for the current year imposed under Part II hereof, and who exhibits to the employer or to the Collector proof of the payment or liability to pay such municipal poll tax by the production of a receipt or certificate from the Municipal Collector of Taxes.

5. (1) Every employer of labour shall, on demand of the Collector, pay the annual poll tax for every male person in his employ, liable to pay a poll tax not only at the time when said demand is made, but also from time to time, for every such male person in his employ during the year for which the said tax is payable, and may deduct the amount so paid on account of any such person from the amount of salary or wages due, or to become due, to such person, upon production and delivery of the receipt for the tax to such person.

Employer to pay tax for employee and deduct the amount from his wages

(2) Every employer of labour shall be primarily liable for the said tax in respect of every male person in his employ at any time during the year for which the tax is payable, and until the tax is paid in respect of such person. Every employer of labour shall furnish to the Collector, when requested by him to do so, a list of all male persons in his employ, or indirectly employed by him, liable to pay the tax; but no such statement shall bind the Collector, nor shall excuse him from making due enquiry to ascertain its correctness.

Every employer liable to all provisions of Ordinance

6. Every employer of labour shall be liable to all the provisions of this Ordinance with regard to male persons in his employ, and as to male persons who work for him or in his premises in connection with his business, whether such persons are employed directly by him or indirectly through a contractor for labour. An employer of labour shall have the right to deduct from the amount payable to the contractor all sums paid by the employer under this Ordinance to the Collector as poll tax for any men furnished to the employer by the contractor, and the contractor may deduct the same from the amount due by him to such men respectively.

7. In the event of any person liable to the tax while in the employment of an employer of labour having paid the tax for the then current year, and producing the receipt therefor to the employer of labour, the liability of the employer of labour shall cease in respect of the tax on that person, but the Collector shall, on demand, be furnished by the employer of labour with the particulars of the name, number, date and place of issue upon the receipt.

Penalty

8. If any employer of labour fails to pay the tax for every male person in his employ as aforesaid, or to deliver to the Collector the list mentioned in Section 5, or knowingly states anything falsely in such list, he shall on summary conviction be liable to a penalty not exceeding one hundred dollars.

Restriction on liability of employer

9. No employer of labour shall be responsible for payment of tax in respect of any person in his employ until such person has been in his employ for at least one week immediately preceding the date of the tax being demanded.

Collector

10. The Territorial Treasurer shall be the Collector of the tax for the Territory and the tax shall form part of the Yukon Consolidated Revenue Fund.

Sub-collector appointment of

11. The Commissioner may appoint sub-collectors, in such number as he deems advisable, with authority to collect the tax from all male persons and employers of labour who have made default in payment of the tax as herein provided. The

district or portion of the Territory for which such sub-collector is appointed and is authorized to collect shall be described in and limited by said appointment.

12. (1) The Collector and every sub-collector shall issue to each person paying the tax a receipt entitled "Poll Tax Receipt" and shall in such receipt insert the name in full of the person to whom or on whose behalf it is issued, and the place and date of the issue thereof.

(2) The forms for such receipts shall be supplied from the office of the Territorial Treasurer and shall be in such form, subject to the provisions of this Ordinance, as that official may prescribe. They shall be bound in books with a stub in the usual way and numbered, each stub to bear the number corresponding with the number on the receipt attached. The stub shall be filled out by the Collector or sub-collector and shall show the name of the person by or on whose behalf the tax is paid, and the place and date of payment, and such stubs shall be deposited in the office of the Territorial Treasurer from time to time as he shall require and be preserved in such office for the purpose of audit.

(3) When the tax is paid by an employer of labour for persons in his employ, a separate receipt for each such person shall be issued.

13. Every sub-collector shall, not later than the fifteenth day of each month, make return to the Collector of all said taxes collected by him in the preceding month, showing the name of each person who has paid during the said month, the date of payment and the tax receipt numbers, and shall with such return pay over to the Collector the full amount of the tax collected by him during such preceding month.

Returns by
sub-collector

14. Each sub-collector after making such return shall be entitled to be paid and shall receive by cheque drawn on the Yukon Consolidated Revenue Fund an amount equal to five per centum of the total amount of the tax collected by him during said preceding month.

Commission

Security

15. The Commissioner may require from every person appointed to collect the tax such security as he may think fit.

Demand of Receipt by Collector

16. The Collector, sub-collector, or any person authorized by the Commissioner may demand, from any person liable to pay the tax, the production of his receipt for the same, and in default of such production, or of payment forthwith of the tax, may levy the same, together with an amount not exceeding twice the amount of the tax, by way of a penalty for non-payment thereof on demand.

Penalty for fraudulently producing tax receipt issued to another person

17. If any person, with intent to evade payment of the tax, knowingly produces to any Collector a receipt purporting to be a receipt for the tax due by him and demanded from him by the Collector, when the receipt produced is a receipt issued to another person, the first mentioned person, on production of the receipt, shall be liable, on summary conviction, to a penalty of not less than twenty dollars and not more than one hundred dollars.

Recovery of tax by legal action

18. The tax and all penalties, whether due from the person liable to pay the same, or from any employer of labour, in regard to an employee or servant may, in addition to any other mode of recovery, at the option of the Collector, be recorded with costs as in an action between parties for debt, by action brought in the name of the Collector as such, and all proceedings had for the recovery thereof may be either under Part III of the Judicature Ordinance, relating to small debt procedure, or in a Police Magistrate's Court and Chapter 71 of the Consolidated Ordinances of the Yukon Territory, 1914, relating to the civil jurisdiction of Police Magistrates.

Burden of Proof

19. In any action brought for the recovery of the tax the burden of proof shall be on the defendant, and unless the contrary is proved he shall be deemed to be in default and liable for the tax and judgment may be given accordingly.

PART II

MUNICIPAL POLL TAX

Municipal Council may impose poll tax

20. (1) The Council of any Municipality in the Territory may by law fix and impose a poll tax, not exceeding five

dollars, on every male person, within the meaning of Section 2, who resides within the boundaries of the Municipality.

- (2) The tax imposed under this section shall be payable annually and in respect of the year in which the by-law is passed, shall be due from and after a date to be fixed by the by-law and thereafter shall be due from and after the first day of January in each and every year, and shall be payable in advance to the Municipal Collector of Taxes for the use of the Municipality. Time of payment
21. (1) Clause (g) of Section 4 shall not apply in respect of any tax imposed under this Part.
- (2) This Part shall not apply to nor shall any tax be collected thereunder from or in respect of any person who has paid to the Collector of any Municipality in the Territory assessed taxes which that person was liable to pay to the value of five dollars on real property, land or improvements for the year ending the thirty-first day of December immediately preceding the date of the making of the demand for the tax, and who exhibits to his employer and to the Municipal Collector seeking to collect the tax, proof of the payment of such assessed taxes either by the production of the official receipt for the same, or of a certificate from the Municipal Collector stating that such assessed taxes have been paid. Where the assessed taxes so paid by any person for the preceding year are less than five dollars, the amount of tax payable by him under this Part shall be limited to the amount by which the tax imposed exceeds the amount of the assessed taxes so paid.
- (3) No tax imposed under this Part in a Municipality shall be collected from any person who has paid or is liable to pay to the Collector of Taxes for any other Municipality any tax imposed under this Part in that other Municipality, and who exhibits to the Municipal Collector of Taxes in the first-mentioned Municipality proof of such payment or liability to pay the tax by production of a receipt

or certificate from the Collector of Taxes for that other Municipality.

Application
of Part I to
Part II.

22. (1) In applying sections under Part I to any tax imposed under that Part, they shall be applied with the substitution of "Collector of Taxes for the Municipality" for "Collector" wherever the latter expression occurs in Part I.

(2) In applying Sections 11, 15 and 16 to any tax imposed under this Part, they shall be applied with the substitution of "Municipal Council" for "Commissioner."

Application
of tax
collections
under Part II

23. All moneys collected from tax imposed under this Part in any municipality shall be placed to the credit of the municipality.

Repeal of
Chapter 1,
1918

24. The Poll Tax Ordinance 1918, being Chapter 1 of the Ordinances of the Yukon Territory, 1918, and amendments thereto are hereby repealed.

25. This Ordinance shall come into force on and after the 1st day of January, 1952.

CHAPTER 2

AN ORDINANCE RESPECTING STEAM BOILERS
AND PRESSURE VESSELS

(Assented to May 10th, 1952.)

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 "Steam Boilers Ordinance." Short
Title

INTERPRETATION

2. In this Ordinance:

- (a) "boiler" means a vessel in which steam is generated or contained under pressure and includes the engine or engines and all apparatus and appliances connected therewith, whether used for motive or other power or heating purposes or any other purposes covered by regulations but does not include: Definitions
- (i) those that develop less than fifteen horsepower;
 - (ii) those that are part of the equipment or railways under the Railway Act;
 - (iii) those that are subject to inspection under the Canada Shipping Act, 1934; or
 - (iv) those that are used for heating private residences that house less than three families;
 - (v) portable compressors.
- (b) "engineer" means a person having charge of or operating a steam boiler or pressure vessel under this Ordinance;

- (c) "inspection certificate" means an inspector's certificate of inspection of a boiler;
- (d) "inspector" means an inspector appointed by the Commissioner under this Ordinance;
- (e) "owner" means the owner or lessee of a boiler or pressure vessel, and includes the manager or other officer or person in charge of the boiler or pressure vessel of such an owner or lessee;
- (f) "pressure vessel" means a vessel used for receiving or containing compressed air, ammonia or gaseous substances under pressure, and all apparatus and appliances connected therewith, whether used for refrigeration, motive or power purposes or any other purposes covered by regulations, but does not include a vessel:
 - (i) of less than one and one-half feet volume;
 - (ii) operated at less than fifty pounds pressure to the square inch;
 - (iii) that is required to be inspected under the Explosives Act, 1946;
 - (iv) that is part of the equipment of railways under the Railway Act; or
 - (v) that is a diesel engine.
- (g) "regulations" means the Canadian Regulations for the Construction and Inspection of Boilers and Pressure Vessels (3rd Edition) published by the Canadian Standards Association and includes regulations made by the Commissioner under this Ordinance.

INSPECTION OF STEAM BOILERS AND PRESSURE VESSELS

Appointment
of inspectors

3. (1) The Commissioner may appoint inspectors of steam boilers and pressure vessels for the Territory who shall carry out the duties of inspectors under this Ordinance.

(2) The Commissioner may fix the remuneration of inspectors.

Fees

4. No inspector shall be either directly or indirectly interested in the sale of boilers, pressure vessels or machinery connected therewith.

Inspector not to sell boilers

5. An inspector appointed under this Ordinance shall, before entering upon the performance of his duties, take and subscribe an oath that he will faithfully and impartially perform the duties of his office.

Inspector to take oath

6. (1) For the purposes of this Ordinance an inspector may at any reasonable hour enter upon any lands or into any building where, in his opinion, a steam boiler or pressure vessel is operated.

Inspector's right of entry

(2) A person who interferes with or obstructs an inspector in the performance of his duties under this Ordinance is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars and in default of payment to imprisonment for a term not exceeding three months.

Interference with inspector

7. Inspectors may at all reasonable hours examine boilers or pressure vessels in course of construction or undergoing repair and may refuse to grant a certificate of inspection where a boiler or pressure vessel is found to be improperly constructed or repaired or where permission to make the inspection has been refused.

Inspection of boilers under repair

8. (1) The owner of a boiler or pressure vessel shall cause it to be inspected at least once each year by an inspector and shall pay the inspector a fee of twenty-five dollars for each boiler or pressure vessel so inspected, and the inspector shall forward the fee to the Commissioner.

Annual inspection

(2) Upon the completion of an inspection the inspector shall issue to the owner a certificate of inspection.

Certificate of inspection

(3) At all times the most recent inspection certificate issued with respect to a boiler or pressure vessel shall

Display of inspection certificate

be displayed, protected by glass or other transparent covering, in a conspicuous place in the room or other place in which that boiler or pressure vessel is operated.

Not to employ
unlicensed
operators

(4) A person is guilty of an offence under this Ordinance who employs another person, who has not a certificate or permit under this Ordinance, to operate a boiler or pressure vessel.

Safety areas

(5) The inspector shall set and seal the safety valves of the boilers, air receivers and refrigerating plants, he inspects, and shall test the pressure gauges of pressure vessels he inspects, and shall satisfy himself that the boilers and pressure vessels are safely installed.

Inspection
upon report
of unsafe
condition

9. In addition to the annual inspection of boilers and pressure vessels an inspector shall examine and inspect at any time specified by the Commissioner any boilers or pressure vessels that may be reported to the Commissioner to be in an unsafe condition and the inspector shall notify in writing the owner or person using such boiler or pressure vessel to make such repair as the inspector deems necessary in order to render such boiler or pressure vessel serviceable and safe for use.

Where boiler
not operated
since
previous
inspection

10. Where the owner of a boiler proves to the satisfaction of the inspector that his boiler has not been operated since the date of the previous inspection and is in as good condition as when inspected, the inspector may issue a new inspection certificate without inspecting the boiler and may remit the fee for inspection provided by this Ordinance.

Owner to
assist
inspector

11. (1) The owner, manager or operator of a boiler or pressure vessel shall allow the inspector free access thereto and furnish the inspector any information and assistance required by him to enable him to carry on his duties, including where necessary, the furnishing of water and the filling of a boiler therewith and the removing of the jacket or cover of a boiler or pressure vessel, when directed, for the purpose of making any test.

- (2) The engineer or person operating the boiler or pressure vessel shall assist the Inspector in his examination and shall point out to the inspector any defect that he knows of or believes to exist in the boiler or pressure vessel in his charge. Engineer to assist inspector
- (3) Where an owner, operator, or manager of a boiler or pressure vessel neglects to comply with the provisions of subsection one, the inspector may have the work done at the expense of the owner. Where owner neglects to assist
12. Every owner of a boiler or pressure vessel shall provide and keep at all times, in a place where it is readily accessible, an adequately equipped first aid kit for the treatment of minor injuries. First aid kit
13. An inspector shall, on making an inspection of any boiler or pressure plant, require that a first aid kit be produced for inspection. Inspection of first aid kit
14. An inspector shall keep a true record of: Records of inspector
- (a) all boilers and pressure vessels inspected by him;
 - (b) all repairs ordered by him;
 - (c) all boilers and pressure vessels condemned by him as unsafe;
 - (d) all accidents to boilers and pressure vessels whether by explosion or otherwise assigned to him to investigate; and
 - (e) all casualties in connection with boilers and pressure vessels assigned to him to investigate.
15. An inspector shall render to the Commissioner as soon as possible after his inspections a concise report of: Report of inspector
- (a) all inspections made by him during the preceding year; and

- (b) all accidents and casualties investigated by him connected with the operation of steam boilers and pressure vessels.

Cost of inspections

16. The Commissioner may determine the cost of inspection or investigation, other than the annual inspection provided for in section eight, and may assess the owner of the boiler or pressure vessel so inspected or investigated for all or any part of such cost and where payment of the amount so assessed is not made the Commissioner may recover the same from the owner in the manner provided for the execution of a judgment under the Judicature Ordinance.

Owner to report accidents

17. (1) The owner of a boiler or pressure vessel shall report to the Commissioner forthwith, and by telegraphy, if possible, any explosion thereof or in connection therewith, and within twenty-four hours after its occurrence shall mail a report thereon stating the exact place at which the explosion occurred and the number of persons, if any, killed or injured thereby, and any other information required by the regulations.

No removal of equipment after explosion until inspected

(2) Upon an explosion taking place, no part of the boiler or pressure vessel or machinery connected therewith shall, without permission of an inspector, be removed or its position altered by any person until after examination by an inspector except for the purpose of rescuing persons injured thereby or removing bodies of persons killed.

Certificate to operate

18. The Commissioner may issue, suspend, cancel or refuse to issue certificates to persons authorizing them to operate, weld or otherwise work with boilers or pressure vessels.

Operator must be qualified

19. (1) No person shall operate a boiler of a greater capacity than fifteen horsepower or a pressure vessel of which the pressure exceeds fifty pounds per square inch nor shall any owner employ any person to operate any such boiler or pressure vessel unless such operator or employee is of the full age of twenty-one years and has obtained a certificate under this Ordinance.

(2) Notwithstanding the provisions of subsection (1) of this Section, the Commissioner may issue, if in his opinion

the circumstances warrant, a temporary certificate to a person authorizing him to operate a boiler or pressure vessel of greater capacity than that stated in said subsection (1).

20. (1) The four classes of persons entitled to take charge of a boiler or pressure vessel are: Qualifications

(a) Class I—engineers qualified to take charge of any boiler or pressure vessel;

(b) Class II—engineers qualified to take charge of any boiler or pressure vessel not exceeding seven hundred and fifty nominal horsepower;

(c) Class III—engineers qualified to take charge of any boiler or pressure vessel not exceeding five hundred nominal horsepower; and

(d) Class IV—firemen qualified to take charge of any boiler or pressure vessel not exceeding two hundred nominal horsepower, where under the general supervision of an engineer.

(2) The Commissioner, upon payment of the proper fee as shown in the schedule hereto, shall by certificate designate the class of persons entitled to take charge of a boiler or pressure vessel under this section. Certificate shall designate class

21. The Commissioner shall cause to be prepared a list of the engineers entitled to operate a boiler or pressure vessel, and shall specify therein the kind of boiler or pressure vessel such engineer may operate. List of engineers

22. Every person who is a holder of a valid and subsisting certificate of qualification from any incorporated body authorized to grant a certificate of qualification for operating boilers or pressure vessels or from the Government of Canada or any province of Canada or from any competent authority in any country of the British Commonwealth, as defined in The Canadian Citizenship Act, is entitled, upon making application to the Commissioner and upon payment of the fee Where operator holds other certificate

prescribed in the schedule hereto, to obtain a certificate of qualification under this Ordinance equivalent to the certificate of qualification held by him from such corporate body, Government or competent authority.

Boilers of over fifty horsepower

23. (1) On all boilers or pressure vessels of over fifty horsepower where two or more engineers are employed the engineer in charge shall require only a second class certificate, and, in such cases the holder of a third class certificate is duly qualified to act as assistant or second engineer.

Only one engineer for each boiler

(2) Not more than one certified engineer shall be required to be on duty in connection with any one boiler or pressure vessel.

Where position left or taken

24. An engineer on taking or leaving a position shall forthwith notify the Commissioner in writing.

Certificate to be displayed

25. (1) Every person holding a certificate under this Ordinance shall display it in some conspicuous place in the engine or boiler room in which he is employed or cause it to be attached to the boiler or pressure vessel of which he is in charge and every person who does not so display or attach his certificate is guilty of an offence and is liable upon summary conviction to a penalty of not less than ten dollars and not more than fifty dollars.

Portable boilers

(2) Where a person holding a certificate under this Ordinance is in charge of a portable boiler or pressure vessel he shall produce his certificate for inspection on being required so to do by an inspector.

Effect of non-production of certificate

(3) The non-production of a certificate on demand is prima facie evidence that the person operating the boiler or pressure vessel has no certificate.

Temporary permit

26. (1) Where the owner of a boiler or pressure vessel shows to the satisfaction of an inspector that he is unable by reason of some unforeseen occurrence immediately to secure the services of a duly qualified person to operate the boiler or pressure vessel the inspector may grant a

permit to a person producing satisfactory evidence of good conduct and sobriety and sufficient experience to operate the boiler or pressure vessel for a period of six months from the date of the issue thereof and in such case no penalty shall be incurred by reason of operating the boiler or pressure vessel during the period covered by the permit.

- (2) The fee for such permit shall be as prescribed in the schedule hereto. Fee

27. No person shall weld any boiler or pressure vessel, unless he is the holder of a certificate issued pursuant to section eighteen authorizing him so to do, or is otherwise qualified in the opinion of the Commissioner. Welding

28. Any person welding any boiler or pressure vessel, or offering to weld the same, whilst he is not the holder of a certificate, or otherwise qualified in the opinion of the Commissioner, is guilty of an offence. Offence

29. (1) No person shall sell, exchange or otherwise dispose of any secondhand boiler or pressure vessel, until he has sent to the Commissioner by registered mail a notice in writing setting forth the names and addresses of all material parties to the intended transaction, and the description of the boiler or pressure vessel and the number placed thereon by the inspector at the time of the initial inspection, and has received permission from the Commissioner to dispose of the boiler or pressure vessel, which permission may be granted either after an inspection or without any such inspection, and may be given upon such conditions as may seem proper to the Commissioner. Sales of second-hand boilers

- (2) Subsection one does not affect the right of an owner to transfer to a manufacturer or dealer any secondhand boiler or pressure vessel. Exception

30. No person shall use a secondhand boiler or pressure vessel acquired by him until he is satisfied that the permission required by section twenty-nine has been granted. Use of second-hand boiler

Use of
imported
boilers

31. A person who brings into the Territory a boiler or pressure vessel that has been previously used outside the Territory shall, before installing the same, notify the Commissioner in writing of the description, design, specifications and make thereof, and shall not install it until it has been approved by the Commissioner as to its description, design, specification and make; and the boiler or pressure vessel shall not be operated until an inspection certificate has been issued in respect thereof.

No sale of
boilers unless
properly
constructed

32. No person shall sell, exchange or otherwise dispose of any boiler or pressure vessel or any accessory therewith, unless the boiler or pressure vessel has been constructed in accordance with the regulations governing design and mode of construction.

No installa-
tion of boiler
unless
properly
constructed

33. No person shall install any boiler or pressure vessel unless it has been constructed in accordance with the regulations governing design and mode of construction.

Use of
unsafe boilers

34. (1) No person shall use a boiler or pressure vessel that has been declared to be unsafe by an inspector until such repairs as are ordered by the inspector have been made.

Certificate
of repairs

(2) The owner of any boiler or pressure vessel declared by an inspector to be unsafe shall be furnished by the inspector with a statement in duplicate setting forth the repairs to be made and shall forward one copy of the statement to the Commissioner as soon as the repairs have been completed and shall certify thereon that the repairs have been made.

Where
boiler
inspected by
boiler
insurance
company

35. The provisions of this Ordinance respecting the inspection of boilers and pressure vessels do not apply to any boiler or pressure vessel insured and inspected by any duly incorporated boiler insurance company doing business in Canada if the owner of the boiler or pressure vessel, when required by any inspector, produces the certificate of inspection from such company.

Rating of
horsepower

36. The rating of the horsepower of all boilers of three horsepower or over in use in the Territory shall be calculated by the inspector according to the following schedule:—

- (a) twelve square feet of heating surface per nominal horsepower for internally fired boilers; and
- (b) fifteen square feet of heating surface per nominal horsepower for externally fired boilers.

REGULATIONS AND FORMS

37. The Commissioner may from time to time make such regulations and prescribe such forms as he may deem necessary to carry into effect the provisions of this Ordinance. Regulations

38. The fees payable under this Ordinance shall be paid to the Territorial Treasurer and shall form part of the Consolidated Revenue fund of the Yukon Territory. Return of fees

PENALTIES

39. Every person who violates any of the provisions of this Ordinance for which no penalty is elsewhere prescribed is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars, or to imprisonment, with or without hard labour, for a term not exceeding six months. Penalties

REPEAL

40. The Steam Boiler Ordinance, being Chapter 9 of the Consolidated Ordinances of the Yukon Territory, 1914, and all amendments thereto, are hereby repealed. Repeal

SCHEDULE

Engineers and Welders Fees

Engineers Certificate—Class I	\$20.00
—Class II	15.00
—Class III	10.00
—Class IV	10.00
Welders Certificate	15.00
Annual Renewal Fee, all classes	2.00
Temporary Permit (Sec 26 (2))	10.00

CHAPTER 3

AN ORDINANCE TO MAKE INOPERATIVE
"THE TUBERCULOSIS CONTROL ORDINANCE"

(Assented to May 10th, 1952.)

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 Tuberculosis Control Ordinance," being Chapter 8 of the Ordinances of the Yukon Territory, 1950 (First Session), is amended hereby by striking out Section 32 thereof and substituting therefor the following:

"32. This Ordinance shall come into force when proclaimed by the Commissioner."

CHAPTER 4

AN ORDINANCE TO REPEAL THE WOLF BOUNTY
ORDINANCE

(Assented to May 10th, 1952.)

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 Wolf Bounty Ordinance, being Chapter 14 of the Ordinances of the Yukon Territory, 1944, shall be repealed on and after the 1st day of August, A.D. 1952.
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CHAPTER 5

AN ORDINANCE RESPECTING JUSTICES
OF THE PEACE*(Assented to May 10th, 1952.)*

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 "Justice of the Peace Ordinance."

Jurisdiction
throughout
Territory

2. Justices of the Peace appointed or who hold such office by virtue of holding some other office, for the Yukon Territory shall have jurisdiction as such throughout the Yukon Territory.

Liability
after
resignation
or cancella-
tion of
appointment

3. Notwithstanding the resignation or cancellation of the appointment of a Justice of the Peace, he shall remain liable to transmit all fines and make all returns that he was liable to transmit or make at the time of such resignation or cancellation and shall be subject to all penalties for failure to transmit such fines or make such returns as if he had continued to be a Justice of the Peace.

Transmission
of fines

4. Fines received by a Justice of the Peace shall be transmitted to the Clerk of the Territorial Court or his Deputy at least once each month and the Clerk of the Court or his Deputy shall transmit such fines to the Territorial Treasurer or the Receiver General of Canada as required.

Must be
British
subject

5. No person who is not a British Subject by birth or naturalization shall be appointed a Justice of the Peace.

Oaths

6. Every Justice of the Peace, before exercising the powers so vested in him shall take and subscribe the following oaths before a person duly qualified to administer such oaths in the Yukon Territory:

OATH OF ALLEGIANCE

I, _____ do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law. So help me God.

.....
Deponent

OATH OF OFFICE

I, _____ of _____, do swear that I will faithfully and truly serve Her Majesty Queen Elizabeth the Second in the office of Justice of the Peace and that I will do right to all manner of people after the laws and usages of the Yukon Territory without fear or favour, affection or ill will. So help me God.

.....
Deponent

7. Every oath of office and allegiance taken by a Justice of the Peace shall forthwith after the same is taken be transmitted or delivered by the Justice of the Peace to the Commissioner of the Yukon Territory.

CHAPTER 6

AN ORDINANCE EMPOWERING THE COMMISSIONER OF THE YUKON TERRITORY TO GRANT A FRANCHISE TO MAYO UTILITIES LIMITED FOR THE OPERATION OF A TELEPHONE SYSTEM IN THE MAYO AREA, Y.T.

(Assented to May 10th, 1952.)

WHEREAS application has been made to the Government of the Yukon Territory by Mayo Utilities Limited for an exclusive franchise to operate a telephone communications system in the Mayo area Yukon Territory,

AND WHEREAS it appears to the Council of the Yukon Territory that the granting of such franchise will result in a more satisfactory telephone system

NOW THEREFOR 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 Commissioner of the Yukon Territory is empowered hereby to enter into an agreement with Mayo Utilities Limited granting a franchise to the said Mayo Utilities Limited on such terms and conditions as the said Commissioner deems fit and proper.

2. Any franchise agreement which may be entered into pursuant to the provisions of this Ordinance shall only be in effect for a period of ten years from the date the agreement takes effect.

CHAPTER 7

AN ORDINANCE TO AMEND
THE AMUSEMENT TAX ORDINANCE

(Assented to May 10th, 1952.)

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

1. Sub-section 1 of Section 3 of the "Amusement Tax Ordinance," being Chapter 10 of the Ordinances of the Yukon Territory 1948, is amended hereby by deleting the word "five" where it appears in the last line of said sub-section and substituting therefor the word "ten."

CHAPTER 8

AN ORDINANCE TO REGULATE THE SPEED AND
OPERATION OF MOTOR VEHICLES ON HIGHWAYS

(Assented to May 10th, 1952.)

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

Short
title

1. This Ordinance may be cited as the "Motor Vehicles Ordinance."

INTERPRETATION

Definitions

2. In this Ordinance:

"Bus"

(a) "bus" means a motor vehicle used for the transportation of passengers over a regular route or at regular intervals, but does not include a livery or taxicab;

"Chauffeur"

(b) "chauffeur" means a person who, for gain or reward, drives or operates a motor vehicle;

"Commissioner"

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

"Driver"

(d) "driver" means a person who drives or operates a vehicle on a highway and includes a chauffeur and an operator;

"Gain or Reward"

(e) "gain or reward" means any payment, consideration, compensation or gratuity, directly or indirectly charged, demanded, received or collected for the use of a vehicle by a person who, as owner, lessee, hirer, chauffeur, driver or otherwise, has possession of or control over the vehicle or has directed the movement of the vehicle;

- (f) "highway" includes a common and public road, a trail or a frozen lake, river or other body of water or water-course, a street, avenue, parkway, driveway, square, bridge, viaduct, trestle or other passageway, designed and intended for, or used by, the general public for the passage of vehicles; "Highway"
- (g) "intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or if no curb lines, the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other; "Intersection"
- (h) "licence" means a valid and subsisting licence issued under this Ordinance; "Licence"
- (i) "livery" or "taxicab" means a public service vehicle that is used by its owner, chauffeur or driver for the business of transporting passengers at their request to a stated destination but that is not operated at regular intervals or in accordance with a set time schedule; "Livery, or Taxicab"
- (j) "municipality" means a municipality established under any Ordinance of the Yukon Territory; "Municipality"
- (k) "motor vehicle" includes an automobile, bus, livery, motorcycle, pedal bicycle with motor attachment, taxicab, truck, truck tractor, tracked vehicle, or any other vehicle propelled or driven otherwise than by muscular power, but does not include a vehicle that is drawn by an animal, a tractor used for farming operations, a car of an electric or steam railway or a vehicle that runs or is intended to run only upon rails or tracks; "Motor Vehicle"
- (l) "officer" means a person who is appointed or authorized to be an officer under this Ordinance; "Officer"
- (m) "operator" means a person, other than a chauffeur, who drives or operates a motor vehicle; "Operator"
- (n) "owner" means the person in whose name a motor vehicle is or is required to be registered under this Ordinance; "Owner"

- "Peace Officer"** (o) "peace officer" includes a sheriff, deputy sheriff, sheriff's officer, justice of the peace, stipendiary magistrate, gaoler or keeper of a prison, police officer, constable, an officer appointed or authorized under this Ordinance or by a Municipality or any other person lawfully appointed, employed or authorized under any law of the Yukon Territory or of Canada for the preservation and maintenance of the public peace;
- "Permit"** (p) "permit" means a valid and subsisting permit issued under this Ordinance;
- "Public Service Vehicle"** (q) "Public service vehicle" means a motor vehicle or trailer operated on a highway by or on behalf of any person for gain or reward, but does not include a motor vehicle or trailer owned by a Municipality nor a motor vehicle or trailer used by its owner for the distribution or transportation of goods manufactured or sold by him or a single vehicle used by the owner to distribute commodities on his own behalf;
- "Settlement"** (r) "settlement" means any area or place outside the limits of a municipality in respect of which competent authorities have erected signs or posted up notices respecting the rate of speed of vehicles within the limits of that area or place for the safety of the inhabitants thereof;
- "Tracked vehicle"** (s) "Tracked vehicle" means a motor vehicle operating wholly or partly on treads or skis;
- "Trailer"** (t) "trailer" means a vehicle that is drawn on a highway by a motor vehicle, whether or not part of its weight or load rests upon or is carried by that motor vehicle, but does not include an implement of husbandry temporarily drawn, propelled or moved on a highway or a sidecar attached to a motorcycle;
- "Truck"** (u) "truck" means a motor vehicle that is constructed for or primarily used for the transportation of goods and chattels;

- (v) "truck tractor" means a motor vehicle that is used solely for the purpose of supplying power for the propulsion or drawing of a trailer or other vehicle; and "Truck tractor"
- (w) "vehicle" includes a motor vehicle, trailer and a vehicle drawn, propelled or driven by any kind of power including muscular power, but does not include a car of an electric or steam railway or vehicle that runs or is intended to run only upon rails or tracks. "Vehicle"

PART I

REGISTRATION AND LICENCING OF VEHICLES

REGISTRATION

- 3. Subject to section sixteen, no person shall operate a motor vehicle or trailer on a highway in the Yukon Territory at any time unless the motor vehicle or trailer is registered pursuant to this Ordinance. Registration required
- 4. The Commissioner, or a person authorized by him, shall keep a register for the purpose of registering vehicles under this Ordinance. Register
- 5. (1) The owner of a motor vehicle or trailer may apply to the Commissioner or to a person authorized by him to have the motor vehicle or trailer registered. Application to Commissioner
- (2) The application shall be made on a form approved by the Commissioner and shall state: Form of application
 - (a) the name and address of the owner; and
 - (b) a description of the motor vehicle or trailer including the name of the manufacturer, the factory or serial number, the year, model, colour and horsepower.
- (3) The Commissioner or a person authorized by him may dispense with any of the information required under subsection two or may require the applicant to furnish additional information. May waive or require information

- (4) (a) Where an application under this section is received by the Commissioner to register a public service vehicle, the Commissioner may require such application to be advertised for a period of two consecutive weeks in a newspaper published or circulating in the Yukon Territory, in a form prescribed by the Commissioner. In such advertisement the applicant shall state the number and type of motor vehicles for which such application is being made and the purpose for which it is intended such public service vehicles shall be used.
- (b) The Commissioner upon receipt of an application as set out in subsection (a) of Section 5 shall set a date for the hearing of such application not later than seven days after the last publication of the advertisement referred to in subsection (a) hereof, at which shall be heard all objections which may be made to the granting of such licence.
- (c) All objections made to the granting of such licence must be made in writing, a copy of which shall be served upon the applicant for such licence at least four clear days before the date of the hearing set by the Commissioner.
- (d) If no notice of objection has been received by the Commissioner as set out in subsection (c) hereto he shall forthwith grant such application.
- (e) If notice of objection to such application has been received by the Commissioner in accordance with subsection (c) hereof the Commissioner shall appoint a Board consisting of himself as Chairman and two other members one of whom shall be an elected member of the Municipal Council of Dawson or Whitehorse.
- (f) The Board so appointed by the Commissioner shall meet on the date and at the place appointed by the Commissioner and shall hear the applicant and the persons who objected to the granting of such licence and shall thereupon decide whether such application

for a licence shall be granted or otherwise. There shall be no appeal from the decision of the Board.

6. (1) An application for the registration of a motor vehicle shall be accompanied by the written certificate of an issuer licensed or permitted to sell automobile insurance in the Yukon Territory or any province, stating that:
- Certificate
of insurance
- (a) the issuer has issued to, or for the benefit of, the owner one or more motor vehicle liability policies in respect of that motor vehicle;
 - (b) the policy covering that motor vehicle is in force and will not expire or be cancelled until ten days after notice is received by the Commissioner from the issuer that the policy is to expire or be cancelled; and
 - (c) the policy is for an amount of not less than:
 - (i) five thousand dollars, not including interest and costs, for loss or damage resulting from bodily injury to or the death of any one person, and, subject to such limit for any one person so injured or killed, ten thousand dollars, not including interest and costs, for loss or damage resulting from bodily injury to or the death of two or more persons in any one accident; and
 - (ii) one thousand dollars, not including interest and costs, for damage to property resulting from any one accident.
- (2) The Commissioner, at his discretion, may order that motor vehicles which are operated only in an area described in such order shall be exempt from the provisions of sub-section (1) of this section.
7. (1) Subject to sub-section (2) an application for registration of a motor vehicle or trailer shall be accompanied by payment of the registration fee set out in the Schedule hereto.
- Registration
fee

- (2) Where an application for registration of a motor vehicle or trailer is made after the 31st of October for the year ending the 31st day of March next following the date of application, it shall be accompanied by one-half of the registration fee set out in the said Schedule.
- Bus mileage fees** (3) Where a bus, other than a bus operating on a fixed schedule, is used for the transportation of passengers for gain or reward, the owner of the bus shall, in addition to the registration fee, pay mileage fees at the rate of one fifteenth of a cent for each mile travelled in the Territory outside municipalities multiplied by the number of passenger seats in the bus.
- Statements of bus mileage** (4) The owner of every bus operated within the meaning of subsection three shall file, within fifteen days following the end of March, June, September and December in each year, with the Commissioner or a person authorized by him a statement, verified by statutory declaration, showing:
- (a) the number of miles travelled by the bus in the Territory outside municipalities; and
 - (b) the number of passenger seats in the bus.
- Payment of bus mileage fees** (5) Bus mileage fees shall be paid by the owner of the bus in each quarter within fifteen days of the date required for filing statements under this Section.
- No false statement of facts** 8. (1) No person shall knowingly make a false statement of fact in an application for registration of a motor vehicle or trailer.
- (2) No person shall knowingly make a false statement of fact in an insurer's certificate required under Section six.
- Registration** 9. Where the Commissioner or a person authorized by him is satisfied that an applicant for the registration of a motor vehicle has complied with Section six, unless exempted therefrom, and with Section five and seven, or an applicant

for the registration of a trailer has complied with sections five and seven, he shall register the motor vehicle or trailer in the Register referred to in section four and shall enter therein:

- (a) the name and address of the owner;
- (b) the number of the owner's permit; and
- (c) a description of the motor vehicle or trailer.

PERMITS AND LICENCE PLATES

10. (1) Where a motor vehicle or trailer is registered under this Ordinance the Commissioner or a person authorized by him shall issue a numbered permit to the owner indicating that the motor vehicle or trailer is registered. Issue of permits

(2) A permit issued under subsection one expires on the thirty-first day of March next following the day upon which it was issued. Day of expiry

(3) The Commissioner or a person authorized by him may re-issue a permit that expires where the owner of the motor vehicle applies for its re-issue on a form approved by the Commissioner and pays the registration fee required under section seven. Re-issue of permits

(4) The Commissioner may, for any cause that seems to him sufficient, at any time suspend or cancel the registration of a motor vehicle or trailer and the permit issued to its owner under this section. Suspension and Cancellation

11. Where a motor vehicle or trailer is registered under this Ordinance, the Commissioner or a person authorized by him shall issue number plates showing in plain figures the number of the permit issued for the current year in respect of that motor vehicle or trailer. Issue of number plates

12. (1) Subject to section sixteen, no person shall operate a motor vehicle or trailer that does not have firmly Number plates required

attached thereto the number plate issued under this Ordinance in respect of that motor vehicle or trailer.

To be distinctly visible

(2) The number plate shall be attached to a motor vehicle or trailer in such a manner that the numbers and the letters on the number plate are distinctly visible.

Motor vehicles

(3) A motor vehicle, other than a motor cycle or pedal bicycle with motor attachment, shall be equipped with one number plate attached to the back of the motor vehicle.

Motorcycles

(4) A motorcycle or pedal bicycle with motor attachment shall be equipped with one number plate attached to the rear mudguard thereof.

Trailer

(5) A trailer shall be equipped with one number plate attached to the back thereof.

Where number plates lost, destroyed or defaced

13. (1) Where a number plate of a registered motor vehicle or trailer is lost or destroyed or is so defaced as to be illegible, the owner shall forthwith apply to the Commissioner or to a person authorized by the Commissioner for re-registration of his motor vehicle or trailer and shall send along with his application:

- (a) the permit issued to him under section ten;
- (b) the remaining or defaced number plate, if any;
- (c) an affidavit showing that the number plate has been lost, destroyed or defaced; and
- (d) payment of a fee of one dollar;

and the Commissioner or person authorized by him may re-register the motor vehicle or trailer and issue to the owner a new permit and a new number plate.

Temporary authority under receipt for fee

(2) The Commissioner or a person authorized by him may, pending the issue of a new permit and a new number plate, issue to the applicant a receipt for his

fee which shall be valid authority for the operation of the motor vehicle or trailer until the new permit and new number plate are received by the owner.

14. (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.
- (2) The owner shall deliver to the Commissioner for re-issuing the Certificate of Registration of the motor vehicle or trailer of which he has disposed and, upon payment of a fee of \$2.00 the Certificate of Registration shall be re-issued to the transferee and the number plate which has been issued to such owner for such motor vehicle or trailer shall remain affixed to such motor vehicle or trailer.

SEIZURE OF NUMBER PLATES

15. Where an officer believes that a motor vehicle or trailer is equipped with number plates that were not issued in respect of that motor vehicle or trailer or is equipped with number plates that were obtained by false pretenses, the officer may take possession of the number plates and retain them until the owner of the motor vehicle or trailer establishes his authority to equip it with the seized plates.

Seizure

EXEMPTION OF NON-RESIDENTS

16. (1) Sections three, twelve and fourteen do not apply to either a motor vehicle or trailer that is not a public service vehicle and that is owned by a person who does not reside or carry on business in the Territory for more than 90 consecutive days in each year if:
 - (a) the owner has complied with the laws of his province, state or country of residence with respect to the registration and licencing of such motor vehicle or trailer and the display of registration numbers thereon; and
 - (b) the owner's province, state or country of residence grants similar exemptions and privileges with respect

Non-residents
not required
to register,
etc.

to similar motor vehicles or trailers registered under this Ordinance and owned by persons who reside or carry on business in the Territory.

Reduction of
registration
fees in cases

- (2) Where an applicant for registration of a motor vehicle or trailer of a type listed in item nine, ten, eleven or thirteen of the Schedule shows that the motor vehicle or trailer is registered in a reciprocating province the Commissioner may reduce by not more than one-half the registration fee that would otherwise be payable in respect of the registration of that motor vehicle or trailer.

Reciprocating
province

- (3) For the purposes of subsection two, a reciprocating province is a province of Canada that grants a similar reduction in registration fees with respect to similar vehicles or trailers registered under this Ordinance.

PROHIBITIONS RESPECTING REGISTRATION AND
NUMBER PLATES

Prohibition
respecting
number
plates

17. No person shall:
- (a) deface or alter a number plate issued under this ordinance;
 - (b) use or permit to use on his motor vehicle or trailer of a defaced or altered number plate;
 - (c) without the authority of the owner, remove a number plate from a motor vehicle or trailer;
 - (d) use or permit the use of a number plate on his motor vehicle or trailer other than the number plate issued under this Ordinance for that motor vehicle or trailer;
or
 - (e) fail to notify the Commissioner or a person authorized by the Commissioner of the sale, exchange or other disposal by him of a motor vehicle or trailer as required by section 14 or of the purchase by him of a motor vehicle or trailer in respect of which a permit has been issued.

18. No person shall apply for, procure or attempt to procure the registration of a motor vehicle or trailer during a period in which the registration of the motor vehicle or trailer or a permit issued therefor is suspended or cancelled.

Not to apply during period of suspension

PART II

CHAUFFEURS' AND OPERATORS' LICENCES

LICENCES

19. (1) Subject to subsections two and three, no person shall operate a motor vehicle on a highway in the Yukon Territory unless he holds a chauffeur's licence or operator's licence issued to him under this Ordinance.
- (2) Subsection one does not apply to a person who does not reside or carry on business in the Territory for more than six consecutive months in each year if:
- (a) he holds a chauffeur's licence or operator's licence issued to him by his province, state or country of residence; and
 - (b) his province, state or country of residence grants similar privileges with respect to the operation of motor vehicles to persons who reside or carry on business in the Yukon Territory.
- (3) Subsection one does not apply to a person who is learning to operate a motor vehicle where he is accompanied by a person who holds a chauffeur's licence or operator's licence and who sits beside the person learning to operate the vehicle for the purpose of teaching him to operate it.
20. (1) Subject to subsection two, the Commissioner or a person authorized by him may issue a chauffeur's licence or an operator's licence to a person who applies therefor for a period and under such terms as the Commissioner may prescribe.

Licence required

Exemption for non-residents

Exemptions for persons learning to operate

Issue of licences

(2) A licence shall not be issued under this section to a person who is under the age of sixteen years.

Applicant
may be
examined

21. The Commissioner or a person authorized by him may refuse to issue a chauffeur's licence or an operator's licence until he is satisfied that the applicant therefor is capable of operating a motor vehicle without endangering the safety of the general public and to that end may require the applicant to submit himself for examination by an officer or may determine the circumstances in which an examination may be dispensed with.

Form of
application

22. Applications for a chauffeur's licence or an operator's licence shall be made to the Commissioner or to a person authorized by him and shall be on a form approved by the Commissioner and shall state:

- (a) the name and address of the applicant;
- (b) his age, weight, colour of eyes, colour of hair and sex;
- (c) whether or not the applicant has ever had his chauffeur's or operator's licence suspended or cancelled and, if so, the reasons therefor;
- (d) whether the applicant has ever suffered from any mental disability, epilepsy stroke, fits, fainting spells or convulsions or illness affecting the eyes; and
- (e) such further and other information as the Commissioner or a person authorized by him may require.

Licence fee

23. Every application for a chauffeur's licence shall be accompanied by the payment of a licence fee of \$5.00 and for an operator's licence shall be accompanied by a payment of a licence fee of \$2.00.

Signature of
licencce
required

24. A chauffeur's licence or an operator's licence is not valid until the person to whom the licence is issued has written his usual signature thereon in the space provided for that purpose.

25. Unless sooner stated therein, a chauffeur's licence or an operator's licence expires on the thirty-first day of March next following the day upon which it was issued.

Day of
expiry

PRODUCTION OF LICENCES

26. Every chauffeur or operator shall carry his licence with him and shall produce it for inspection when asked to do so by a peace officer.

Inspection
by peace
officer

CANCELLATION AND SUSPENSION

27. The Commissioner may, for any cause that seems to him sufficient, suspend or cancel a chauffeur's licence or operator's licence issued under this Ordinance.

Suspension
and
cancellation
by Commis-
sioner

28. (1) Every holder of a chauffeur's licence or operator's licence who is convicted of an offence under this Ordinance or under section two hundred and eighty-five of the Criminal Code shall forthwith deliver his licence to the Judge or Magistrate making the conviction and the Judge or Magistrate shall endorse on the licence the particulars of the conviction.

Licence shall
be delivered
on conviction
for endorse-
ment

(2) A Judge or Magistrate who convicts the holder of a chauffeur's licence or operator's licence of an offence under this Ordinance may, upon making the conviction, suspend or cancel the licence and shall send the suspended or cancelled licence to the Commissioner, together with a report setting out the nature of the conviction and the circumstances of the offence.

Magistrate
may suspend
or cancel
licence of
offender

(3) Where a licence is suspended or cancelled under subsection two, the suspension or cancellation shall remain in force until the Commissioner orders the revocation of the suspension or issues a new licence to replace the cancelled licence.

Suspension,
etc., remains
in force
until
Commissioner
revokes it

(4) Every holder of a chauffeur's licence who is convicted of contravening section one hundred and twenty-nine of the Yukon Act shall forthwith deliver his licence to the Judge or Magistrate making the conviction, and such licence shall be suspended for a period of three months

Suspension
for offence
under Yukon
Act

or such longer period as the convicting Judge or Magistrate shall order.

RENEWAL OF LICENCES

Renewals

29. The Commissioner or a person authorized by him may renew a chauffeur's licence or a driver's licence where the applicant for a renewed licence

- (a) shows that he has previously been issued a licence;
- (b) gives the number, date of issue and classification of the licence to be renewed; and
- (c) sends a fee of five dollars for a chauffeur's licence renewal and two dollars for an operator's licence renewal, along with his application,

and the Commissioner or a person authorized by him is satisfied that the applicant is qualified to operate a motor vehicle.

PROHIBITIONS

Not to allow unlicensed operation

30. Unless otherwise permitted in this Ordinance, no person shall allow his motor vehicle to be operated by a person who has not been issued a chauffeur's licence or an operator's licence under this Ordinance.

Not to hire or rent to unauthorized operators

31. No person shall hire or let for hire a motor vehicle unless the person by whom the motor vehicle is to be driven is authorized under this Ordinance to operate a motor vehicle.

Hired employees shall hold chauffeur's licence

32. No person shall employ for hire to operate a motor vehicle a person who has not been issued a chauffeur's licence under this Ordinance.

Not to use licence of another, etc.

33. (1) No person shall use or possess a chauffeur's licence or an operator's licence that has been issued to another person or that is fictitious or that has been suspended or cancelled.

Not to allow another to use licence

(2) No person shall allow his chauffeur's licence or his operator's licence to be used or possessed by another person.

34. No person shall apply for, procure or attempt to procure a chauffeur's licence or an operator's licence during a period in which his prior licence is suspended or cancelled or in which he is otherwise disqualified from holding a licence, whether or not the year for which the prior licence was issued has expired.

No person to apply for licence during period of suspension, etc.

PART III

EQUIPMENT

LIGHTS

35. (1) No person shall operate a vehicle on a highway during the night or at any time when fog or other atmospheric conditions reduce the degree of visibility to that approximating the degree of visibility existing under normal atmospheric night conditions or less, unless the vehicle is equipped with lighted lamps in accordance with this Part.

Lamps at night

(2) For the purposes of this Ordinance "night" means the period from sunset to the next following sunrise.

Meaning of "night"

(3) In this Part, requirements as to visibility of lamps in terms of distance from a vehicle shall mean that the lamps are clearly visible at the stated distance under normal atmospheric night conditions.

Visibility refers to normal atmospheric night conditions

36. (1) A motor vehicle, other than a motorcycle or a pedal bicycle with motor attachment, shall be equipped with the following lamps:

Motor vehicle

(a) not less than two head lamps, one at each side of the motor vehicle at the front, each of which projects a white light for a distance of at least three hundred feet in front of the motor vehicle; and

(b) a tail lamp of not less than three candlepower that shows a red light plainly visible at a distance of at least 200 feet behind the motor vehicle and illuminates, with a white light, the number plate fixed on the

back of the motor vehicle so that its letters and figures are plainly visible at a distance of at least sixty feet behind the motor vehicle.

Vertical
position of
headlamps

(2) The headlamps of a motor vehicle shall be not less than twenty-four inches and not more than fifty inches above the plane surface upon which the motor vehicle rests.

Angle of
headlight
beam

(3) No part of the direct, reflected or refracted light projected from a motor vehicle headlamp shall rise more than forty-two inches, at a distance of seventy-five feet in front of the motor vehicle, above the plane surface upon which it stands.

Side lamps

(4) Where a motor vehicle is more than twenty feet in length, or more than eighty inches in width, it shall be equipped with not less than four side lamps, two of which shall show a green light and be located one on each side of the motor vehicle at its rear.

Motorcycle

37. A motorcycle or pedal bicycle with motor attachment shall be equipped with one headlamp at the front and one tail lamp at the rear but these lamps shall, in all respects, conform to the requirements set out in section thirty-six respecting lamps carried by motor vehicles.

Bicycle

38. A bicycle, other than a pedal bicycle with motor attachment, shall be equipped with a white lamp at the front and a red lamp or red reflector at the rear, each of which is clearly visible at a distance of at least two hundred feet.

Trailer

39. A trailer shall be equipped with one red lamp or reflector at the rear that is clearly visible at a distance of at least two hundred feet.

Vehicles
other than
motor
vehicles

40. A vehicle other than a motor vehicle, trailer or bicycle that is operated on a highway at night shall be equipped with a lamp, showing white to the front and red to the rear, located on the left side of the vehicle and clearly visible at a distance of at least two hundred feet.

41. (1) With the exception of ambulances, police vehicles, salvage vehicles, road maintenance vehicles or fire-fighting vehicles operated on highways by authorized persons, no vehicle shall be equipped with a lighted spotlight, searchlight or other auxiliary lamp attached to the vehicle at a greater height than the headlamps of the vehicle. Spotlights, etc.

(2) The light from a spotlight, searchlight or other auxiliary lamp shall be directed towards the right of the travelled portion of a highway.

42. When a motor vehicle is parked or is standing on a highway at night it may show one light on the left side thereof that is clearly visible for a distance of at least two hundred feet from both the front and the rear of the motor vehicle but such light shall not be shown while the motor vehicle is in motion. Parking lights

BRAKES

43. (1) No person shall operate a motor vehicle on a highway unless it is equipped with adequate service brakes and hand brakes in accordance with this Part. Brakes required

(2) The service brakes of a motor vehicle are not adequate unless they are capable of bringing the motor vehicle to a stop within a distance of forty feet from the point at which the brakes are first applied when the motor vehicle is: Service brakes

- (a) moving at a speed of twenty miles per hour;
- (b) loaded to its full capacity; and
- (c) travelling on a level surface of dry asphalt, concrete or gravel.

(3) The hand brake of a motor vehicle is not adequate unless it is capable of bringing the motor vehicle to a stop within a distance of fifty-five feet from the point at which the brake is first applied when the motor vehicle is: Hand brake

- (a) moving at a speed of twenty miles per hour ;
- (b) loaded to its full capacity; and
- (c) travelling a level surface of dry asphalt, concrete or gravel,

and the hand brake of a motor vehicle is not adequate unless it is capable of holding the motor vehicle at a standstill upon any grade on which the motor vehicle is stopped.

Trailer
brakes

44. No person shall use a commercial trailer on a highway unless it is equipped with brakes that are capable of holding the trailer at a standstill upon any grade on which the trailer is stopped.

OTHER EQUIPMENT

Alarm
bells, etc.

45. (1) No person shall operate a motor vehicle or bicycle on a highway unless it is equipped with an alarm bell, gong or horn that is in good working order.

To be sounded
when
necessary

(2) a person operating a motor vehicle or a bicycle upon a highway shall sound its alarm bell, gong or horn whenever it is reasonably necessary to warn pedestrians or others of its approach.

Use of
siren
horns

(3) No vehicle, other than an ambulance, police vehicle or a fire-fighting vehicle operated on a highway by an authorized person, shall be equipped with a siren-horn or a device producing a sound that so nearly resembles the sound produced by a siren-horn as to deceive or confuse.

Muffler

46. No person shall operate on a highway a motor vehicle that is powered by an internal combustion engine unless it is equipped with a muffler capable of preventing unreasonable noise in the operation of the engine of the motor vehicle.

Unnecessary
noise or
smoke
prohibited

47. (1) Subject to subsection two, no person operating a motor vehicle or bicycle on a highway shall:

- (a) sound an alarm bell, gong or horn so as to make an unreasonable noise;
- (b) permit an unreasonable amount of smoke to escape from the vehicle;
- (c) cut out the operation of the muffler or otherwise cause the vehicle to make any unnecessary noise.

(2) Subsection one does not apply to an ambulance, police vehicle or fire-fighting vehicle operated on a highway by an authorized person. Exception

48. No person shall operate a motor vehicle other than a pedal bicycle with motor attachment on a highway unless it is equipped with a mirror securely attached to the motor vehicle and placed in a position that affords the person operating the motor vehicle a clearly reflected view of the highway in the rear or of any vehicle approaching from the rear. Mirror

49. No person shall operate a motor vehicle, other than a motorcycle or a pedal bicycle with motor attachment, on a highway unless it is equipped with a windshield wiper or other device for cleaning rain, snow or other moisture from the windshield and the wiper or other device is so constructed that it may be controlled or operated by the driver while the motor vehicle is in motion. Windshield wiper

50. No person shall operate upon a highway any vehicle carrying a load that overhangs the rear of the vehicle to the extent of five feet or more unless there is displayed on such overhanging load at the extreme rear end thereof: Signs on overhanging loads

- (a) at night or when fog or other atmospheric conditions reduce the degree of visibility to that approximating the degree of visibility existing under normal atmospheric night conditions or less, a red light; and
- (b) at all other times, a red flag or a red wooden or metal sign sufficient to indicate the projection of the overhanging load.

PART IV

RATE OF SPEED

HIGHWAYS GENERALLY

Unreasonable
speed
prohibited

51. No person shall operate a motor vehicle on a highway at a rate of speed that is unreasonable having regard to all of the existing circumstances, including the nature, condition and use of the highway and the amount of traffic that is or might reasonably be expected to be on the highway.

Prima facie
unreasonable
rate

52. A person who operates a truck of greater capacity than one ton at a rate of speed greater than forty miles per hour, and a person who operates any other motor vehicle at a rate of speed greater than fifty miles per hour, shall be deemed, *prima facie*, to be operating the motor vehicle at an unreasonable rate of speed.

Curves and
intersections

53. A person who, while operating a motor vehicle on a highway, approaches an intersection or curve, where that person has not a clear view of approaching traffic, at a rate of speed greater than fifteen miles per hour shall be deemed, *prima facie*, to be operating the motor vehicle at an unreasonable rate of speed.

MUNICIPALITIES

Rate of
speed in
municipalities

54. (1) Where by-laws regulating the rate of speed of motor vehicles are in force in a Municipality, no person shall operate a motor vehicle on a highway in the Municipality at a greater rate of speed than that stipulated in the by-laws for that district.

Rate of
speed in
settlements,
etc.

(2) Where signs or notices have been erected or posted up in a settlement which show the rate of speed of motor vehicles on the highways in that settlement, no person shall operate a motor vehicle on a highway in the settlement at a greater rate of speed than that shown on such signs or notices.

Prima facie
unreasonable
rate

(3) A person who operates a motor vehicle on a highway in a Municipality referred to in subsection one or in a

settlement referred to in subsection two at a rate of speed greater than twenty-five miles per hour shall be deemed, *prima facie*, to be driving at an unreasonable rate of speed.

- (4) A person who, while operating a motor vehicle on a highway in a Municipality referred to in subsection one or in a settlement referred to in subsection two, approaches an intersection or curve, where that person has not a clear view of approaching traffic, at a rate of speed greater than ten miles per hour shall be deemed, *prima facie*, to be operating the motor vehicle at an unreasonable rate of speed.

Curves and intersections

BRIDGES

- 55. (1) The Commissioner or a person authorized by him or the Municipal Council of a Municipality or other authority having jurisdiction over a highway may limit the rate of speed of a vehicle passing over a bridge and may post a notice or erect a sign at each end of the bridge stipulating the rate of speed of vehicles using the bridge.

Signs, etc., as to rate of speed on bridges

- (2) No person shall operate a vehicle over a bridge on which notices or signs have been posted up or erected under subsection one at a greater rate of speed than that stipulated on the notice or sign.

Excessive speed prohibited

HOSPITAL ZONES AND SCHOOL ZONES

- 56. (1) The Commissioner or a person authorized by him or the Municipal Council of a Municipality or other authority having jurisdiction over a highway may designate an area or zone to be a hospital zone or school zone and may post notices or erect signs marking out such zones and stipulating the rate of speed of any vehicle while in such zone.

Signs, etc. as to rate of speed in hospital zones or school zones

- (2) No person shall operate a vehicle in a hospital zone or school zone referred to in subsection one at a greater rate of speed than that stipulated on the notices or signs posted up or erected in such zone.

Excessive speed prohibited

EXCEPTIONS

Fire, police
and
ambulance
vehicles
excepted

57. Sections fifty-one to fifty-six inclusive do not apply to a motor vehicle that:

- (a) is transporting a member of a fire brigade or a peace officer or fire equipment to a fire;
- (b) is transporting a peace officer for the purpose of making an arrest or of detecting or preventing the commission of a crime; or
- (c) is an ambulance responding to an emergency call, if the motor vehicle while being so used operates a siren continuously.

CARRIAGE OF EXPLOSIVES

Regulation
of speed of
vehicles
carrying
explosives

58. The Commissioner may make regulations with respect to the rate of speed and other conditions under which vehicles transporting explosives or other dangerous substances may be operated.

PART V

RULES OF THE ROAD

PASSING

No passing
hill, curve
or bridge

59. No driver shall pass or attempt to pass another vehicle proceeding in the same direction on a hill, curve, or bridge or the approaches thereto.

To keep to
right when
meeting
another
vehicle

60. (1) A driver shall, when meeting another vehicle, keep his vehicle at all times to the right of the centre line of the highway.

(2) Where a driver desires to pass another vehicle or horseman travelling upon the highway in the same direction, he shall, in passing, keep his vehicle to the left of the other vehicle or horseman or to the left side of the centre line of the highway.

(3) A driver shall not drive on the left side of the centre line of the highway in overtaking and passing another vehicle or horseman unless the left side of the highway is free of approaching traffic for a sufficient distance ahead to permit the driver to overtake and pass the other vehicle or horseman in safety.

Passing only when safe clearance

(4) Where a driver or a horseman on a highway is overtaken by a vehicle travelling in the same direction, he shall keep to the right of the centre line of the highway and permit the overtaking vehicle to pass.

Vehicle being overtaken to stay on right

(5) Where a driver or a horseman on a highway cannot for any reason keep to the right of the centre line of the highway to allow an overtaking or approaching vehicle to pass, he shall stop his vehicle or horse, and, if necessary, assist the other vehicle to pass.

Duty to stop if cannot stay on right

61. Where a driver meets or is overtaken by a motor vehicle on which a siren is being sounded, he shall bring his vehicle to a stop at the extreme right hand side of the highway as soon as possible and shall remain stopped until the vehicle on which the siren is being sounded has passed.

Duty to stop when overtaken by vehicle with siren

PARKING

62: (1) No person shall park or leave standing any vehicle, whether attended or unattended, upon the travelled portion of a highway where it is practicable to park or leave the vehicle off the travelled portion of the highway.

To be left off travelled portion if possible

(2) No person shall park or leave standing any vehicle, whether attended or unattended, upon a highway outside of a settlement or a municipality unless a clear and unobstructed portion of the highway opposite the parked or standing vehicle is left free for the passage of other vehicles thereon and unless the parked or standing vehicle is clearly visible for a distance of four hundred feet along the highway in both directions.

Parked vehicle to be clearly visible, etc.

(3) No person shall permit a vehicle to remain at a standstill on a highway for longer than one minute at any place that is within thirty feet of an intersection.

Limited parking at intersections

TURNING

Duty to
signal turn-
ing, etc.

63. (1) A driver shall, before turning the vehicle to the right or left or before stopping the vehicle, signal his intention so to do.

Signals in
accordance
with the
regulations

(2) Where regulations are made designating signals for turning, stopping or other operation of a vehicle, a driver shall, before turning, stopping or otherwise, signal his intention so to do in accordance with such regulations.

Turning at
inter-
section

64. A driver shall, at an intersection, keep to the right of the intersection of the centre lines of the highways when turning to the right or to the left.

INTERSECTIONS

Vehicle that
has entered
has right-of-
way

65. (1) A driver approaching an intersection shall yield the right-of-way to a vehicle that has entered the intersection.

Vehicle from
right has
right-of-way

(2) Where two vehicles enter an intersection at approximately the same time, the vehicle that enters the intersection from the right of the other vehicle has the right-of-way.

ENTER HIGHWAYS

66. (1) Every driver who is about to enter:

Duty to stop
before enter-
ing certain
highways

- (a) a main highway;
- (b) a highway that has been designated and marked as a highway at which vehicles are required to stop; or
- (c) an intersection at which vehicles are required to stop under by-laws made by the Municipal Council of a Municipality

shall bring his vehicle to a stop at a point not less than ten feet and not more than fifty feet from the highway or intersection and shall not enter upon the highway or

intersection either for the purpose of crossing it or of proceeding along it until the conditions of traffic on the highway are such that his vehicle can enter the highway with safety.

- (2) Every driver who is about to enter any highway from a private road or driveway or from an alleyway or lane shall comply with the requirements of subsection one whether or not the highway is a main highway or has been designated and marked as a highway at which vehicles are required to stop. Duty to stop before entering a highway from a private road, etc.
- (3) A driver who is required to stop his vehicle under subsection one or two before entering a highway shall yield the right-of-way to all vehicles upon the highway. Right-of-way

CROSSING HIGHWAYS

- 67. (1) Subject to subsection two, no driver on a highway within a Municipality or within any settlement shall operate his vehicle in such a manner that the vehicle crosses from one side of the highway to the other side between intersections. No crossing between intersections
- (2) Where it is not prohibited by by-law, a person, who is operating a motor vehicle on a highway within a settlement, may cross from the highway to enter a private road, driveway, alleyway or lane on the other side if the conditions of traffic on the highway are such that his vehicle may cross with safety. May enter lane, etc.

68. Notwithstanding any other provision of this Ordinance, a person who is engaged upon the work of maintenance of a highway is entitled to operate any vehicle required for the work upon any portion of the highway that it is necessary for him to drive on for the regular or convenient discharge of his duties. Maintenance workman may drive on any portion

SCHOOL VEHICLES

69. Where a bus, van or other school vehicle operated for the transportation of school children that is clearly marked as such has stopped to receive or discharge passengers, Not to pass stopped school bus

no driver shall overtake and pass such bus, van or other school vehicle.

ACCIDENTS

Duty to assist and to give information

70. (1) Where an accident occurs to any person whether on foot, on horseback or in a vehicle, or to any horse or vehicle, as a result of the presence of a motor vehicle on a highway, the driver of the motor vehicle shall remain at or return immediately to the scene of the accident and shall:

(a) render all reasonable assistance to the injured person or animal; and

(b) give to any person sustaining loss or injury as a result of the accident or to any peace officer or to any witness his name and address, the name and address of the owner, the registration number of the motor vehicle and such other relevant information as may be requested.

Duty to report

(2) The driver of a motor vehicle that is, directly or indirectly, involved in an accident shall, where the accident results in bodily injury to any person or in property damage that would appear to exceed seventy-five dollars, or both, report the accident forthwith to the nearest member of the Royal Canadian Mounted Police, if practicable, and, if not practicable, to any other peace officer and shall furnish him, where requested to do so, with a written statement concerning the accident.

Where operator incapable

(3) Where a person required to report under subsection two is physically incapable of making a report, any other occupant of the motor vehicle or witness to the accident shall make the report.

Duty of R.C.M.P., etc., to report to Commissioner

(4) A member of the Royal Canadian Mounted Police or other peace officer who receives a report of an accident under this section shall secure from the person making the report, or by other inquiries where necessary, the particulars of the accident, the persons involved, the

extent of personal injuries and property damage, if any, and such other information as may be necessary to prepare and complete a written report to the Commissioner and shall, as soon as possible after the accident and after completing the written report, send it to the Commissioner.

- (5) Where an insurance company receives a claim under a motor vehicle liability policy referred to in section six in respect of personal injuries or property damage exceeding seventy-five dollars, the company shall forthwith notify the Commissioner and shall furnish to the Commissioner such information as he may require. Duty of insurance companies to report to Commissioner
- (6) In the event of an accident involving a motor vehicle licenced by an authority other than the Commissioner or someone authorized by him, the owner or driver of such motor vehicle shall produce evidence of insurance comparable to that required under Section 6 of this Ordinance. If such evidence of insurance cannot be produced then such motor vehicle may be seized and held until all claims arising from such accident have been settled. Insurance on vehicles licenced by other agencies

PART VI

PEDESTRIANS

INTERSECTIONS

71. (1) At an intersection where traffic is controlled by a traffic control signal, a pedestrian shall cross a highway only in the direction in which vehicles are permitted to move, and a driver shall, when turning, yield the right-of-way to the pedestrian so crossing. Direction where traffic control signal
- (2) At an intersection where traffic is controlled by a traffic control signal or by a peace officer, a driver shall yield the right-of-way to a pedestrian who is crossing or who has started to cross the highway on a green or "go" signal, and in all other cases, a pedestrian shall yield the right-of-way to a vehicle proceeding directly ahead on a green or "go" signal. Right-of-way where traffic control signal

Where no
traffic
control
signal, etc.

72. At an intersection where there is no control of traffic by a traffic control signal or by a peace officer or where there is a marked pedestrian crossing other than at an intersection or where an overhead or underground crossing has been provided for pedestrians, a driver shall yield the right-of-way to a pedestrian crossing the highway, but nothing in this section relieves a pedestrian from the duty of exercising reasonable care for his own safety.

Other
vehicles not
to pass

73. Where a vehicle stops at an intersection or at a marked pedestrian crossing to permit a pedestrian to cross the highway, no other vehicle approaching from the rear shall overtake and pass the stopped vehicle.

OTHER CROSSINGS

Right-of-way

74. Every pedestrian crossing a highway at any point other than at an intersection or a marked pedestrian crossing shall yield the right-of-way to a vehicle on the highway but nothing in this section relieves a driver from the duty of exercising reasonable care for the safety of such pedestrians.

GENERAL

Use of
sidewalk
or path

75. Where a sidewalk or path is located beside a highway, a pedestrian shall, at all times when reasonable and practicable to do so, use the sidewalk or path and shall not walk or remain on the highway, but nothing in this section relieves a driver from the duty of exercising reasonable care for the safety of pedestrians.

Pedestrian
to walk on
left side

76. A pedestrian who walks or stands on the travelled portion of a highway shall walk or stand near the left-hand edge of that portion.

PART VII

PROHIBITIONS

GENERAL

Not to use,
etc., without
owner's
consent

77. No person shall use, interfere or tamper with any motor vehicle, or any of its accessories, or any thing placed therein or thereon, without the consent of the owner.

78. No person shall operate a motor vehicle on a highway unless all of the requirements of this Ordinance with respect to equipment are complied with.

Vehicles shall be properly equipped

79. No person shall operate a motor vehicle on a highway in a race or a bet or wager as to its speed or otherwise.

No racing, etc.

80. No person shall throw or place on a highway glass, nails, scraps of metal or other materials injurious to the tires of a motor vehicle.

No glass, etc., to be thrown on highway

81. (1) No driver shall refuse or fail to stop his vehicle when requested or signalled to stop by a peace officer in uniform.

Stopping when requested by peace officer

(2) No person who is stopped by a peace officer under subsection one shall refuse or fail to answer all reasonable enquiries made of him by the peace officer.

Duty to answer enquiries

(3) No person who is stopped by a peace officer under this section shall start his vehicle until he is permitted to do so by the peace officer.

Not to start until permitted by peace officer

82. No person shall tear down, deface, injure or otherwise molest a sign or notice erected or posted up under lawful authority for the purpose of guiding or warning persons operating vehicles, pedestrians or others on a highway.

No defacing of signs

83. (1) No person shall sell or offer or expose for sale a motor vehicle or a part or accessory of a motor vehicle where the manufacturer's or maker's serial number has been removed, obliterated or defaced or is not clearly visible.

No sale where serial number defaced

(2) No person shall remove, obliterate, or deface the manufacturer's or maker's serial number on a motor vehicle or part or accessory thereof.

Defacing prohibited

(3) Subsection one does not apply to the sale of second-hand tires.

Exception of tires

PART VIII

ADMINISTRATION

REGULATIONS

84. The Commissioner may make regulations:
- (a) respecting the duties and powers of officers;
 - (b) respecting the persons who may issue permits and licences under this Ordinance;
 - (c) respecting the form of application for permits, licences and number plates and the form of any returns or reports required under this Ordinance together with the manner and time for making the same;
 - (d) respecting the requirements as to brakes, lights, reflectors and other equipment of vehicles and the inspection, testing, adjustment or repair thereof;
 - (e) respecting number plates, or other identification substituted for number plates;
 - (f) prescribing for and requiring the use of devices or other means to prevent accidents or thefts of motor vehicles;
 - (g) prescribing the form of permits or licences issued under this Ordinance;
 - (h) prescribing terms and conditions with respect to registration, use or operation of motor vehicles, whether new or second-hand that are owned, kept or used by manufacturers, dealers, repairers or storers of motor vehicles or by parking lot operators or wreckers; and
 - (i) generally, for carrying out the purposes and provisions of this Ordinance.

OFFICERS

85. The Commissioner may appoint persons to be officers to enforce and carry out the provisions of this Ordinance.

Appointment by Commissioner

86. Members of the Royal Canadian Mounted Police are *ex officio* officers for the purpose of enforcing and carrying out the provisions of this Ordinance.

Members of R.C.M.P. are *ex officio* officers

POWERS OF OFFICERS

87. A peace officer may, at any time stop and inspect a vehicle that is on a highway and may, if the vehicle is not equipped in accordance with the provisions of this Ordinance, require the driver or the owner to remedy the defect forthwith and to comply strictly with the equipment provisions of this Ordinance before any further use is made of the vehicle.

Power to stop, inspect and order proper equipping of vehicles

88. (1) Where a peace officer discovers an apparently abandoned motor vehicle on or near a highway, he may take the motor vehicle into his custody and may cause it to be stored in a suitable place.

Power to seize abandoned motor vehicle

(2) The costs of the removal, care and storage of a motor vehicle taken under subsection one shall be paid by the owner thereof and are a lien upon the motor vehicle.

Payment of expenses of seizure

PART IX

PROCEDURE, EVIDENCE AND PENALTIES

LIABILITY

89. (1) Subject to subsections two and three, the owner of a motor vehicle is liable for loss or damage sustained by any person by reason of negligence in the operation of the motor vehicle on a highway and the driver is liable to the same extent as the owner.

Liability for loss or damage

(2) This section does not apply to the owner of a motor vehicle where it was without his consent, in the possession of some person other than the owner or his servant or chauffeur.

Where vehicle used without owner's consent

Gratuitous
passengers

(3) This section does not apply to an owner of a motor vehicle, other than a vehicle used for carrying passengers for hire or gain, or to the driver where the loss or damage results from bodily injury to or the death of a person being carried in or upon or entering or alighting from the motor vehicle, unless there has been gross negligence or wilful and wanton misconduct on the part of the owner or driver and unless such gross negligence or wilful and wanton misconduct contributed to the injury or death in respect of which the action is brought.

Passengers
for hire or
gain

(4) Subsection three does not relieve a person who transports passengers for hire or gain or the owner or driver of a motor vehicle that is being demonstrated to a prospective purchaser from responsibility for loss or damage sustained by a passenger while being transported for hire or gain or while being transported as a prospective purchaser.

Certain
persons
deemed to be
servants of
owner

90. In an action for damages arising out of the operation of a motor vehicle on a highway, a driver, other than an agent or servant of the owner, who

(a) is living with and is a member of the family of the owner; or

(b) has acquired possession of the motor vehicle with the consent, express or implied, of the owner,

shall be deemed to be the agent or servant of the owner and to be operating the motor vehicle in the course of his employment.

ONUS OF PROOF

Onus of
proof on
owner or
driver

91. (1) Subject to subsections two and three, where loss or damage is sustained by reason of a motor vehicle on a highway, the onus of proof that such loss or damage did not entirely or solely arise through the negligence or improper conduct of the driver or the owner thereof shall be upon the driver or the owner.

(2) This section does not apply to loss or damage arising from a collision between motor vehicles on a highway. Collision of motor vehicles

(3) This section does not apply to an action brought by a passenger in a motor vehicle in respect of any injuries sustained by him while a passenger. Where plaintiff is a passenger

92. Where a vehicle is operated on a highway in contravention of any provision of this Ordinance and loss or damage is caused to a person by the vehicle, the onus of proof that the loss or damage did not arise by reason of the contravention of this Ordinance shall be upon the driver or the owner thereof. Loss due to contravention of Ordinance

93. Where proof of ownership of a vehicle or the suspension or revocation of a licence or permit issued under this Ordinance is required, the production of a licence, permit or certificate purporting to be under the hand of the Commissioner or under the hand of a person authorized by him, to the effect that the person named therein is the registered owner of the vehicle or that the licence or permit of the person named therein has been suspended or revoked is *prima facie* evidence of the ownership or of the suspension or revocation, as the case may be, without proof of signature or official character. Prima facie proof of ownership, etc.

LIMITATIONS

94. (1) Subject to subsections two and three, no action shall be brought against a person for the recovery of damages resulting from the operation of a vehicle on a highway after the expiration of twelve months from the time that the cause of the action arose. Limitations for civil actions

(2) Notwithstanding subsection one, where an action is brought within the time limited by this Ordinance for the recovery of damages occasioned by a vehicle on a highway and a counterclaim is made or third party proceedings are instituted by a defendant in respect of damages occasioned in the same accident, the lapse of time limited in this section is not a bar to such counterclaim or third party proceedings. Counterclaim and third party proceedings

Time limit
for
prosecution

95. In the case of an offence under this Ordinance or the regulations punishable on summary conviction, the complaint shall be made, or the information laid, within sixty days from the time when the matter of the complaint or information arose.

OFFENCES AND PENALTIES

Failure to
produce
licence

96. Every person who fails to produce his operator's licence or chauffeur's licence when asked to do so by a peace officer is guilty of an offence and is liable upon summary conviction to a fine not exceeding five dollars.

Vehicles
improperly
equipped

97. Every person who operates on a highway a vehicle that is not equipped in accordance with the requirements of this Ordinance respecting equipment and every person by whose permission a vehicle is so operated is guilty of an offence and is liable upon summary conviction to a fine of not less than five dollars and not exceeding fifty dollars.

Obstructing,
etc., a peace
officer

98. Every person who obstructs, molests or interferes with a peace officer in the performance of his duties with respect to the enforcement and carrying out of this Ordinance is guilty of an offence and is liable upon summary conviction:

- (a) for the first offence to a fine not exceeding one hundred dollars;
- (b) for a second offence to a fine not exceeding three hundred dollars; and
- (c) for a third or subsequent offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

False
statements

99. Every person who knowingly makes a false statement of fact in an application, declaration, report or other document required by this Ordinance or by the Commissioner is guilty of an offence and is liable on summary conviction in addition to any other fine or punishment to which he may be liable:

- (a) for the first offence to a fine not exceeding one hundred dollars; and
- (b) for a second or subsequent offence to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding thirty days or to both fine and imprisonment.

100. (1) Every person who operates on a highway a motor vehicle that is not registered pursuant to this Ordinance and every person who is required to hold a chauffeur's licence or an operator's licence and who, while not so licenced, operates a motor vehicle on a highway is guilty of an offence and is liable upon summary conviction:

Operation of
unregistered
vehicle, and
operation
without
licence

- (a) for the first offence to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding thirty days; and
- (b) for a second or subsequent offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

(2) Every person who operates a motor vehicle on a highway after the suspension or cancellation of the certificate of registration thereof or after the suspension or cancellation of his chauffeur's licence or operator's licence, as the case may be, is guilty of an offence and is liable upon summary conviction to the penalties provided in subsection one.

Operation
after
cancellation
of licence,
etc.

101. (1) Every person who contravenes the provisions of this Ordinance respecting the speed of vehicles is guilty of an offence and is liable upon summary conviction:

Excessive
speed

- (a) for the first offence to a fine not exceeding fifty dollars;

- (b) for a second offence to a fine not exceeding one hundred dollars; and
- (c) for a third or subsequent offence to a fine not exceeding two hundred dollars or to imprisonment for a term of not less than fifteen days and not exceeding thirty days or to both fine and imprisonment.

Automatic
cancellation
of licence
for third
offence

- (2) Where a person contravenes the provisions of this Ordinance respecting the speed of vehicles subsequent to his conviction for a second offence under these provisions, his chauffeur's licence or operator's licence shall, *ipso facto*, become forfeited, cancelled and void, and he shall not be eligible to obtain a chauffeur's licence or operator's licence until three months after such conviction or such longer time as the Commissioner may stipulate.

General
penalty

102. Every person who violates a provision of this Ordinance or the regulations for which no other penalty is provided is guilty of an offence and is liable upon summary conviction:

- (a) for the first offence to a fine not exceeding fifty dollars;
- (b) for a second offence to a fine not exceeding seventy-five dollars; and
- (c) for a third or subsequent offence to a fine not exceeding one hundred dollars.

Repeal

103. The following Ordinances and amendments thereto are hereby repealed:

The Motor Vehicle Ordinance, Chapter 2, "Ordinances of the Yukon Territory", 1947.

The Motor Carrier Ordinance, Chapter 8, "Ordinances of the Yukon Territory", 1947.

SCHEDULE

TARIFF OF REGISTRATION FEES FOR REGISTRATION
OF MOTOR VEHICLES AND TRAILERS

PART I

VEHICLES OTHER THAN PUBLIC SERVICE VEHICLES

1. (a)	Motor vehicles and trailers owned by a Municipality	\$ 1.00
(b)	Motor vehicle or trailers used exclusively for fire-fighting purposes	1.00
(c)	Motor vehicles or trailers that are not operated on a highway	2.00
2.	Motorcycles or pedal bicycles with a motor attachment, except those included in Item 1	3.00
3.	Trailers, except those included in Item 1	3.00
4.	Tracked vehicles, except those included in Item 1	15.00
5.	Truck Tractors, except those included in Item 1	25.00
6.	Trucks, except those included in Item 1	
(a)	load capacity of one ton or less than one ton	15.00
(b)	load capacity of more than one ton but not more than three tons	20.00
(c)	load capacity of more than three tons but not more than five tons	30.00
(d)	load capacity of more than five tons but not more than ten tons	75.00
(e)	load capacity of more than ten tons but not more than fifteen tons	130.00
(f)	load capacity of more than fifteen tons	200.00
7.	Buses, except those included in Item 1	
(a)	Wheelbase of 100 inches or less than 100 inches	30.00
(b)	Wheelbase of more than 100 inches but not more than 110 inches	32.50
(c)	Wheelbase of more than 110 inches but not more than 120 inches	35.00
(d)	Wheelbase of more than 120 inches but not more than 130 inches	50.00
(e)	Wheelbase of more than 130 inches	100.00

8. Automobiles		
Wheelbase of 100 inches or less	\$	12.50
Wheelbase of 101 inches to 120 inches		15.00
Wheelbase of 121 inches or more		20.00

PART II

PUBLIC SERVICE VEHICLES

9. Liveries and taxicabs	\$	35.00
10. Tracked vehicles or truck tractors		50.00
11. Trucks—		
(a) load capacity of one ton or less than one ton		40.00
(b) load capacity of more than one ton but not more than three tons		60.00
(c) load capacity of more than three tons but not more than five tons		80.00
(d) load capacity of more than five tons but not more than ten tons		100.00
(e) load capacity of more than ten tons but not more than fifteen tons		200.00
(f) load capacity of more than fifteen tons		250.00
12. Trailers—		
(a) load capacity of one ton or less than one ton		15.00
(b) load capacity of more than one ton but not more than three tons		30.00
(c) load capacity of more than three tons but not more than five tons		40.00
(d) load capacity of more than five tons but not more than ten tons		50.00
(e) load capacity of more than ten tons but not more than fifteen tons		150.00
(f) load capacity of more than fifteen tons		200.00
13. Buses used for transporting passengers within a Municipality only:		
(a) Wheelbase of 100 inches or less than 100 inches		60.00
(b) Wheelbase of more than 100 inches but not more than 110 inches		65.00
(c) Wheelbase of more than 110 inches but not more than 120 inches		70.00

- (d) Wheelbase of more than 120 inches but not more than 130 inches\$ 100.00
- (e) Wheelbase of more than 130 inches 150.00
- 14. Buses not included in Item 13
 - (a) Wheelbase of 100 inches or less than 100 inches 10.00
 - (b) Wheelbase of more than 100 inches but not more than 110 inches 15.00
 - (c) Wheelbase of more than 110 inches but not more than 120 inches 20.00
 - (d) Wheelbase of more than 120 inches but not more than 130 inches 30.00
 - (e) Wheelbase of more than 130 inches 50.00
- 15. Public service vehicles transporting goods and chattels through the Yukon Territory and not discharging any part or all of such goods and chattels in said Territory 30.00
- 16. Dealer's Licence 25.00
- 17. "Load Capacity" means the manufacturer's rating of vehicle.

CHAPTER 9

AN ORDINANCE TO AMEND
"THE LEGAL PROFESSION ORDINANCE"

(Assented to May 10th, 1952.)

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

- (1) The Legal Profession Ordinance, being Chapter 6 of the Ordinances of the Yukon Territory, 1950, First Session, is amended by striking out the figure "9" where it appears in the last line of paragraph (a) of Section 2 and substituting therefore the figure "8".
 - (2) The said Ordinance is amended further by striking out the figure "10" where it appears in paragraph (b) of Section 2 and substituting therefor the figure "9".
 - (3) The said Ordinance is amended further by striking out paragraph (1) of Section 2.
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CHAPTER 10

AN ORDINANCE TO AMEND
"THE ANNUITY PLAN ORDINANCE"

(Assented to May 10th, 1952.)

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

1. Section 4 (a) of the Annuity Plan Ordinance, being Chapter 4 of the Ordinances of the Yukon Territory, 1950, as amended by Chapter 3 of the Ordinances of the Yukon Territory, 1951 (First Session), is amended further by striking out the words "Clerk of the Territorial Court" where they appear therein and substituting therefor the following:

"Legal Adviser to the Yukon Council".

CHAPTER 11

AN ORDINANCE TO AMEND
"AN ORDINANCE RESPECTING THE COUNCIL
OF THE YUKON TERRITORY"

(Assented to May 10th, 1952.)

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

1. An Ordinance respecting the Council of the Yukon Territory being Chapter 23 of the Consolidated Ordinances of the Yukon Territory, 1914, as amended by Chapter 1 of the Ordinances of the Yukon Territory, 1926, is amended further by repealing Schedule 1 and substituting therefor the following:

SCHEDULE 1

Electoral
districts
Dawson

The Electoral District of *Dawson* shall comprise and consist of all that portion of the Yukon Territory lying west of the 138th meridian of west longitude and north of the 63rd parallel of north latitude, and shall return one member.

Mayo

The Electoral District of *Mayo* shall comprise and consist of all that portion of the Yukon Territory lying east of the 138th meridian of west longitude and north of the 63rd parallel of north latitude, and shall return one member.

Carmacks

The Electoral District of *Carmacks* shall comprise and consist of all that portion of the Yukon Territory lying south of the 63rd parallel of north latitude and north of the 61st parallel of north latitude and shall return one member.

Whitehorse
East

The Electoral District of *Whitehorse East* shall comprise and consist of all that portion of the Yukon Territory lying south of the 61st parallel of north latitude and east of a line described as commencing at the intersection of the east bank of Lake Laberge with the 61st parallel of north latitude; thence southerly along the east bank of Lake Laberge and

the right bank of the Yukon River to the intersection of said right bank of the Yukon River with the production easterly of the south boundary of Lot 10, Group 804; thence westerly along said production of the south boundary of Lot 10 and its production westerly to the centre line of the Two-mile Road; thence southerly along the centre line of Two-mile Road to the centre line of Fourth Avenue of the City of Whitehorse and the production southerly of said centre line of Fourth Avenue to its intersection with the centre line of the main line of the White Pass and Yukon Railway; thence southerly along the said centre line of the White Pass and Yukon Railway to its intersection with the 135th meridian of west longitude; thence southerly along the 135th meridian of west longitude to its intersection with the south boundary of the Yukon Territory, and shall return one member.

The Electoral District of *Whitehorse West* shall comprise and consist of all that portion of the Yukon Territory lying south of the 61st parallel of north latitude and west of a line described as commencing at the intersection of the east bank of Lake Laberge with the 61st parallel of north latitude; thence southerly along the east bank of Lake Laberge and the right bank of the Yukon River to the intersection of said right bank of the Yukon River with the production easterly of the south boundary of Lot 10, Group 804; thence westerly along said production of the south boundary of Lot 10 and its production westerly to the centre line of the Two-mile Road; thence southerly along the centre line of Two-mile Road to the centre line of Fourth Avenue of the City of Whitehorse and the production southerly of said centre line of Fourth Avenue to its intersection with the centre line of the main line of the White Pass and Yukon Railway; thence southerly along said centre line of the White Pass and Yukon Railway to its intersection with the 135th meridian of west longitude; thence southerly along the 135th meridian of west longitude to its intersection with the south boundary of the Yukon Territory, and shall return one member.

Whitehorse
West

CHAPTER 12

AN ORDINANCE TO PROVIDE FOR
OLD AGE ASSISTANCE AND ALLOWANCES
TO BLIND PERSONS

(Assented to May 10th, 1952.)

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 "Old Age Assistance and Blind Persons Allowance Ordinance".

Definitions

2. (a) "allowance" means a blind person's allowance provided under this Ordinance and regulations hereto to the persons and under the conditions specified in the Federal Act;

(b) "application" means an application for allowance or an application for assistance as the case may require;

(c) "assistance" means old age assistance provided under this Ordinance and regulations hereto to the persons and under the conditions specified in the Federal Act;

(d) "Commissioner" means the Commissioner of the Yukon Territory;

(e) "director" means the person appointed or authorized by the Commissioner to administer this Ordinance;

(f) "Federal Act" means

(i) with reference to assistance, The Old Age Assistance Act enacted by the Parliament of Canada together with any regulations made thereunder, and

(ii) with reference to allowances, the Blind Persons Act enacted by the Parliament of Canada together with any regulations made thereunder;

(g) "recipient" means a person to whom assistance has been granted or a person to whom an allowance has been granted, including an applicant for assistance or allowance, as the case may be.

3. (1) The Commissioner may, on behalf of the Government of the Yukon Territory, enter into an agreement with the Minister of National Health and Welfare of Canada on behalf of the Government of Canada, as to a general scheme of assistance to persons who have attained the age of sixty-five years in accordance with this Ordinance and the Federal Act and for the payment by the Government of Canada to the Yukon Territory in respect of any recipient of an amount equal to not less than 50% of \$40.00 monthly or the amount of the assistance paid out monthly, whichever is the lesser.

Agreement
respecting
assistance

(2) The Commissioner may, on behalf of the Government of the Yukon Territory, enter into an agreement with the Minister of National Health and Welfare of Canada on behalf of the Government of Canada as to a general scheme of allowances to blind persons who have attained the age of twenty-one years in accordance with this Ordinance and the Federal Act and for the payment by the Government of Canada to the Government of the Yukon Territory in respect of any recipient of an amount equal to not less than 75% of \$40.00 monthly or of the amount paid out monthly for the allowances, whichever is the lesser.

Agreement
respecting
allowances

4. From and out of the monies issued and advanced out of the Consolidated Revenue Fund of the Yukon Territory there may be paid

Payments
and amounts

(a) to a recipient whose application has been approved assistance not exceeding \$40.00 monthly under the conditions specified in this Ordinance and the regulations and the Federal Act;

- (b) to a recipient whose application has been approved allowance not exceeding \$40.00 monthly under the conditions specified in this Ordinance and the regulations and the Federal Act;
- (c) to a recipient whose application for assistance or allowance has been approved a supplementary allowance not exceeding \$10.00 per month;
- (d) the expenses incurred in the administration of this Ordinance.

Director

- 5. (1) The Territorial Treasurer will be the Director to administer this Ordinance.
- (2) The Commissioner may authorize a person to exercise the powers and carry out the duties of the director during his absence or during any period in which the office of the Territorial Treasurer is vacant.

Duties of Director

- (3) The Director shall
 - (a) receive applications; and
 - (b) determine the eligibility of each applicant for assistance or for allowance and approve the application for the grant of assistance or allowance.

Powers of Director

- (4) The Director may
 - (a) call for any additional proof that may be prescribed by the regulations or the Federal Act;
 - (b) confirm, amend or reverse any direction or determination made by him under this Ordinance,

and, subject to his right to amend or reverse a direction or determination, every direction or determination given or made by the director is final and is not subject to review by any court or otherwise.

6. Notwithstanding any other law or Ordinance, in the case of the death of a recipient, payment of assistance or allowance for the month in which the death occurs may be made to such person as the director may direct.

Payment where recipient dies

7. Any assistance or allowance granted under this Ordinance is exempt from taxes levied under any Ordinance, is not subject to garnishment, attachment or seizure and is not assignable.

Exempt from taxes and seizure

8. The receipt of assistance or allowance does not, by itself, disqualify any person from voting at any election held in the Yukon Territory under any Ordinance or other law.

Does not affect right to vote

9. (1) Notwithstanding any other provision of this Ordinance any sum of money or other payment improperly paid by way of assistance or allowances to or on behalf of a recipient, whether as a result of non-disclosure of fact, innocent representations or other cause, is a debt due to the Government of the Yukon Territory, and may be recovered at any time.

Recovery of improperly paid assistance or allowances

(2) An action or other proceeding for the recovery of a debt due to the Government of the Yukon Territory may be instituted in the name of the Commissioner.

Proceedings in name of Commissioner

10. Unless the consent of the Commissioner has been obtained no action or other proceeding shall be brought against the director or an officer, clerk or servant for anything done or omitted in the exercise or purported exercise of any duty or power under this Ordinance.

No action against director, etc.

11. The Commissioner may make such regulations, not inconsistent with this Ordinance and the Federal Act, respecting the schemes of assistance and allowance as he considers necessary for the proper administration of this Ordinance and, without restricting the generality of the foregoing, may make regulations

Regulations

(a) governing the manner of making application for assistance or allowance;

- (b) respecting the suspension or cancellation of assistance or allowance;
- (c) providing for the making of investigations respecting persons to whom assistance or allowance may be paid or who are in receipt of assistance or allowance or by whom or on whose behalf application has been made for assistance or allowance;
- (d) prescribing the material in support of or proof of any fact, including evidence under oath, that shall be furnished as a condition precedent to the payment of assistance or allowance;
- (e) respecting the mode of payment of assistance or allowance; and
- (f) prescribing forms for use under this Ordinance.

Unqualified persons not to receive

12. (1) No person shall knowingly obtain or receive assistance to which he is not entitled under this Ordinance, the Regulations and the Federal Act.

Not to aid or abet improper receipt

(2) No person shall knowingly aid or abet another person to obtain or receive assistance or allowances to which he is not entitled under this Ordinance, the Regulations and the Federal Act.

Offence and penalty

(3) Every person who violates this section is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Time for prosecution

13. No prosecution for any offence against this Ordinance shall be commenced after the expiration of five years from the date of the commission of such offence.

Effective date

14. This Ordinance shall be deemed to have come into force on the first day of April, 1952.

Repeal

15. The Old Age and Blind Pensions Ordinance, being Chapter 2 of the Ordinances of the Yukon Territory, 1949, First Session, is repealed hereby.

CHAPTER 13

AN ORDINANCE TO AMEND
"THE YUKON GAME ORDINANCE"

(Assented to May 10th, 1952.)

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

1. (1) The Yukon Game Ordinance, being Chapter 11 of the Ordinances of the Yukon Territory, 1951 (Second Session), is amended by striking out paragraphs (i) and (j) of Section 2 thereof and inserting therefor the following:
 - (i) "Guide" means a person duly licenced as such who takes any licenced hunter hunting for, or assists him to hunt, take, kill, catch, or attempt to catch any game, and who receives or is promised remuneration for so doing.
 - (j) "Hunt" or "hunting" includes chasing, pursuing, following after, or on the trail of, stalking or lying in wait for the purpose of taking game, trapping, attempting to trap or shooting at game, whether or not the game is then or subsequently captured, killed or injured.
 - (2) Said Section 2 is amended further by repealing paragraph (n) thereof and relettering paragraphs (o), (p), (q), (r), (s) and (t) as (n), (o), (p), (q), (r) and (s), respectively.
2. Subsection (1) of Section 3 of the said Ordinance is amended by striking out the words "Chief Guide" in the second line thereof and substituting therefor the words "Grade 'A' and Grade 'B' Guides".

3. (1) Paragraph (a) of subsection (3) of Section 8 of the said Ordinance is amended by striking out the words "Chief Guide" where they appear therein and substituting therefor the word "guide".

(2) Paragraph (b) of said subsection (3) is amended by striking out the words "Chief Guide" where they appear therein and substituting therefor the word "guide".

(3) Said Section 8 is amended further by striking out subsection (4) thereof and substituting therefor the following:

"(4) Except as hereinafter provided no party of non-resident big game hunters shall engage in hunting without having with them in their employ a licenced Grade "A" or Grade "B" guide; for a party of not more than two hunters and for every additional one or two members of such party there shall be a licenced Grade "B" or Grade "C" guide."

4. (1) Section 9 of said Ordinance is repealed and the following substituted therefor:

"9. (1) No person shall:

(a) act as a guide unless he is a resident of the Yukon Territory;

(b) act as a guide without taking out a licence;

(c) act as a guide for any person without first satisfying himself that such person has the proper licence for the kind of game to be hunted;

(d) go out with a person who has undertaken to act as a guide without first satisfying himself that such person has the required guide's licence.

(2) There shall be three grades of guides, namely, Grade "A", Grade "B", and Grade "C"; and there shall be three

corresponding grades of licences, namely, Grade "A" licence, Grade "B" licence, and Grade "C" licence.

- (3) A Grade "A" guide shall be one who has been acting as a guide for at least three years and who has suitable equipment for outfitting any person desiring to hunt game.
- (4) A Grade "B" guide shall be a person who:
 - (a) acts as an assistant to a Grade "A" guide, or
 - (b) whose activities as a guide are confined to guiding in areas where, by reason of local conditions, there is no need for extensive equipment to ensure the safe handling and conducting of a hunting party.
- (5) A Grade "C" guide shall only operate under the immediate supervision and direction of a Grade "A" guide or a Grade "B" guide, and shall not hold hunting territory in his own right.
- (6) A guide's licence of any grade shall entitle the holder to carry, but not use, firearms belonging to any person for whom he is acting or has been engaged to act as a guide.
- (7) A guide's licence shall be in a form prescribed by the Commissioner and shall be issued by him or any person authorized by him.
- (8) A guide's licence shall be valid until the thirtieth day of June next following the date of issue.

(9) The fees for guides licences shall be as follows:

	Guide fees
Grade "A"	\$40.00
Grade "B"	20.00
Grade "C"	10.00

- (10) Every applicant for a guide's licence of any grade shall produce such evidence of his qualifications, ability, character, age, residence, equipment, the districts of the territory in which he has hunted, or trapped, as shall be

Qualifications
of Guides

required; and the Commissioner or his duly authorized agent shall have the power to refuse to grant a guide's licence to any person who, in the opinion of the Commissioner, or his duly authorized agent to whom application for licence is made, is incompetent to act as a guide; or to refuse to grant a guide's licence to any person who has at any time failed to comply with the provisions of this Ordinance, or who has, in the opinion of the Commissioner, been guilty of misconduct towards any person for whom he has acted as guide or of a breach of contract with any person to whom he has been or is being engaged to act as a guide.

Restriction

(11) The Commissioner or his duly appointed agent shall have the power to prescribe that a person, to whom a guide's licence is given, shall not act as a guide except in a defined part of the Territory, and in that case the limitations shall be expressed in the licence, and the Commissioner may limit the number of licences that shall be issued in respect of any defined part of the Territory.

Duties of Guides

5. The said Ordinance is amended further by inserting immediately after Section 9 the following section:

"9.A (1) Every licenced guide in charge of a hunting party shall observe and comply with the following duties and requirements:

(a) He shall, before starting on a big-game hunting trip with a party for which he has been engaged as a guide, give notice in writing, on a form prescribed by the Commissioner, particulars concerning the district in which the trip is to be undertaken, the names, addresses and licence numbers of each member of the party, the place of departure and the method of transportation to be employed.

Duties of Guides

(b) He shall, on his return from every such trip, and on a form prescribed by the Commissioner, give full particulars of the trip naming each species of game killed or taken by each member of the party,

and stating whether or not there has been any violation of this Ordinance by any member of the party.

- (c) He shall, if he can do so without using force, prevent any person for whom he is acting as a guide, from hunting or killing any game in excess of the bag limit set out by this Ordinance or regulations thereunder.
- (d) He shall inform each member of the big game hunting party of any trophy fee required to be paid by him under this Ordinance, and request him to make payment thereof.
- (e) He shall not, while he is guiding a person or party engaged in big game hunting, kill, take or catch any game.

(2) Every guide who refuses or neglects to lay an information for any violation of this Ordinance, or who shall himself violate any of the provisions of this Ordinance, shall, in addition to any other penalty, have his licence revoked and shall be ineligible to act as a guide for a period of at least two years from the date of conviction.” Penalty

6. The said Ordinance is further amended by repealing subsection 2 of Section 18 thereof.

7. The said Ordinance is further amended by inserting immediately after the word “or” where it appears in the second line of subsection (1), Section 74 thereof, the following words:

“have in his possession any loaded firearms or”

8. The said Ordinance is amended further by striking out the words “Chief Guide or” where they appear in the first line of subsection 2, Section 78 thereof.

9. Section 6 of said Ordinance is amended by striking out the words “in Council” where they appear in the last line but four of said Section.

CHAPTER 14

AN ORDINANCE TO PROVIDE FOR GOVERNMENT
CONTROL AND SALE OF ALCOHOLIC LIQUORS*(Assented to May 10th, 1952.)*

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

Title 1. This Ordinance may be cited as the "Government Liquor Ordinance."

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

"bottle" includes any container or receptacle used for holding liquor.

"commissioner" means the Commissioner of the Yukon Territory.

"constable" includes any peace officer or any officer, policeman or constable of the Royal Canadian Mounted Police or of the police force of any municipality.

"consume," with respect to liquor, includes the putting of liquor to any use whether by drinking or otherwise;

"dentist" means a person duly registered under the Dental Ordinance of the Yukon Territory and who is lawfully engaged in the practice of his profession in the Territory;

"club" means a society or association of persons incorporated under the terms of the Benevolent Societies Ordinance;

"club members" means persons who, whether as charter members or admitted in accordance with the by-laws of the club, have become members thereof and who have maintained their membership by the payment of

their annual dues in accordance with the rules of the club;

“interdicted person” means a person to whom the sale of liquor is prohibited by an order made by an interdiction official under this Ordinance;

“inspector” means any person appointed an Inspector under the provisions of this Ordinance;

“licence” means every licence granted under the provisions of this Ordinance for the sale of liquor which is to be consumed on the premises on which the same is sold;

“licensed premises” means the premises in respect of which a licence has been granted under the provisions of this Ordinance which licence is still 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;

“liquor” includes all fermented, spirituous, vinous, and malt liquors, or other intoxicating liquor, or combinations thereof, and mixed liquor a part of which is fermented, spirituous, vinous, or malt liquor, or otherwise intoxicating and every liquid, semi-solid, solid or other substance, patented or not, containing alcohol and which is intoxicating and capable of human consumption, and all preparations or mixtures and all drinks or drinkable liquids capable of human consumption which are intoxicating; and any liquid, semi-solid, solid, or other substance which contains more than one percentum of alcohol by weight shall be conclusively deemed to be intoxicating;

“package” means any container or receptacle used for holding liquor;

“physician” means a person who is registered under the Yukon Medical Ordinance and who is lawfully engaged in the practice of his profession;

“public place” includes any place, building or public conveyance to which the public resort or to which the public are permitted to have access;

“regulations” means regulations made by the Commissioner under this Ordinance;

“sale” and “sell” include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor or of any liquid known or described as beer or near-beer, or by any name whatever commonly used to describe malt or brewed liquor, by any partnership, or by any society, association or club, whether incorporated or unincorporated, and whenever formed or incorporated, to any member of the partnership, society, association, or club; and also include a sale or selling within the Territory to a foreign consignee or his agent in the Territory;

“store” means a Government Liquor Store established under this Ordinance;

“vendor” means a person appointed as vendor under this Ordinance;

“veterinary” means any qualified veterinary surgeon practicing as such in the Territory.

Liquor stores

3. (1) The Commissioner shall establish and maintain at such places in the Territory as he considers advisable, stores, to be known as “Government Liquor Stores” for the sale of liquor in accordance with the provisions of this Ordinance and the Regulations and may from time to time, by Regulation, fix the price at which the liquor shall be sold at such liquor stores.

(2) The Commissioner may:

(a) establish all necessary warehouses for the proper storing and handling of stocks of liquors;

(b) provide for the construction, acquisition, or leasing in the name of the Government of the Yukon Territory

of premises for liquor stores for warehouse purposes and the purchase of furnishings, fixtures and supplies;

(c) determine the nature, form and capacity of all packages to be used for containing liquor kept for sale and sold under this Ordinance;

(d) appoint or designate, at any time, any qualified person as an analyst for the purposes of this Ordinance.

4. (1) The administration of this Ordinance including the general control, management and supervision of all liquor stores shall be vested in the Commissioner. Powers of
Commissioner
- (2) The Commissioner may appoint a Superintendent of Liquor Control who shall, under his direction, be responsible for the administration of this Ordinance and the regulations.
- (3) The sale of liquor at each Government Liquor Store shall be conducted by a person appointed by the Commissioner and known as a "vendor" who shall, under his direction, be responsible for the proper observance of this Ordinance and the regulations insofar as they relate to the conduct of the store and the sale of liquor thereat.
- (4) The Commissioner may from time to time appoint and employ such clerks and other employees as are required.
- (5) The Commissioner may appoint from time to time Inspectors for the purpose of this Ordinance and the Regulations.
- (6) The Commissioner shall fix the amount of salary or remuneration to be paid to all employees employed pursuant to this Ordinance.
5. (1) All liquor shall be sold and delivered in sealed packages and no such package shall be opened nor shall Sale and
delivery

any liquor be consumed in or upon the store premises. No vendor and no employee in any such store shall allow any liquor to be consumed on the store premises.

(2) The vendor may sell to any person such liquor as that person is entitled to purchase under the regulations but delivery of such liquor shall not be made until the purchaser has given to the vendor an order in writing dated and signed by the purchaser, stating the nature and quantity of liquor ordered.

(3) No liquor shall be sold nor shall any liquor be delivered to:

- (a) a person under the age of 21 years;
- (b) a person under the influence of liquor;
- (c) an Indian;
- (d) an interdicted person.

(4) A vendor may accept from a person who is resident outside the boundaries of the Townsites of Dawson, Mayo and Whitehorse as presently defined, a written order for the purchase of such liquor as such person is entitled to purchase under the regulations, without requiring the personal appearance of such person, but such order must be accompanied by evidence establishing the identity of such person to the satisfaction of the vendor and payment in the form of cash, certified cheque, money order or postal note of such amount as will cover the cost of liquor ordered together with the express or postal delivery charges of the shipment, and the vendor may make delivery of such liquor at the sole risk of the purchaser to the person presenting the order or in a prepaid package consigned to the purchaser at the address set out in his order, to the nearest postal or express office.

Hours of
sale

6. (1) Except as otherwise provided herein no sale or delivery of any liquor shall be made on or from the

premises of any Government Liquor Store, nor shall any store be opened for the sale of liquor:—

- (a) during a longer period than 8 hours in any 24 hours or after the hour of 7 o'clock in the afternoon of any day;
- (b) on any holiday;
- (c) on any day on which polling takes place at any Dominion, Territorial, or Municipal election held in the electoral district in which the store is situated;
- (d) during such other periods or on such other days as the regulations may provide.

(2) Notwithstanding the provisions of subsection (1) in cases of emergency arising from sickness or accident, a vendor or other employee may, upon being furnished with a certificate in writing, signed by a physician, that the liquor is required because of such emergency, sell and deliver a quantity of liquor not exceeding one quart to or for the same person, upon any day and at any hour; such certificate shall be retained by the vendor and dealt with as provided by the regulations.

7. Nothing in this Ordinance shall be taken to prevent the administering of liquor personally by or by the direction of any physician to a patient whom he has seen or visited professionally, but no liquor shall be administered by or by direction of a physician except to bona fide patients in cases of actual need, and when, in the judgment of the physician, the use of liquor as medicine in the quantity administered is necessary. The physician may charge for liquor so administered. Physician

8. Nothing in this Ordinance shall be taken to prevent any dentist who deems it necessary that any patient being under treatment should have liquor administered to him as a stimulant or restorative, from administering to the patient the liquor so needed; but no liquor shall be administered or given by a dentist except to a bona fide patient actually Dentist

undergoing treatment by him at the time and in actual need thereof as a stimulant or restorative. The dentist may charge for liquor so administered.

Hospital

9. Nothing in this Ordinance shall be taken to prevent any person, in charge of an institution regularly conducted as a hospital or sanitarium for the care of persons in ill health, from administering liquor to any patient or inmate of the institution who is actually in need of the same for emergency medicinal purpose, or for external application, but no liquor shall be administered by any person under this section except to bona fide patients or inmates of the institution of which such person is in charge, and in cases of actual need, and every person in charge of any such institution who administers liquors in evasion or violation of this Ordinance shall be guilty of an offence against this Ordinance. Any liquor so administered may be charged for by the institution or person so administering the same.

Sale for scientific purposes

10. (1) Subject to any restrictions contained in the regulations, a vendor may sell:

- (a) to any person for mechanical or scientific purposes alcohol not exceeding in quantity one gallon at any one time;
- (b) to any druggist, physician, dentist, veterinary, or person in charge of an institution referred to in Section 9, such quantity of liquor as may be provided by the Regulations.

Affidavit required

(2) Notwithstanding the provisions of subsection (1) of this Section no sale or delivery of liquor shall be made under this section except upon the affidavit of the druggist, physician, dentist, or person in charge of such institution to whom the sale is made, duly signed and sworn in the form prescribed in the Regulations and containing the allegations required by the Regulations, and no more than one sale and one delivery shall be made on one affidavit.

Illegal sales

11. (1) Except as provided by this Ordinance, no person shall, within the Territory, by himself, his clerk,

servant or agent, expose or keep for sale, or directly or indirectly or upon any pretence, or upon any device, sell or offer to sell, or, in consideration of the purchase or transfer of any property, or for any other consideration, or at the time of the transfer of any property, or directly or indirectly for gain, give to any other person any liquor.

- (2) Whenever a quantity of liquor forms part of the assets of the estate of some deceased or insane person the executor or administrator who is administering such estate shall forthwith notify the Commissioner in writing of the kind and quantity of such liquor. The Territorial Government shall thereupon have the right to purchase such liquor from the estate at the current landed cost to the Government of similar liquor. If the Government elects not to purchase such liquor, the executor or administrator may sell the same to a person or persons first approved of by the Commissioner.

Estates

12. No vendor and no person acting as the clerk or servant or in any capacity for any vendor, shall sell liquor in any other place or at any other time or otherwise than as authorized by this Ordinance and the Regulations.

Sale only
by law

13. Except as provided in this Ordinance, or by special permission of the Commissioner given in writing for that purpose, no person shall, within the Territory, by himself, his clerk, servant or agent, attempt to purchase any liquor, either directly or indirectly or upon any pretense or upon any device, purchase any liquor, or in consideration of the sale or transfer of any property, or at any time of the transfer of any property, take from any other person, any liquor.

Illegal
purchase

14. (1) Except in the case of liquor given to a person under the age of 21 years by his parent or guardian in a private dwelling house for the consumption therein for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person shall sell, give or otherwise supply liquor to any person under the age of twenty-one years, or permit any person under that age to consume liquor on his premises or on any premises under his control.

Minors.

(2) For the purposes of the Ordinance and these regulations a member of the Naval, Military or Airforce 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 force, shall be deemed to be twenty-one years of age.

Supplying
interdicted
persons

15. Except in the case of liquor administered to him by or by the direction of, a physician or dentist pursuant to this Ordinance, no person shall procure for or sell or give to any interdicted person any liquor.

Keeping for
sale

16. No person shall keep or consume or allow to be kept or consumed any liquor in any public place.

Banquet
permits

17. Notwithstanding anything to the contrary contained in this Ordinance or the Regulations a vendor may, upon application, issue a special banquet permit to an individual in charge of the organization of a banquet, or to the proper officers' of any club, society, association or other duly constituted organization, whether incorporated or not, authorizing the purchase and resale of liquor to be consumed at such banquet.

Canteen
permits

18. Notwithstanding anything to the contrary contained in this Ordinance the Superintendent of Liquor Control upon application being made therefor by an officer commanding any naval, military or airforce unit stationed in the Yukon Territory, or by an officer in charge of a weather station in the Yukon Territory, may issue a canteen permit to such officer authorizing the purchase of liquor at a Government Liquor Store in accordance with the regulations.

Sale to
licensed
premises

19. Notwithstanding anything to the contrary contained in this Ordinance the Commissioner may authorize the sale from Government Liquor Stores of liquor to licensed cocktail lounges, beer taverns and other licensed premises for resale to the public by such cocktail lounges, beer taverns or other licensed premises. Such liquor shall be resold by such cocktail lounges, beer taverns or other licensed premises in accordance with the regulations.

20. Notwithstanding anything to the contrary contained in this Ordinance the Commissioner may issue a licence to a club to purchase liquor at a Government Liquor Store during a specified period not exceeding twelve months and to sell such liquor in such club in accordance with the regulations.

Sale to clubs

21. Except as provided in this Ordinance or the Regulations, no owner or occupier of any building shall permit any sign displaying any of the words "beer", "bar room", "saloon", "liquors", or any words describing any liquor that is intoxicating, to be upon the outside of or kept up near to or otherwise displayed from the building or any shop or room therein.

Signs

22. Nothing in this Ordinance shall apply to or prevent the sale of liquor by any person to the Government of the Yukon Territory.

Sales to Government

23. Nothing in this Ordinance shall apply to or prevent the sale, purchase, or consumption:

Patent medicines

(a) of any pharmaceutical preparation containing liquor which is prepared by a druggist according to a formula of the British Pharmacopoeia, the Codex Medicamentarius of France, the Pharmacopoeia of the United States, the Dispensatory of the United States, or the Canadian Formulary; or

(b) of any proprietary or patent medicine within the meaning of "The Proprietary or Patent Medicine Act" of Canada;

(c) of wood-alcohol or denatured alcohol.

24. (1) Where a medicinal preparation contains liquor as one of the necessary ingredients thereof, and also contains sufficient medication to prevent its use as an alcoholic beverage, nothing in this Ordinance shall apply to or prevent its composition or sale by a druggist when compounded from liquor purchased by the druggist under the provisions of this Ordinance, nor apply to or prevent the purchase or consumption of the preparation by any person for strictly medicinal purposes.

Toilet and
culinary
preparations

- (2) Where a toilet or culinary preparation; that is to say, perfume, lotion or flavouring extract or essence contains liquor and also contains sufficient ingredient or medication to prevent its use as an alcoholic beverage, nothing in this Ordinance shall apply to or prevent the sale or purchase of that preparation by any druggist or other person who manufactures or deals in the preparation, nor apply to or prevent the purchase or consumption of the preparation by any person who purchases or consumes it for any toilet or culinary purpose.
- (3) In order to determine whether any particular medicinal, toilet or culinary preparation referred to in this section contains sufficient ingredient or medication to prevent its use as an alcoholic beverage, the Commissioner may cause a sample of the preparation purchased or obtained from any person whomsoever, to be analyzed by any analyst appointed or designated by the Commissioner for the purpose of this Ordinance; and if it appears that he finds the sample so analyzed by him did not contain sufficient ingredient or medication to prevent its use as an alcoholic beverage, the certificate shall be conclusive evidence that the preparation, the sample of which was so analyzed, is not a preparation the sale or purchase of which is permitted by this section, and no proof will be necessary of the signature or official position of the analyst by whom the certificate is made.

Interdiction

25. (1) Where it is made to appear to the satisfaction of any magistrate that any person resident, or sojourning within the Territory, by excessive drinking of liquor, misspends, wastes, or lessens his estate or injures his health, or endangers or interrupts the peace and happiness of his family, such magistrate may make an order of interdiction prohibiting the sale of liquor to him, which order shall be forthwith filed with the Commissioner.

Notice of
Interdiction

- (2) Upon receipt of the Order of Interdiction the Commissioner shall forthwith notify the interdicted person and all vendors and licensees of the Order of Interdiction so made and filed, prohibiting the sale of liquor to

the interdicted person. Such notice may be given by sending it by registered mail to the last known address of the interdicted person and to said vendors and licensees.

26. (1) Upon application to the Judge of the Territorial Court by any person in respect to whom an Order of Interdiction has been made under this Ordinance, and upon it being made to appear to the satisfaction of the Judge that the circumstances of the case did not warrant the making of the Order of Interdiction, or upon proof that the interdicted person has refrained from drunkenness for at least twelve months immediately preceding the application, the Judge may by order set aside the Order of Interdiction, and upon the order of the Judge so setting aside the Order of Interdiction being filed with the Commissioner, the interdicted person shall be restored to all his rights under this Ordinance, and the Commissioner shall forthwith notify all vendors and licensees accordingly.

Cancellation
of Order of
Interdiction

- (2) Upon every application to a Judge under the last preceding section, the applicant shall give ten clear days' notice of the hearing by notice in writing, served upon the Commissioner and such notice shall be served upon such other person as the Judge may direct.

27. Every person who violates any provision of this Ordinance or of the Regulations shall be guilty of an offence against this Ordinance, whether otherwise so declared or not.

Offence

28. Every person who violates any provision of Sections 11 (1), 12, 14 (1) and 15 shall be liable, on summary conviction, for a first offence, to a penalty of not less than \$200 nor more than \$500, and, in default of immediate payment, to imprisonment for not less than one month nor more than three months; for a second offence to imprisonment with hard labour, for not less than three months nor more than six months, and for a third or subsequent offence to imprisonment, with hard labour, for not less than twelve months nor more than twenty-one months. If the offender convicted of a violation of any provision of Section 11 (1),

Penalties

12, 14 (1), 15 is a corporation, it shall for a first offence be liable to a penalty of not less than \$500 nor more than \$1000, and for a second or subsequent offence to a penalty of not less than \$2000 nor more than \$4000.

Offence by
servant or
agent

29. Any contravention of the provisions of this Ordinance or the Regulations by any servant, agent, or employee shall be presumed to be the act of the employer, but such presumption may be rebutted by proof of explicit instructions to the contrary by the employer or other person charged with the offence.

General
penalty

30. Every person guilty of an offence against this Ordinance, or the Regulations for which no penalty has been specifically provided shall be liable, on summary conviction, for a first offence to a penalty of not less than \$50 nor more than \$100 and, in default of payment, to imprisonment for not more than one month, with or without hard labour; for a second offence to a penalty of not less than \$100 nor more than \$300 and, in default of immediate payment, to imprisonment for not less than one month nor more than four months, with or without hard labour; and for a third or subsequent offence to imprisonment for not less than three months or more than six months, with or without hard labour. If the offender convicted of an offence referred to in this section is a corporation, it shall be liable for a first offence to a penalty of not less than \$500 nor more than \$1,000 and for a second or subsequent offence to a penalty of not less than \$1,000 nor more than \$3,000.

Offence of
drunkenness

31. Any person who is found in a state of intoxication in a public place is guilty of an offence against this Ordinance, and liable, on summary conviction, to a fine of not more than \$25.00 and costs, and in default of payment, to imprisonment for a period of not more than ten days, with or without hard labour.

Marking of
packages in
licenced
premises

32. No licensee authorized to sell liquor, other than beer, shall have upon his licensed premises any package or other container containing liquor, unless such package or other container has been stamped with the words "For Public Sale" by the Vendor.

33. Upon conviction of any licensee for an offence against the Ordinance, or the Regulations made thereunder in addition to any other penalty, the Commissioner may cancel the licence of such licensee, or may suspend such licence for any period which in the opinion of the Commissioner is justified.

Cancellation
of licence

34. (1) Upon information on oath by any constable that he suspects or believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises, it shall be lawful for any Justice by Warrant under his hand to authorize and empower such constable, or any constable named therein, to enter and search the building or premises and every part thereof and for that purpose to break open any door, lock or fastening of the building or premises or any part thereof or any closet, cupboard, box, or other receptacle therein which might contain liquor. It shall not be necessary for any constable to set out in the information any reason or grounds for his suspicion or belief.

Search
warrant

(2) Every person being in the building or premises or having charge thereof who refuses or neglects to admit any inspector or constable demanding to enter in pursuance of this section in the execution of his duty, shall be guilty of an offence against this Ordinance.

35. (1) Every constable or other police officer authorized in writing by the Commissioner, if he believes that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises may, without warrant, upon producing such authorization, enter and search the building or premises and every part thereof and for that purpose may break open any door, lock or fastening of the building or premises or any part thereof or any closet, cupboard, box or other receptacle therein which might contain liquor. Such authority shall be a general one and effective until revoked.

Search
without
warrant

(2) Every constable or other police officer who believes that liquor is unlawfully kept or had or kept or had for unlawful purposes in any vehicle, motor car, vessel,

boat, canoe, aircraft or other conveyance of any description or is unlawfully kept or had or kept or had for unlawful purposes on the lands or person of any person may without warrant by any means necessary search any such vehicle, motor car, vessel, boat, canoe, aircraft or other conveyance of any description in which liquor may be unlawfully kept or had or kept or had for unlawful purposes and search for such liquor wherever he suspects it to be and, if need be, by force, and may search the person himself and may seize and remove liquor found and the package in which the same is kept.

- (3) When the person to be searched is a female suspected of unlawfully having liquor concealed upon her person or among her personal effects or in any place over which she has control, the constable or other peace officer may employ a female to act in the capacity of police matron for the purpose of assisting him in conducting a search and in any other matter or thing pertaining thereto or arising therefrom and she shall have all the powers, privileges and immunities of such constable or other peace officer.

Seizure on
search

36. Where the constable, in making or attempting to make any search under or in pursuance of the authority conferred by Sections 34 and 35 of this Ordinance, finds in any building or place any liquor which, in his opinion, is unlawfully kept or had, or kept or had for unlawful purposes, contrary to any of the provisions of this Ordinance, he may forthwith seize and remove the same and the packages in which the same is kept, and may seize and remove any book, paper, or thing found in the building or place which, in his opinion, will afford evidence as to the commission of any offence against this Ordinance, and upon the conviction of the occupant of such house or place or any other person for keeping the liquor contrary to any of the provisions of this Ordinance in such building or place, the Justice making the conviction may in and by the conviction declare the liquor and packages or any part thereof to be forfeited to the Government of the Territory.

37. Where the constable, in making or attempting to make any search under or in pursuance of the authority

conferred by Section 35 finds in any vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance of any description liquor which in his opinion is unlawfully kept, or had, or kept or had for unlawful purposes, contrary to any of the provisions of this Ordinance, he may forthwith seize the liquor and the packages in which the same is contained, and the vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance in which the said liquor is so found, and upon the conviction of the occupant or person in charge of the vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance, or any other person, for having or keeping the said liquor contrary to any of the provisions of this Ordinance in such vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance, the Justice making the conviction shall in and by the conviction declare the liquor or any part thereof so seized and the packages in which the same is contained to be forfeited to the Government of the Territory, and the Justice may in and by the conviction further declare the vehicle, motor-car, automobile, vessel, boat, canoe, or conveyance so seized to be forfeited to the said Government.

38. (1) Where liquor is found by any inspector, police officer or constable on any premises or in any place in such quantities as to satisfy him that such liquor is being had or kept contrary to any of the provisions of this Ordinance, it shall be lawful for him to forthwith seize and remove, by force if necessary, any liquor so found, and the packages in which the liquor was had or kept.
- (2) Where liquor has been seized by an inspector, police officer or constable under any of the provisions of this Ordinance, under such circumstances that he is satisfied that such liquor was had or kept contrary to any of the provisions of this Ordinance, he shall under the provisions of this section, retain the same and the package in which the same was had or kept.
- (3) If within thirty days from the date of the seizure no person by notice in writing filed with the Commissioner claims to be the owner of the liquor, the liquor and all packages containing the same shall ipso facto be forfeited

to the Government of the Territory, and shall forthwith be delivered to the Commissioner.

- (4) If within the said time any claimant appears, it shall be incumbent upon him within that time, and after three days' notice in writing filed with the Commissioner stating the time and place fixed for the hearing, to prove his claim and his right under the provisions of this Ordinance to the possession of such liquor and packages to the satisfaction of any Justice, and on failure upon such hearing to prove and establish his claim and his right under the provisions of this Ordinance to the possession of such liquor and packages to the satisfaction of any Justice, and on failure upon such hearing to prove and establish his claim and right, the liquor and packages shall ipso facto be forfeited to the said Government.

Disposal of
seized
liquor

39. In every case in which any Justice makes any order for the forfeiture of liquor under any of the provisions of this Ordinance, the liquor in question and the packages in which the liquor is kept shall forthwith be delivered to the Commissioner, to be dealt with by him in such lawful manner as he deems proper, and such liquor may be added to the stock of liquor in any Government Liquor Store and disposed of under this Ordinance.

Arrest and
examination
of Interdict

40. Any constable may, without laying any information or obtaining any warrant, arrest any interdicted person whom he finds in a state of intoxication or with liquor in his possession, or any person whom he finds in a public place in a state of intoxication, and may detain him and without any unnecessary delay bring him before a Justice having jurisdiction in the locality in which the arrest is made, and thereupon the Justice may forthwith proceed to examine the person arrested as to the person from whom, the place where, and the time when he obtained the liquor which caused his intoxication or which was so found in his possession; and if the person arrested refuses, upon examination by the Justice, to state on oath the name or give information of the person from whom, the place where, and the time when he obtained the liquor he shall be guilty of an offence against this Ordinance, and shall be liable upon

summary conviction, to imprisonment for a period not exceeding three month, with or without hard labour, or until he sooner discloses the name or gives information of the person from whom and the place where and the time when he obtained the liquor. No statement made or information given pursuant to this section by any person so arrested shall be used or be receivable in evidence against him upon any prosecution for an offence arising out of or in respect of the violation of the provisions of any other section of this Ordinance or of the Regulations.

41. Any constable may arrest without laying any information or obtaining any warrant any person whom he finds committing, or whom he on reasonable grounds believes to have committed an offence against this Ordinance or the Regulations.

Arrest
without
warrant

42. Upon the prosecution of any person for any offence against this Ordinance, where a witness for the prosecution has stated on oath the name, or given information of the person from whom, the place where, and the time when such witness purchased or otherwise obtained liquor unlawfully, no statement made or information given in evidence shall be used or receivable in evidence against him upon any prosecution for an offence arising out of or in respect of such unlawful purchase or obtaining.

Exemption
of witness

43. Upon any prosecution for an offence against this Ordinance relating to the procuring of liquor for, or the selling or giving of liquor to an interdicted person, the interdicted person shall be a competent and compellable witness. No statement made or information given pursuant to this section by any interdicted person shall be used or be receivable in evidence against him upon any prosecution for an offence arising out of or in respect of the violation of the provisions of any other section of this Ordinance.

Interdict
a compellable
witness

44. In describing the offence respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing, or the consumption of liquor, in any information, summons, conviction, warrant, or proceeding under this Ordinance or the Regulations, it shall be sufficient

Detail of
offence not
necessary.

to state the sale or keeping for sale or disposal, having, keeping, giving, purchasing, or consumption of liquor, simply without stating the name or kind of such liquor or the price thereof, or any person to whom it was sold or disposed of, or by whom it was taken or consumed, or from whom it was purchased, or received, and it shall not be necessary to state the quantity of liquor so sold, kept for sale, disposed of, had kept, given, purchased, or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity.

**Description
of offence**

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

**Rebuttal
necessary**

46. In any prosecution under this Ordinance or the Regulations for the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing or consuming of liquor, it shall not be necessary that any witness should depose to the precise description or quantity of the liquor sold, disposed of, kept, had, given, purchased, or consumed, or the precise consideration (if any) received therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal or certain knowledge; but the Justice trying the case, so soon as it appears to him that the circumstances in evidence sufficiently establish the offence complained of, shall put the defendant on his defence, and, in default of his rebuttal of such evidence to the satisfaction of the Justice, convict him accordingly.

**Presumption
of offence**

47. In proving the sale, disposal, unlawful giving or purchase, or consumption of liquor, it shall not be necessary in any prosecution to show that any money actually passed or any liquor was actually consumed, if the Justice hearing

the case is satisfied that a transaction in the nature of a sale, disposal, unlawful giving, or purchase actually took place, or that any consumption of liquor was about to take place, and proof of consumption or intended consumption of liquor on premises on which such consumption is prohibited, by some person not authorized to consume liquor thereon, shall be evidence that such liquor was sold or given to or purchased by the person consuming, or being about to consume, or carrying away the same, as against the occupant of the said premises.

48. 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.

**Analyst's
certificate**

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

**Inference
of intoxicat-
ing liquor**

50. Upon the hearing of any charge of selling or purchasing liquor or of unlawfully having, giving or keeping liquor, contrary to any of the provisions of this Ordinance or the Regulations, the Justice trying the case shall have the right to draw inferences of fact from the kind and quantity of liquor found in the possession of the person accused or in any building, premises, vehicle, motor-car, automobile, vessel, boat, canoe, conveyance, or place occupied or controlled by him, from the frequency with which liquor is received thereat or therein or is removed therefrom and from the circumstances attending the alleged unlawful giving or under which it is kept or dealt with.

51. If, on the prosecution of any person charged with committing an offence against this Ordinance or the Regulations in selling or keeping for sale or unlawfully giving

**Prima Facie
evidence**

or keeping or having or purchasing or receiving of liquor, prima facie proof is given that such person had in his possession or charge or control any liquor in respect of or concerning which he is being prosecuted, then unless such person proves that he did not commit the offence with which he is so charged, he may be convicted of the offence.

Burden of
proof

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

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

Previous
conviction

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

(a) The Justice shall in the first instance inquire concerning such subsequent offence only, 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 Justice shall then inquire concerning such previous conviction or convictions.

(b) Such previous convictions may be proved prima facie by the production of a certificate purporting to be under

the hand of the convicting Justice or the Clerk of the Court to whose office the conviction has been returned, without proof of signature or official character;

- (c) 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 Justice 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 the due service of such 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;
- (d) In case any person who has been convicted of a violation of any provision of this Ordinance is afterwards convicted of a violation of any other provision of this Ordinance or the Regulations, such conviction shall be deemed a conviction for a second offence within the meaning of this Ordinance, and shall be dealt with and punished accordingly, although the two convictions may have been under different sections.

54. (1) Charges of several offences against this Ordinance or the Regulations committed by the same person may be included in one and the same information, if the information and the summons or warrant issued thereon contain specifically the time and place of each offence.

Multiple offences

(2) One conviction for several offences, and providing a separate penalty or punishment for each, may be made under this Ordinance or the Regulations; although such offences may have been committed on the same day; but the increased penalty or punishment for second and subsequent offences shall only be incurred or awarded in the case of offences committed on different days and after information has been laid for a first offence.

Service on corporations

55. (1) In all prosecutions, actions, or proceedings under the provisions of this Ordinance or the Regulations against a corporation, every summons, warrant, order, writ or other proceeding may in addition to any other manner of service which may be provided or authorized by law, be served on the corporation by delivering the same to any officer, attorney, or agent of the corporation, or by leaving it at any place in the Territory where it carries on any business; provided that service in any other way shall be deemed sufficient if the Court or Justice by or before whom such summons, warrant, order, writ, or other proceeding was issued or is returnable, or by or before whom any proceeding subsequent to such service is to be had or taken, is of the opinion that the service has been such as to bring the summons, warrant, order, writ, or other proceeding to the notice of the corporation.

(2) In any prosecution, action, or proceeding under this Ordinance or the Regulations in which it is alleged that a corporation is or has been guilty of an offence against this Ordinance or the Regulations, the fact of the incorporation of that corporation shall be presumed without it being proved by the prosecutor, unless satisfactory proof is produced to the contrary.

Conviction of corporations

56. (1) Whenever any corporation is convicted of any offence against this Ordinance or the Regulations and the conviction adjudges a pecuniary penalty to be paid by the corporation, the Justice by his conviction, after adjudging payments of such penalty with costs, may order and adjudge that in default of payment of such penalty within a limited time, such penalty shall be levied by distress and sale of the goods and chattels of the corporation.

(2) In any such case, and in addition to the other remedies provided hereby, a copy of the conviction or order certified by any Justice, or by the officer in whose custody the same is by law required to be kept, may be filed in the office of the Clerk of The Territorial Court, and the conviction or order shall thereupon become a

judgment of that Court, and all proceedings may be thereupon taken and had as on any other judgement of that Court.

- (3) Nothing in this section contained shall be construed as in any way affecting, limiting or restricting any proceedings which otherwise may be taken or had for the recovery of fines or penalties.

57. Where an offence against this Ordinance or the Regulations is committed by a corporation, the officer or agent of the corporation in charge of the premises in which the offence is committed shall prima facie be deemed to be a party to the offence so committed, and shall be personally liable to the penalties prescribed for the offence as a principal offender; but nothing in this section shall relieve the corporation or the person who actually committed the offence from liability therefor.

Officer of
corporation
prima facie
liable

58. Upon proof of the fact that an offence against this Ordinance or the Regulations has been committed by any person in the employ of the occupant of any house, shop, room, or other premises in which the offence is committed, or by any person who is suffered by the occupant to be or remain in or upon such house, shop, room or premises, or to act in any way for the occupant, the occupant shall prima facie be deemed to be a party to the offence so committed, and shall be liable to the penalties prescribed for the offence as a principal offender, notwithstanding the fact that the offence was committed by a person who is not proved to have committed it under or by the direction of the occupant; but nothing in this section shall relieve the person actually committing the offence from the liability therefor.

Occupant
prima facie
party to
offence

59. No appeal shall lie from a conviction for any violation or contravention of any of the provisions of this Ordinance or the Regulations, unless the party appealing shall within the time limited for giving notice of such appeal make an affidavit that he did not by himself or by his agent, servant, or employee, or any other person, with his knowledge or consent commit the offence charged in the information; and such affidavit shall negative the charge in the terms used in

Affidavit
on appeal

the conviction, and shall further negative the commission of the offence by the agent, servant, or employee of the accused, or any other person, with his knowledge or consent; which affidavit shall be transmitted with the conviction of the Court to which the appeal is given. Where the party appealing is a corporation, the affidavit may be made by any officer or director of the corporation having a personal knowledge of the facts.

Want of
form

60. No conviction or order made in any matter arising under this Ordinance or the Regulations, either originally or on appeal, shall be quashed for want of form; and no information, summons, conviction, order or other proceeding shall be held to be bad or quashed on account of its charging two or more offences, or charging an offence disjunctively, or in the alternative.

No
certiorari

61. No conviction or order made in any matter arising under this Order or the Regulations shall be removed by certiorari or otherwise, either at the instance of the Crown or any private person, into the Territorial Court.

Liability
of clerks

62. Every vendor and every clerk or other person employed in any Government Liquor Store who violates any of the provisions of this Ordinance shall be guilty of an offence against this Ordinance.

Sealing of
packages

63. (1) No liquor shall be kept or had by any person within the Territory unless the package, excepting a decanter or other receptacle containing the liquor for immediate consumption, in which the liquor is contained, has, while containing that liquor, been sealed with the official liquor seal of the Territory.

(2) Where any person becomes lawfully possessed of liquor which is required to be sealed pursuant to subsection 1, he may, upon application to the nearest vendor and without payment of any fee have each package containing the liquor sealed with the official seal prescribed under this Ordinance.

(3) Any inspector or other peace officer who seizes liquor which, in his opinion, is had or kept by any person in

violation of the provisions of this section, may, without laying any information or obtaining any warrant, forthwith seize and remove the same and the package in which the liquor is kept and upon conviction of the person for a violation of any provision of this section, the liquor in all packages containing the same in addition to any other penalty prescribed by this Ordinance shall ipso facto be forfeited to the Government of the Territory.

64. (1) For the purpose of carrying into effect the provisions of this Ordinance according to their true intent and supplying any deficiencies therein the Commissioner may, subject to the provisions of this Ordinance, from time to time, make and prescribe such regulations as he may deem advisable for regulating, controlling and conducting the liquor stores established pursuant to this Ordinance, prescribing the duties of inspectors, vendors and other employees; the manner in which and under what restrictions as to the quantity or otherwise liquor may be sold and delivered at such store and the time and manner of accounting for vendors and may from time to time alter, amend or add to such regulations. Regulations
- (2) Without restricting the generality of the foregoing the Commissioner may make regulations:
- (a) governing the sale of liquor in cocktail lounges;
 - (b) governing the sale of liquor in beer taverns;
 - (c) governing the sale of liquor in canteens and messes;
 - (d) governing the sale of liquor in clubs, and
 - (e) governing the issuance of banquet permits and restricting the quantity of liquor served under such banquet permit.
- (3) All regulations and all amendments thereto shall forthwith be published once in the Gazette and in two consecutive issues of a newspaper published at Dawson

and Whitehorse, respectively, in said Territory, and when so published shall from the last date the publication of such regulations or amendments have the same force and effect as if the same were enacted and in an Ordinance passed by the Commissioner in Council, provided, however, such regulations or amendments shall be tabled at the first meeting of the Territorial Council following their enactment.

Destruction
of seized
liquor

65. Any liquor, which becomes forfeited to the Government of the Yukon Territory, under any of the provisions of this Ordinance or the Regulations, if found to be unsuitable for sale at a Government Liquor Store and so declared by the Commissioner, shall be destroyed under direction of the Commissioner.

Fines to be
paid to
Territory

66. All fines, received under this Ordinance for any violation thereof, and all moneys resulting from any forfeiture of liquor or property hereunder, shall form part of the Consolidated Revenue Fund of the Yukon Territory.

Bank
account

67. The whole amount of all moneys derived from the sale of liquor by vendors, shall be remitted to the Territorial Treasurer and shall be deposited by him in a Chartered Bank of Canada to the credit of the Yukon Consolidated Revenue Fund in a special account designated as the "Liquor Account."

Use of
funds

68. The funds in the "Liquor Account" may be paid out by the Commissioner, from time to time, in payment of stocks of liquor for Government Liquor Stores, salaries and other expenses incidental to the conducting of said stores. All such payments shall be made by cheque drawn on said account and signed by the Commissioner and countersigned by the Territorial Treasurer.

Annual
statement

69. The Territorial Treasurer shall forthwith after the end of each fiscal year as defined by the "Yukon Act" prepare a statement of operations of all liquor stores showing the profit or loss resulting therefrom. All net profits as shown by such statement shall be transferred from the "Liquor Account" to the Consolidated Revenue Fund and shall be at the disposal of the Commissioner in Council.

70. (1) There shall be levied on all liquor purchased at a Government Liquor Store, a tax as shown hereunder: Liquor
tax
- (a) On each dozen bottles of beer a tax of 10 cents.
 - (b) On each bottle of wine a tax of 10 cents.
 - (c) On each flash of liquor a tax of 10 cents.
 - (d) On each bottle of other liquor a tax of 25 cents.
- (2) The tax herein imposed shall be collected by the vendor at the time of purchase and the amount of tax shall be shown separately on the purchaser's order form.
- (3) Once each month each vendor shall remit to the Territorial Treasurer the total amount of the taxes so collected, together with a statement showing types and amounts of liquor upon which tax was collected during the next preceding month and the Territorial Treasurer shall deposit such amount to the credit of the Consolidated Revenue Fund of the Yukon Territory.

71. The following Ordinances and amendments thereto are hereby repealed: Repeal

The Government Liquor Ordinance, Chapter 1, Ordinances of the Yukon Territory 1921 (Second Session).

The Sale of Beer Ordinance, Chapter 2, Ordinances of the Yukon Territory, 1925.

The Cocktail Lounge Ordinance, Chapter 9, Ordinances of the Yukon Territory, 1950 (First Session).

CHAPTER 15

AN ORDINANCE RESPECTING
THE PRACTICE OF DENTISTRY*(Assented to May 10th, 1952.)*

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

Short
title

1. This Ordinance may be cited as the Dental Profession Ordinance.

Definitions

2. In this Ordinance unless the context otherwise requires:

“Commissioner” means Commissioner of the Yukon Territory;

“Dentist” means a person who is licenced to practice dentistry in the Yukon Territory in accordance with the provisions of this Ordinance;

“dentistry” means the treatment, advice, service and attendance that is usually rendered or performed by dentists in the practice of their profession and includes the practice of dental surgery;

“licence” means a licence to practice dentistry in the Yukon Territory issued in accordance with the provisions of this Ordinance, and “licenced” shall be construed accordingly;

“register” means the Dental Register.

Licence
required
to practice

3. No person shall practice dentistry in the Yukon Territory unless he is registered and licenced under the provisions of this Ordinance.

Register
of Dentists

4. (1) The Commissioner shall cause to be kept a register called the Dental Register, in which shall be entered the name of each person who is, in accordance with this

Ordinance, entitled to be registered in the Dental Register, and licence may be issued to such person.

- (2) Licences issued under this Ordinance expire on the thirty-first day of March immediately following the day of issue thereof.

5. A person who:

Qualifications

- (a) is a graduate of a school or college of dentistry in Canada;
- (b) has been issued a Certificate of Qualification
- (i) by the Dominion Dental Council of Canada; or
- (ii) under the seal of a dental college, society or association established in any Province of Canada, stating that he has been duly registered as a practicing dentist and has practiced as such in a Province of Canada within two years immediately prior to his application for a licence under this Ordinance; or
- (c) at the time this Ordinance comes into force was entitled by law to practice dentistry in the Yukon Territory; or
- (d) is qualified to practise dentistry in a country other than Canada and has produced evidence of qualifications satisfactory to the Commissioner, and who pays the fees required by this Ordinance, is entitled to be registered in the Register.

6. (1) The fee payable on registration in the Register is **Fees** fifty dollars.

(2) The annual licence fee payable by dentists who are

- (a) residents of the Yukon Territory, is twenty-five dollars;
- (b) non-residents of the Yukon Territory is seventy-five dollars.

- (3) For the purpose of this section, a dentist is not a resident unless he actually resides in the Yukon Territory during the whole of each calendar year, but where two or more dentists practice as a firm, the presence at all times during the year in the Territory of at least one member of the firm or of some practitioner in its employ qualifies as residents for the purposes of this section, all the members of the firm and employees thereof.

Date fees
due

7. Fees in respect of annual licences are payable on the thirty-first day of March in each year, to the Territorial Treasurer, and such fees shall form part of the Consolidated Revenue Fund.

Removal of
name from
Register

8. (1) The Commissioner shall cause the removal from the register of the name of a person registered therein, who does not, on or before the thirtieth day of June of any year, pay the annual licence fee required by Section six.

Not entitled
to practice
until name
restored

(2) A person whose name is removed from the register under subsection one is not entitled to practice dentistry in the Territory until his name has been restored to the register under the provisions of subsection three.

Restoration
of name

(3) A person whose name is removed from the register under subsection one is entitled to have his name restored to the register and to receive a licence if he pays a fee of ten dollars in addition to the annual fee required by Section six.

Must be
licenced to
receive fees

9. No person is entitled to receive a fee or remuneration for professional services rendered or materials or appliances provided by him in the practice of dentistry unless he is licenced under this Ordinance at the time the services are rendered or the materials or appliances are provided.

Board of
Enquiry

10. (1) The Commissioner may appoint two or more persons to act as a Board of Enquiry for the purpose of investigating any complaint made against a dentist with respect to an alleged contravention of this Ordinance, or any complaint of malpractice or infamous, disgraceful or improper conduct.

- (2) A Board appointed under subsection one may make rules and regulations under which the enquiry is to be held and has the power;
- (a) to summon and bring before it any person whose attendance it considers necessary to enable the Board properly to enquire into the matters complained of;
- (b) to administer oaths and to examine all such persons under oath;
- (c) to compel the production of documents, and
- (d) to do all things necessary to provide a full and proper enquiry.
- (3) A Board of Enquiry shall, after investigation of a complaint under this Section, make a finding, and shall immediately report its finding to the Commissioner.
- (4) A majority of the members of a Board is a quorum and a finding by a majority of a Board upon any matter shall be final.
11. (1) When a dentist has, after due enquiry, been adjudged by a Board of Enquiry to have been guilty of a contravention of this Ordinance or of malpractice, or infamous, disgraceful or improper conduct, the Commissioner may suspend or cancel his licence to practice and strike his name off the register.
- (2) A dentist whose name has been struck off the register or whose licence to practice has been suspended or cancelled, may be reinstated on the register, his licence renewed and his rights and privileges hereunder restored, in such manner and upon such conditions as the Commissioner in his discretion shall decide.
12. A person who, not being registered and licenced pursuant to this Ordinance,
- (a) practices dentistry for hire, gain or hope of reward;

Powers of Board

Board shall report

Quorum

Commissioner may suspend or cancel licence

Reinstatement of dentist when licence has been suspended or cancelled

Person who practices illegally guilty of offence

(b) wilfully or falsely pretends to be licenced to practice dentistry; or

(c) purports by public advertisement, card, circular, sign or otherwise, to practice dentistry or in any way leads people to believe that he is qualified to practice dentistry in the Yukon Territory,

is guilty of an offence and liable on summary conviction therefor to a fine of fifty dollars and for every day on which he commits any such offence he shall be deemed to have committed a separate offence.

Burden of proof

13. In any action under the provisions of this Ordinance, the burden of proof as to the right of the defendant to practice dentistry in the Yukon Territory is on the defendant.

Limitation of action

14. No action under this Ordinance shall be commenced after two years from the date of the offence or the date that the cause of action arises.

Emergency aid may be given

15. Nothing in this Ordinance shall be deemed to prohibit a person giving necessary aid to a person who appears to be in urgent need of aid, if the aid is not given for hire or gain and the giving of such aid is not made a business or means of gaining a livelihood.

Federal Government employees excepted

16. Nothing in this Ordinance shall apply to or affect a person who practices dentistry in the Yukon Territory during the course of his duties as an employee of the Government of Canada, unless he practices dentistry on his own behalf in the Yukon Territory outside the course of his duties as an employee of the said Government.

Repeal

17. The Dental Profession Ordinance, being Chapter 1 of the Ordinances of the Yukon Territory, 1947 and amendments thereto are hereby repealed.

CHAPTER 16

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

(Assented to May 10th, 1952.)

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 "Federal-Territorial Agreement Ordinance, 1952."

2. In this Ordinance

- (a) "Agreement" means the agreement entered into pursuant to this Ordinance;
- (b) "Commissioner" means the Commissioner of the Yukon Territory;
- (c) "municipality" has the meaning assigned thereto by the Agreement; and
- (d) "Tax Rental Agreement, 1948" means the Agreement entered into pursuant to Chapter 21, Ordinances Yukon Territory, 1948, between the Government of Canada and the Government of the Yukon Territory, dated the fourteenth day of September, 1948.

3. Subject to the provisions of this Ordinance, the Commissioner is authorized to enter into and execute, on behalf of the Yukon Territory, an agreement with the Government of Canada providing that the Government of Canada will pay to the Yukon Territory

- (a) in respect of each of the five calendar years commencing on the first day of January in the period from the first day of January, 1952, to the thirty-first day of December, 1956, the amounts specified in section four of this Ordinance, and
- (b) in respect of each of the five fiscal years commencing on the first day of April in the period from the first day of April, 1952, to the thirty-first day of March, 1957, an amount not less than the guaranteed minimum annual amount specified in section five of this Ordinance and that in consideration thereof, the Government of the Yukon Territory and the municipalities in the Yukon Territory will suspend and refrain from the imposition, levying and collection of
- (c) personal income taxes, corporation taxes and corporation income taxes, in respect of the period of five years commencing on the first day of January, 1952, and ending on the thirty-first day of December, 1956, and
- (d) succession duties in respect of successions or transmissions consequent upon or upon property passing upon death occurring during the period of five years commencing on the first day of April, 1952, and ending on the thirty-first day of March, 1957, in terms substantially similar to the terms contained in the Tax Rental Agreement, 1948, subject to such modifications as may be necessary to give effect to the provisions of sections four and five of this Ordinance and omitting the terms relating to the tax of five per cent. on the income of corporations imposed pursuant to Clause six thereof for the imposition of which no provision shall be made.

4. An agreement entered into under this Ordinance, in addition to the other terms that may be agreed upon, shall provide

- (a) that the amount payable by the Government of Canada to the Government of the Yukon Territory in

lieu of grants for the support of the Government and Legislature of the Yukon Territory and other special grants to the Government of the Yukon Territory shall be \$30,000.00, and

- (b) that the amount payable by the Government of Canada to the Government of the Yukon Territory by way of annual subsidy in respect of population shall be \$7,276.80, being an amount of 80 cents per capita on the 1951 population of 9,096 persons, which amount, for the purposes of such Agreement, shall be the "statutory subsidies."

5. An Agreement entered into under this Ordinance shall also provide:

- (a) that the guaranteed minimum annual amount payable by the Government of Canada to the Government of the Yukon Territory shall be \$169,905.00, being the amount derived by increasing the amount of \$89,365.00 (the guaranteed minimum annual amount payable under Clause 1B of the Tax Rental Agreement, 1948) by a ratio, as determined by the Dominion Statistician of Canada, representing a comparison of the value of gross national product per capita and population of the Yukon Territory in the year 1948 with the value of gross national product per capita and population of the Yukon Territory in the year 1942;
- (b) that the adjusted annual amount payable by the Government of Canada to the Government of the Yukon Territory (which under Clause 1B of the Tax Rental Agreement, in respect of a fiscal year, is the average of amounts determined in respect of each of the three calendar years immediately preceding the fiscal year) shall, in respect of a fiscal year, be the average of amounts determined in respect of each of the two calendar years immediately preceding the fiscal year, such amount to be the greater of
 - (i) the guaranteed minimum annual amount, or

- (ii) the amount that is the product of the guaranteed minimum annual amount and the product of the ratio that the value of the gross national product per capita in that calendar year bears to the said value in the calendar year 1948 and the ratio that the population of the Yukon Territory for that calendar year bears to the said population in the calendar year 1948, these said ratios to be determined by the Dominion Statistician of Canada;
- (c) that for the purpose of determining the adjusted annual amount payable by the Government of Canada to the Government of the Yukon Territory, the value of gross national product shall be the value thereof determined by the Dominion Statistician of Canada at factor cost, instead of at market prices as is provided in the Tax Rental Agreement, 1948;
- (d) that payments on account of the amounts payable by the Government of Canada to the Government of the Yukon Territory under the Agreement in respect of a calendar year shall be made semi-annually on the thirtieth day of June and on the thirty-first day of December, in the calendar year, and in respect of a fiscal year shall be made quarterly on the thirtieth day of June, the thirtieth day of September, the thirty-first day of December and the thirty-first day of March respectively, in the fiscal year, and
- (e) such other terms as may be agreed upon for the purpose of giving full effect to the provisions of this section, for improvement in the technical procedures required to give effect to the Agreement and generally to give effect to the meaning and intent of this Ordinance.

6. An Agreement entered into under this Ordinance shall also contain a clause similar to clause 7 of the Tax Rental Agreement, 1948, except that sub-paragraph (a) of paragraph (2) thereof shall be amended to provide for an amusement tax to be levied at a rate of not less than ten per cent, and paragraph (3) thereof shall be deleted.

7. The Agreement may, with the approval of the Commissioner in Council, be varied or amended from time to time, as may be agreed upon with the Government of Canada by the Commissioner.

8. Upon the execution of the Agreement, the Ordinances, regulations, by-laws, orders and rules, including those of any municipality in the Yukon Territory, shall, for the relevant periods provided in the Agreement, but not longer, be deemed to be amended, suspended or inoperative, as the case may be, to the extent necessary to give effect to the Agreement and to permit the Yukon Territory to fulfil every obligation assumed by it under the Agreement.

9. To the extent to which any Ordinance, regulation, by-law, order or rule is required to be amended for the purposes of the Agreement, it shall for the relevant period provided in the Agreement have effect and have the force of law as if every required amendment had been expressly made therein.

10. Neither the Commissioner nor any municipality shall do any act or exercise any power or collect any tax in contravention of the provisions of the Agreement.

11. In any case in which any tax or fee is required to be reduced, such tax or fee is, for the relevant period provided in the Agreement, but not longer, reduced, in accordance with the Agreement, and the tax or fee in the reduced amount only shall continue to be payable and exigible and recoverable in the same manner as if it had not been reduced.

12. The Commissioner is empowered to do every act and to exercise every power and to make every payment necessary or proper for the purpose of implementing in every respect every obligation assumed by the Yukon Territory under the Agreement.

13. The preceding sections shall remain in operation only so long as necessary to give effect to the terms of the Agreement.

14. Any amount or amounts that become payable to the Government of Canada under the terms of the Agreement shall be a charge upon and be paid out of the Yukon Consolidated Revenue Fund.

15. This Ordinance is retroactive to the extent necessary to give effect to the Agreement.

CHAPTER 17

AN ORDINANCE TO PROVIDE FOR THE IMPOSITION
AND COLLECTION OF TAXES ON REAL PROPERTY
FOR THE RAISING OF REVENUE FOR
TERRITORIAL PURPOSES

(Assented to May 10th, 1952.)

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

1. This Ordinance may be cited as "The Taxation Ordinance." Short
Title

2. In this Ordinance, unless the context otherwise requires: Interpretation
 - "Assessment Roll" includes any supplementary Assessment Roll;
 - "Assessor" includes Deputy Assessor;
 - "Claim" means a crown granted 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;
 - "Collector" includes Deputy Collector;
 - "Commissioner" means the Commissioner of the Yukon Territory;
 - "Court" means the Territorial Court of the Yukon Territory;
 - "Improvements" means buildings, fixtures and things erected upon or affixed to land, and improvements done to land;

“Land” includes land covered by water and trees and under-wood growing upon land and all improvements, fixtures, buildings, machinery or other things erected upon or affixed to land or any building thereon, and any instrument, device or structure, whether affixed to the land or floating upon water, or moveable, which is used in placer mining of minerals to gather or take by dragging at the bottom of water, but shall not include, save as aforesaid, such improvements, fixtures, machinery or things other than buildings as if so erected or affixed by a tenant would as between landlord and tenant be removable by the tenant as personal property.

“Legal Description” means any description which would be sufficient to describe a property for the purpose of its registration in a Land Registry Office;

“Occupier” means the person in possession of land, the property of the Crown, which is held by him under any homestead entry, lease, license, agreement for sale, accepted application to purchase, or other record from the Crown, or which is simply occupied;

“Owner”, when used in respect of any land, means the registered owner, or in case of a certificate of purchase or agreement for sale of the land has been registered, means the registered holder of the last registered certificate of purchase or agreement for sale, and in case a Crown Grant has been issued and has not been registered, means the Grantee named therein;

“Person” and “Taxpayer” include persons male and female, and all partnerships, syndicates, associations, corporations, agents and trustees;

“Registered” and “Registration”, when used in respect of land, refer to registration in the books of the Land Registry Office for Yukon Territory;

“Taxes” includes all taxes on property, assessed or assessable under this Ordinance, and all interest added to taxes which are delinquent under this Ordinance;

“Tax Sale” means the sale of any land or property at public auction for the levying of delinquent taxes under this Ordinance;

“Trustee” includes executor, administrator, guardian, committee and receiver, and any person having or taking upon himself the possession, administration or control of property affected by any express trust, or having by law the possession, management or control of the property of a person under any legal disability.

3. The Commissioner shall appoint a Territorial Assessor Assessor and Collector.

4. (1) To the extent and in the manner provided in this Ordinance, and for the raising of revenue for Territorial Purposes: Taxation

(a) All property within the Territory shall be liable to taxation, and

(b) Every person shall be assessed and taxed on his property, and on the property held or controlled by him in a representative capacity; and

(c) Every occupier of Crown Land shall be assessed and taxed on the land held by him as an occupier.

(2) Every person so assessed shall have a right of appeal as provided in this Ordinance, against the assessment to the Court of Revision, and to the Court of Appeal.

5. Every agent and every trustee assessed in respect of property controlled by him in his representative capacity shall be assessed therefor in that capacity by the addition to his name of words describing his representative capacity. Trustee

6. All liens and remedies against the property of an individual provided by this Ordinance for the collection and enforcement of payment of taxes shall apply in like manner in respect of property held, controlled, or received by an agent or trustee in his representative capacity. Liens

Agent
liable

7. Every agent for a person permanently or temporarily absent from or not resident in the Territory, or who is resident in the Territory but whose name and address are unknown to the assessor, and every trustee:

(a) shall be answerable for the doing of such acts, matters or things as are required to be done by virtue of this Ordinance for the assessment of the property which he represents, or which is subject to his trust and for paying the tax in respect thereof;

(b) Is hereby authorized to recover from any person in whose behalf he is compelled to pay any tax the amount so paid by him;

(c) Is hereby authorized and required to retain from time to time, in each year, out of any money which comes to him in his representative capacity so much as is sufficient to pay the tax for the then current year when assessed therefor, and any arrears of taxes in respect of any property subject to such tax whilst acting as agent therefor, and is hereby indemnified for all payments which he makes in accordance;

(d) Is hereby made personally liable for the tax payable in respect of the property if, while the tax remains unpaid:

(1) He alienates, charges, or disposes of the property;

(2) Disposes of any fund or money which comes to him in his representative capacity;

but shall not otherwise be liable personally for the tax so payable, and his personal liability for the tax so payable in any year shall cease upon his obtaining a certificate from the Collector that no taxes for that year in respect of the property remain outstanding.

Taxation
of land

8. The following land shall be exempt from taxation:

- (a) Land situate within the limits of any Municipality.
- (b) Land of which any Municipal Corporation is the owner;
- (c) Land comprised in any public road, way, highway, or public square or park used exclusively for public purposes;
- (d) Every place of public worship, and all land used exclusively for any public burying ground or cemetery; but not exceeding five acres;
- (e) Land vested in or held by Her Majesty, or held in trust for Her Majesty, either in the right of the Government of Canada, or the Government of the Yukon, or held in trust for the public use of the Government of the Yukon, and land vested in or held by Her Majesty or any person in trust for or for the use of any tribe or body of Indians, and either unoccupied, or occupied by some person in an official capacity, or by the Indians;
- (f) All buildings, with the land attached thereto, not exceeding one acre, of every public library, or farmers', mechanics', women's, mining, literary or scientific institute, or society, where the buildings and land are used exclusively for the purpose of the respective library, institute or society;
- (g) All buildings with the land attached thereto, not exceeding twenty acres, of every agriculture or horticulture society, where the buildings and land are used exclusively for the purpose of agriculture or horticulture;
- (h) All buildings and land of every public school or university, and of every orphanage, public hospital, asylum or home for the care of the sick or the aged and infirm, or of persons who are mentally or physically defective or disabled, or for the reformation of fallen women, where the school or other institution is supported in whole or in part by public donations, private charity, or by grants from the Crown, and the buildings and the

land are used exclusively for the purpose of the respective school or other institution.

Liability
for taxation

9. Every person shall be assessed and taxed annually on his land in the assessment district in which the land is situate, and where any parcel of land is situate partly in one district and partly in another the assessment in respect of that parcel shall be made within the district within which the greater part of the parcel is situate.

Assessment
in name
of owner

10. (1) Subject to subsections (2) and (3), land shall be assessed and taxed in the name of the owner.

(2) Where a statement, verified by statutory declaration, is furnished to the Assessor showing that any land has been sold or leased by the owner to another person, the name of that other person shall be noted on the assessment roll, and like notice of the assessment shall be sent to him as the owner, in which case the tax assessed in respect of that land may be recovered either from the owner or from the purchaser or tenant, or from any future owner, purchaser or tenant, saving his recourse against any other person; but in case of a sale, if the registered owner furnishes a statement to the assessor, pursuant to this section, showing that a deed of the land has been executed and delivered to the purchaser, the registered owner shall not be personally liable to pay any taxes assessed thereafter in respect of the land.

Crown lands
occupied

(3) Land of the Crown which is held under any Homestead Entry, lease, license, agreement for sale, accepted application for purchase, or otherwise, and land held in trust for any tribe or body of Indians which is occupied by some person not an Indian, in other than an official capacity, shall be assessed and taxed in the name of the occupier; but no assessment or taxation in respect of land so held or occupied shall in any way affect the rights of Her Majesty in the land.

Joint
owners

11. Where the land is owned by two or more persons, it shall be assessed in the names of the owners jointly, and

where land of the Crown is occupied by two or more persons, and their names are known to the Assessor, it shall be assessed in the names of the occupiers jointly.

12. Land shall be assessed at its actual cash value in money. In determining the actual cash value of land in money, the Assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price for which the land would sell at auction, or at a forced sale, or in the aggregate with all the land in the assessment district, but he shall value the land by itself, and at such sum as he believes the same to be fairly worth in money at the time of assessment. The true cash value of land shall be that value at which the land would generally be taken in payment of a just debt from a solvent debtor.

Value for
assessment

13. (1) Every Railway Company which operates in, into or through the Yukon Territory, or which owns lands or improvements within the Yukon Territory, shall transmit on or before the first day of September in each year, to the Territorial Assessor, a statement showing:
- Railways
- (a) the total number of miles of single track of railway, including main lines, branches, sidings, spurs and switches, of such Company within the Yukon Territory;
 - (b) the number of miles of such railway situate respectively upon
 - (1) public roads or highways; and
 - (2) rights of way or property of such Company, separately and respectively;
 - (c) All station houses, engine houses, round houses, turn tables, docks, wharves, freight sheds, ship yards, power houses, transmission stations, sub-stations and the separate equipment of each of them the property of such Company within the Yukon Territory, and the separate value of each;

- (d) Every parcel of land owned by such Company, and the value thereof, and the improvements, if any, upon each parcel and the value thereof;
 - (e) An address within the Yukon Territory to which all notices to be given the said Company may be addressed.
- (2) Every such Railway Company shall transmit on or before the first day of September in each year to the Territorial Assessor a return showing all such lands within the Yukon Territory disposed of or alienated by such Company by sale, agreement for sale, grant or lease, since the date of the last return. Each such return shall show in detail, and in tabulated form, a legal description of the land, number of acres sold or agreed to be sold or leased, date of transfer, agreement, grant or lease, and the real consideration therefor.
- (3) Every such Railway Company, entitled under the provisions of any Act of the Parliament of Canada, or Ordinance of the Yukon Territory, to any exemption from the payment of Territorial taxes and rates, or any portion thereof, shall nevertheless transmit the statement required by the provisions of subsection (1), and, in addition, shall indicate:
- (a) under what Act or Ordinance exemption is claimed;
 - (b) the extent of such exemption as claimed.

Shipping

14. (1) Every person or Company engaged in passenger and freight traffic, or either of them, on waters within the Yukon Territory, shall transmit on or before the first day of September in each year, to the Territorial Assessor, a statement showing:
- (a) the name and tonnage of each vessel propelled by mechanical power, the property of such person or company which was engaged at any time during the year in such traffic;

- (b) the name and number and tonnage of each barge or vessel not propelled by mechanical power, the property of such person or company, which was engaged at any time during the year in such traffic;
 - (c) all docks, wharves, shipyards, freight sheds, power houses, transmission stations, sub-stations, landing places, and the separate equipment of each of them, the property of such person or company within the Yukon Territory, and the separate value of each of them;
 - (d) in this section "Tonnage" means net tonnage, Customs House measurement;
 - (e) Every parcel of land owned by such person or company in the Yukon Territory, and the value thereof, and the improvements, if any, upon each parcel, and the value thereof;
 - (f) An address within the Yukon Territory to which all notices to be given to such person or company may be addressed.
- (2) Nothing in this section shall be deemed to apply to any vessel or barge of foreign registry.
- (3) Every such person or Company shall transmit on or before the first day of September in each year to the Territorial Assessor, a return showing all such lands within the Yukon Territory disposed of or alienated by such person or Company by sale, agreement for sale, grant or lease, since the date of the last return. Each such return shall show in detail, and in tabulated form, a legal description of the land, number of acres sold, agreed to be sold, granted or leased, and the date of the transfer, agreement, grant, or lease, and the real consideration therefor.
- (4) Every such person or Company entitled under the provisions of any Act of Parliament of Canada, or Ordinance of the Yukon Territory, to any exemption from the

payment of Territorial taxes and rates, or any portion thereof, shall nevertheless transmit the statement required by the provisions of subsection (1), and, in addition, shall indicate:

- (a) Under what Act or Ordinance exemption is claimed;
- (b) The extent of such exemption as claimed.

Utilities

15. Every electric light, electric power, telephone or telegraph company which operates or carries on business in, into or through the Yukon Territory, or which owns any lands or improvements or carries any poles, wires or other equipment through or within the Yukon Territory, shall transmit, on or before the first day of September in each year, to the Territorial Treasurer, a statement showing:

- (a) Every parcel of land owned by such company within the Yukon Territory, and the value thereof, and the improvements, if any, upon each said parcel, and the value thereof;
- (b) The number of miles of pole line, cables and wires, the property of such company within the Yukon Territory, whether the same is situate under, upon or above streets or public highways, or otherwise;
- (c) An address within the Yukon Territory to which all notices to be given to such company may be addressed.

16. Every water company which has laid water pipes or other equipment, or which operates or carries on business in, into or through the Yukon Territory, shall transmit on or before the first day of September in each year, to the Territorial Assessor, a statement showing:

- (a) Every parcel of land owned by such company within the Yukon Territory, and the value thereof, and the improvements, if any, upon each said parcel, and the value thereof;

- (b) The number of feet of waterpipe laid in the Yukon Territory, and the sizes thereof respectively laid in, upon or under public streets or highways, the right-of-way, or property of such company, or any other property, and the name of the owner thereof;
- (c) An address within the Yukon Territory to which all notices to be given to such company may be addressed.

17. Any person or company failing to transmit its appropriate statement or return, as provided in the four sections last preceding, at the time appointed therefor, shall be liable to a penalty of Fifty Dollars for each day during which failure in transmitting such statement or return continues, to be recovered by proceedings at the instance of the Territorial Assessor, and, in addition to such penalty, to the payment of all taxes which would have been payable had such statement been duly transmitted. Penalty

18. (1) For the the purposes of taxation, land, except as hereinafter provided, shall be assessed at its actual value, and improvements shall be assessed for the amount of the difference between the actual value of the whole property and the actual value of the land as if there were no improvements; but land and improvements shall be assessed separately. Separate assessment

(2) The pole line, cables and wires of any telephone, telegraph, electric light or power company within the Yukon Territory shall for the purposes of assessment and taxation be deemed to be land and the amount of assessment thereon shall be Five Rundred Dollars per mile of pole line, cables and wires. Value of land of utilities

(3) There shall be levied and collected annually on every railway within the Yukon Territory, if such railway has been, or as soon as it has been, in operation for two years or more, a tax on an assessment of \$5,280.00 per mile on every mile of single track of every railway company mentioned in paragraph (a) of subsection (1) of Section 13, whether the same be upon a public highway, or privately owned right-of-way. Any privately Value of land for railways

owned right-of-way shall be assessed in addition and separately at its actual value as land.

Value of
land for
Water Co.

- (4) The water pipes or other equipment of any water company on a public highway or street or road allowance shall be deemed to be land, and shall be assessed as such at the rate of forty cents per running foot.

Taxation of
occupied
Crown land

19. (1) All unpatented lands, and lands of which the registered owner is Her Majesty, either in the right of the Government of Canada, or the Government of the Yukon, or in the Commissioner of the Yukon Territory, or the Controller of the Yukon Territory, or the Government of the Yukon Territory, but which are held under pre-emption or lease, or are agreed to be sold, or which have been granted, sold or conveyed, and any of such lands which are held or occupied otherwise than by or on behalf of the owner thereof as aforesaid, and lands which are held by any person by agreement to purchase under "The Veterans' Land Act", being Chapter 33 of the Revised Statutes of Canada 1942-43, shall with the improvements thereon be liable, while so held or occupied or during the existence of such agreement to assessment and taxation in the manner provided in this section from the date of the pre-emption record, lease or agreement to sell or of the sale, grant or conveyance or of the occupation as the case may be, but such taxation shall not in any way affect the rights of the owner as aforesaid in the lands.

- (2) Such lands, with the improvements thereon, shall be entered in the assessment roll in the name of the holder or occupier thereof, whose interest shall be assessed at the actual value of the lands and improvements, subject to the provisions of subsection (3). The taxes imposed on such lands and improvements shall be a liability only of the holder or occupier thereof recoverable in the manner set out in Sections 55 and 56, and subject as aforesaid, such lands and improvements shall not be liable to tax sale nor shall such taxes become a lien or charge on the lands or improvements; but the interest of any person in land held under timber lease or timber

license from Her Majesty, in the right of the Government of Canada, shall, while so held, be liable to assessment and taxation in respect of the actual value of his interest only.

- (3) Lands which have been sold, granted or conveyed by the Government of the Yukon Territory, or the Commissioner of the Yukon Territory, or the Controller of the Yukon Territory, and in respect of which the transfer has not been registered with the improvements thereon, shall be liable to tax sale and the taxes imposed thereon shall become a lien and charge on the land and improvements and all the provisions of this Ordinance as to assessment, taxation, recovery of taxes and tax sale shall apply mutatis mutandis to the assessment, taxation, recovery of taxes and tax sale of such lands and improvements.

20. Where any interest in or occupation of land or improvements other than the ownership of the fee simple can be assessed within the Yukon Territory under this or any other Ordinance, the same shall be assessed, except as provided in Section 19 upon the basis of the value of such interest; such value being taken to be the sum which a willing purchaser would be expected to pay to a willing vendor for such interest and without including the value of the good will of any business connected with such interest.

Value of
interest

21. (1) Any land of which a railway Company is registered owner, and which by any Ordinance of the Yukon Territory or agreement in force in the Yukon Territory has been exempt from Territorial taxation until alienated or sold, and which is held under an agreement for sale or lease, of which is occupied otherwise than by the railway Company, shall be liable, while so held or occupied, to assessment and taxation.

Taxation of
exempt land

(2) Such land shall be entered in the assessment roll in the name of the holder or occupier thereof, and the taxes imposed thereon shall be a liability of such holder or occupier, recoverable in the manner set out in this Ordinance.

Trusteeship

22. All property under the control of any person as executor, administrator, trustee, guardian or agent, the separate property of a married women, and the property of an infant, shall be assessed and rated in the name of the person exercising control over such property, but such rating and assessment shall be kept separate and distinct from any rating and assessment of such person in his own right.

Duties of Assessor

23. (1) The Territorial Assessor, before the twentieth day of September in every year, shall prepare an assessment roll in which he shall set down with respect to each and every parcel of land liable for Territorial assessment and taxation:

- (a) A short description thereof by which the same can be identified in the register of the Land Registry Office;
- (b) The extent or area thereof;
- (c) The value thereof;
- (d) The value of all improvements thereon;
- (e) The name or names of the registered owners thereof, or of the holders or occupiers under the provisions of Sections 19 and 20;
- (f) The name or names of the holder of any mortgage, or charge, or encumbrance registered against the parcel of land in the Land Registry Office;
- (g) The name or names of any persons claiming notice of assessment and taxes under subsection (3);
- (h) The addresses of such persons as aforesaid;
- (i) The name and address of any person who shall have furnished to the Territorial Assessor a statutory declaration showing that he is the holder of the last agreement to purchase the land by the terms of which he is liable to pay the taxes thereon;

- (j) The name and address of any person interested in any assessable land the registered owner of which is Her Majesty, in the right of the Government of Canada, or the Government of the Yukon, or the Commissioner of the Yukon Territory, or the Controller of the Yukon Territory, and the value of her interest;
- (k) The particulars set out in the statements and returns required by Sections 13, 14, 15 and 16, with such values as the Assessor shall deem fair and equitable, notwithstanding the values which may be assigned in such statements respectively.
- (2) The Territorial Assessor shall exercise reasonable care in obtaining and setting down the names and addresses of the persons mentioned in subsection (1), and shall more particularly adopt the following alternatives in the order named: Address of owner
- (a) The name and address as known to such Assessor;
- (b) The name and address as appearing in the records of the Land Registry Office as at the thirty-first day of August in each year.
- (3) Any person claiming to be interested in any land may give notice at any time to the Assessor of the nature of his interest and claim to receive notice of assessment and all tax notices thereafter issued during the duration of his interest, as stated in the said notice, and shall give an address to which such notices may thereafter be sent.
- (4) In case a building is situate upon two or more parcels of land under a single ownership, those parcels of land may be placed on the assessment roll as one parcel and may be so assessed, and any taxes then existing upon any one of the several parcels imposed under this or any other Ordinance and remaining unpaid shall be deemed to be taxes upon all the lands so placed upon the assessment roll as one parcel.

- (5) The assessment roll referred to in subsection (1) shall consist of such system of written records, or book-keeping, or set of books as shall be approved by the Commissioner, and, subject to the approval of the Commissioner, such system may include or consist of a card index or loose leaf ledger system.

**Notice of
assessment**

24. (1) Before rating the assessment roll, the Territorial Assessor with respect to each parcel of land assessed shall mail to the person or persons named in such assessment roll as the owner of such parcel of land or as entitled to notice under the provisions of subsection (3) of Section 23, at the address set out in the assessment roll, a notice showing:

- (a) a short description of the land;
- (b) the value at which the land is assessed;
- (c) the value at which the improvements thereon are assessed;
- (d) the date of the first session of the Court of Revision for the consideration of such roll.

A copy of Section 26 shall be printed on each such notice.

- (2) Any number of parcels of land assessed in the name of the same owner or owners may be included in one notice.
- (3) The Territorial Assessor shall enter upon the roll, opposite the name of the person to whom notice has been sent, the date of the transmitting of such notice.
- (4) Before returning the roll to the Commissioner, the Territorial Assessor shall transmit by registered mail a true copy of any such notice to any person from whom he shall have received during the then current year a request in writing for such copy, provided such request shall contain a short description covering the property in respect of which such copy may be required, and shall

be accompanied by a fee of twenty-five cents for each such parcel of land.

25. The Territorial Assessor shall return his roll in each year completed to the Commissioner, not later than the thirtieth day of September in each year, and on returning the roll the Territorial Assessor shall make a statutory declaration in Form "A" which shall be annexed to the roll.

26. (1) If any person is of the opinion that an error or omission exists in, or upon, the assessment roll as prepared by the Assessor in that the name of any person has been wrongfully inserted in or omitted from the roll or that any land or improvements has or have been wrongfully entered upon or omitted from the roll, or that any land or improvements has or have been valued at too high or too low an amount, he may personally, or by means of a written communication over his signature, or by a solicitor, or by an agent authorized by him in writing to appear on his behalf, come before the Court of Revision and make a complaint of such error or of complaint and the Court of Revision shall either confirm the assessment or direct the alteration thereof.

Court of
Revision

Appeal by
any person

(2) The Government of the Yukon Territory or the Commissioner may by its solicitor, or otherwise, make complaint against the said roll or any individual entry therein and upon any ground whatever and the Court of Revision shall deal with the matter of such complaint and either confirm the assessment or direct the alteration thereof.

Appeal by:
Government

(3) Every complaint shall be made in writing and shall be delivered to the Territorial Assessor at least ten days prior to the first annual meeting of the Court of Revision.

Complaint to
be in
writing

27. On and after the assessment roll is completed by the Territorial Assessor and until ten days after such roll is revised and corrected by the Court of Revision, the same or a copy thereof certified to be a true copy by the Territorial Assessor shall be open for inspection in the office of the Territorial Assessor, and in the offices of the Territorial Agents during office hours.

Inspection
of roll

**Posting of
complaints**

28. The Territorial Assessor shall cause to be posted up in some convenient and public place within each Municipality a list of all complaints made by persons on their own behalf against the returned roll and a list of complaints made on account of the assessment of other persons stating the name of each complainant with a concise description of the matter complained against.

**Exemption of
airports**

29. The Council of the Yukon Territory by resolution passed unanimously by the members thereof may exempt from taxation in whole or in part for such period of years as the Council by such resolution determines any land or land and improvements within the Yukon Territory which are owned, operated or used for the purposes of an air base, seaplane base or landing area for aircraft but such lands and improvements shall be subject to such exemption only so long as they are used for those purposes.

**Hearing of
complaints**

30. (1) The Territorial Assessor shall enter the complaints on the list in the order in which they are received by him and the Court of Revision shall proceed with the complaints as nearly as may be in the order in which they are so entered.

Adjournment

(2) The Court of Revision may grant adjournment or postponement of the hearing of any complaint.

**Mailing of
decision**

31. Any person leaving a complaint as provided in Section 26 shall leave with the Territorial Assessor an address to which all notices to that person in respect of the complaint may be sent and forthwith after a decision has been made by the Court of Revision the Territorial Assessor shall forward to that person a notice setting out the decision of the Court of Revision.

**Constitution
of Court**

32. (1) Every assessment shall be considered and dealt with by a Court of Revision which shall consist of a Chairman and not more than three members appointed for that purpose by the Commissioner.

Oath

(2) Every member of the Court of Revision before entering upon his duties shall take and subscribe the following oath or affirmation:

"I,, do solemnly swear (or affirm) that I will decide honestly, to the best of my judgment and ability and without fear, favour or partiality, the complaints to the Court of Revision which may be brought before me for trial as a member of said Court."

- (3) The powers of the Court of Revision shall be:
- (a) to meet on or before the second Tuesday in each year at a place to be designated by the Commissioner, and to try all complaints lodged with the Territorial Assessor in accordance with the provisions of this Ordinance;
 - (b) The Court of Revision may adjourn from time to time and from place to place as it deems necessary;
 - (c) to investigate the assessment roll and the various assessments therein made whether complained against or not and so adjudicate upon the same that the same shall be fair and equitable and fairly represent the actual value of the land and improvements within the Yukon Territory;
 - (d) to direct such alterations to be made in the assessment roll as may be necessary to give effect to its decision;
 - (e) to confirm the roll either with or without amendment;
 - (f) Any member of the Court of Revision may issue a summons in writing to any person to attend as a witness and any member of the said Court may administer an oath to any person or witness before his evidence is taken; Witnesses
 - (g) No increase in the amount of assessment shall be directed until after fourteen days notice of the intention to direct such change and of the time and place of holding the adjourned sitting of the Court Notice of increase in assessment

of Revision at which such direction is to be made shall have been given by the Territorial Assessor by prepaid registered mail or personal service to the assessed owners of the land on which the assessments are proposed to be increased and any party interested or his solicitor or agent if appearing shall be heard by the Court of Revision;

Assessor to be
Clerk of Court

(h) The Territorial Assessor shall be the Clerk of the Court of Revision and shall make and keep minutes of the proceedings of the Court of Revision and alter the assessment roll in accordance with the directions contained in such minutes;

Quorum

(i) A majority of the members of the Court of Revision shall form a quorum;

Majority

(j) All decisions before the Court of Revisions shall be decided by a majority of the members present and the chairman shall vote as an ordinary member of the Court of Revision;

(k) If a complainant fails to appear the Court of Revision may proceed ex parte.

Additional
Courts

33. (1) If in any year the Commissioner deems it necessary or expedient he may appoint one or more additional Courts of Revision and direct in what Municipalities or places such Courts of Revision shall meet.

(2) The Commissioner shall describe and designate from what area in the Yukon Territory each of such additional Courts of Revision shall have jurisdiction to hear complaints against the assessment roll and only one Court of Revision shall have power to hear and adjudicate complaints from any one area so designated.

(3) The Territorial Agent for the Municipality or District where such additional Court of Revision meets shall act as Clerk of such Court of Revision.

(4) All the provisions of this part as to the powers and duties of and the appeal from the Court of Revision shall apply mutatis mutandis to each of such additional Court of Revision.

34. Any person who has been summoned to attend the Court of Revision as a witness who having been paid or tendered such fees as a witness as he would be entitled to in a civil case in the Territorial Court of the Yukon Territory who shall without good and sufficient reason fail to attend, shall be liable to a penalty of not less than Twenty-five Dollars or more than One Hundred Dollars, and in default of payment to imprisonment for a period not exceeding ninety days.

Witnesses fees and penalty

35. (1) It shall be the duty of the chairmen of the Court of Revision to see that alterations are made in the assessment roll in accordance with the directions contained in the minutes of the proceedings of the Court and to initial in red ink each such alteration.

Completion of roll by Court

(2) It shall be the duty of the Court of Revision to identify, confirm and authenticate the roll by inscribing or endorsing thereon or attaching thereto a certificate in the following form which shall be signed by a majority of the members of the Court of Revision:

"The within roll (or the within roll as amended) is hereby confirmed by the Court of Revision for the Yukon Territory (or for the _____ District of the Yukon Territory) and except as may be amended upon further appeal, is hereby certified to be the assessment roll of the Yukon Territory (or of the _____ District of the Yukon Territory) for the year....."

.....
.....
....."

Appeal
to the
Territorial
Court

36. (1) If any person or the Territorial Assessor is dissatisfied with the decision of the Court of Revision, he may appeal therefrom to a Judge of the Territorial Court of the Yukon Territory.

Notice of
appeal

(2) Notice in writing of such appeal signed by the appellant or his solicitor or agent shall be given to the Territorial Assessor, or if the Territorial Assessor be the appellant, to the owner or owners of the property of which the assessment is appealed or any person claiming an interest therein or his or their solicitor or agent as the same are named in the assessment roll, both before and after revision, within two days after such decision has been given.

Time of
hearing

(3) Upon any such notice of appeal being given the Territorial Assessor shall apply to the Judge to fix the time and place for hearing the appeal and notice of such hearing by the Judge shall be given by publication once in a newspaper published in the Yukon Territory.

Summary
hearing

(4) The Judge shall hear the appeal and evidence adduced upon oath before him at the time and place appointed in a summary manner and may adjourn the hearing from time to time and defer judgment thereon at pleasure but so that all appeals may be determined within one month from the final revision by the Court of Revision of the assessment roll, and if the appeal is not decided within the time herein limited the decision of the Court of Revision shall stand.

Assessor to
provide all
documents

(5) The Territorial Assessor shall on any appeal from the decision of the Court of Revision produce before the Judge at the time and place appointed for hearing the appeal the assessment roll and all papers and documents in his possession in any way affecting the matter.

Evidence by
appellant

(6) The appellant or any person interested in such appeal may call and examine witnesses on oath or affirmation before the Judge and if the appeal be on the ground that any land or improvements or land and improvements has been assessed at too high or too low a value he shall

produce professional expert evidence to support his appeal.

- (7) The Judge or the appellant or any person interested in such appeal shall have power to issue subpoena ad testificandum or duces tecum for the attendance of witnesses before the Judge and any person served with such subpoena who, having been paid or tendered such fees as witness as he would be entitled to in a civil case in the Territorial Court of the Yukon Territory, disobeys the subpoena shall be liable to a penalty of not less than Twenty-five Dollars and not more than One Hundred Dollars, and in default of payment to imprisonment for a period not exceeding ninety days. Summons to witness
- (8) The costs of such appeal shall be in the discretion of the presiding Judge who shall fix the amount thereof not to exceed the sum of Fifty Dollars and disbursements, and order by whom and to whom the same shall be paid, and the payment thereof may be enforced by execution issued out of the Territorial Court of the Yukon Territory upon an order of the said Judge. Costs
- (9) The decision of the Judge shall in all cases be final.
37. (1) The assessment roll as confirmed by the Court of Revision and authenticated as required by Section 35 except insofar as the same may be further amended on appeal under the provisions of Section 36, shall be valid and bind all parties concerned notwithstanding any omission or any defect or error committed in or with regard to any such roll, or any defect, error or misstatement in any notice required or the omission to transmit such notice and the roll, except as provided in Section 38, shall be taken and held for all purposes to be the assessment roll of the Yukon Territory until a new roll shall have been revised, confirmed or passed by the Court of Revision. Final roll
- (2) It shall be the duty of the Court of Revision to see that alterations are made in the assessment roll in accordance with the directions or judgment of the Judge

upon appeal as aforesaid and, after the making of such alterations, to identify, confirm and authenticate the roll as so altered and amended, by initialling each change so made by the chairman of the Court of Revision and if on several sheets by the signing of each such sheet by the said chairman of the Court of Revision and the addition of the date of such change being made.

Adoption of
roll by
Council

38. (1) The Council of the Yukon Territory, if it thinks fit, may adopt, by resolution, for any year, the assessment roll of the previous year with such amendments and alterations as are by this section made permissible.

(2) The adopted assessment roll so amended and so altered, upon the passing of such resolution, shall be deemed to be the assessment roll prepared by the Territorial Assessor for the year under the provisions of Section 23, and shall be subject to the like incidents, powers of revision and appeal as hereinbefore mentioned.

Amendments

(3) Before the passing of any resolution under the provisions of this section, the Territorial Assessor may make in red ink, noting in each case upon the margin the date of making the same, upon the assessment roll so proposed to be adopted, the following alterations:

(a) where any parcel of land since the date of the preparation of the said assessment roll has changed ownership either by transfer or by devolution of interest, the name or names of the new owner or owners shall be substituted for the name or names appearing upon the said assessment roll;

(b) where any manifest error or misstatement in the name of the person assessed or in the description or particulars of the land or improvements assessed appears upon the said assessment roll, the correct name, description or particulars may be inserted;

(c) where since the preparation of the said assessment roll improvements to an extent exceeding Two Hundred Dollars have been destroyed or depreciated by fire or otherwise and have not been reconstructed or have

been reconstructed at a reduced cost and the reduction in cost exceeds Two Hundred Dollars or an addition has been made to the improvements upon the lands assessed the cost whereof has exceeded Two Hundred Dollars, the reduction or increase in the assessable value of such improvements may be deducted or added.

39. Upon the enactment by the Commissioner in Council of an Ordinance granting to the Commissioner certain sums of money to defray the expenses of the public service of the Yukon Territory for the year, the Commissioner shall determine upon and levy a rate or rates of so much on the dollar of the assessed value of the lands or improvements or the lands and improvements within the Yukon Territory which are not exempt from Territorial taxation under the provisions of this or any other Ordinance of the Yukon Territory.

Territorial
rates

40. In determining such rate or rates the Commissioner shall make allowance for:

Method of
determining
rates

- (a) the probable amount of the receipts from all sources of revenue, other than taxes, for the year;
- (b) the probable amount of any abatement, losses and expenses which may occur in the collection of Territorial taxes;
- (c) the probable amount of taxes which may not be collected or collectible;
- (d) the amount necessary to defray the expenses of the public service of the Yukon Territory for the year as stated in such Ordinance including any deficiency from any preceding year.

41. No individual taxpayer who is the owner of land liable to Territorial taxation shall pay an amount less than Two Dollars on all his land and after the rate is levied the collector is empowered to collect at least Two Dollars from each such taxpayer.

Minimum
rate

Taxation
year

42. The taxes imposed or levied for any year shall be considered to have been imposed on and from the first day of April of the then current year unless otherwise expressly provided for by the Ordinance under which the same are, or are directed to be, levied.

Prior lien
for taxes

43. (1) Notwithstanding anything contained in the "Creditors' Relief Ordinance", being Chapter 24 of the Consolidated Ordinances of the Yukon Territory, 1914, the taxes accrued and to accrue on the improvements thereon, and any judgment obtained under Section 55 with respect to such taxes, shall be a special lien on such land and on the improvements thereon having preference over any claim, lien, privilege or encumbrance of any person except Her Majesty in the right of the Government of Canada and shall not require registration to preserve it.

(2) If it shall be necessary or advisable to protect or enforce the said lien by any action or proceedings the same may be done by order of a Judge of the Territorial Court of the Yukon Territory upon application therefor and upon such notice thereof as to the said Judge shall seem meet.

Tax Roll

44. After the final revision of the assessment roll and the passage of an Ordinance under Section 39 the Territorial Assessor or some other person appointed by him shall make out a collector's roll which may be an extension of the assessment roll in which he shall with respect to each parcel of land upon which taxes have been imposed set down the following information as it appears on the assessment roll:

- (a) the short description of the land;
- (b) the name and address of the assessed owner or owners;
- (c) the classification of the land;
- (d) the value at which the improvements thereon are assessed;

and shall in addition thereto set down :

- (e) the total amount of taxes imposed for the current year;
- (f) the total amount of taxes in arrears;
- (g) the total amount of delinquent taxes;
- (h) the amount of all taxes due.

45. (1) Upon the making out of the Collector's roll as provided in Section 44, the Commissioner shall transmit the said roll to the Territorial Collector who shall forthwith proceed to collect the taxes therein set out.

Collection of
Territorial
taxes

(2) The Territorial Collector shall accept such payment as may be tendered on account of taxes due and the penalty, if any, thereafter to be added under the provisions of Sections 50, 52 and 53 shall be added upon any unpaid amount only, but nothing herein contained shall affect in any way the liability of any person to make full payment or the liability of the land for the amount or amounts of taxes unpaid.

Collector to
accept
tender on
account

(3) The Territorial Collector shall have no power or authority to waive full payment or to make any agreement for the extension of time or postponement of the exercise of any proceedings to collect the taxes.

No power to
waive
payment

46. (1) The Territorial Collector, upon receiving his Collector's roll and not later than the first day of February in each year, shall with respect to each parcel of land upon the roll mail to or leave for the owner or his duly authorized agent and to the person or persons claiming notice under subsection (3) of Section 23 a statement showing the taxes due upon such parcel of land and upon the improvements thereon in tabulated form as follows:

Notice of
tax due

- (a) a short description of the land;
- (b) the classification of the land;

- (c) the value at which the land is assessed;
 - (d) the value at which the improvements thereon are assessed;
 - (e) the total amount of taxes imposed for the current year;
 - (f) the total amount of arrears of taxes;
 - (g) the total amount of delinquent taxes and penalties.
- (2) The notice shall show the rates imposed under Section 39.
- (3) The notice may be served by mailing to the address as shown on the Territorial Collector's roll or by personal service, and if service cannot be so effected, by conspicuously posting up the notice on the property affected.
- (4) Any number of parcels of land assessed in the name of the same owner or owners may be included in one notice.
- (5) The Territorial Collector shall mail by registered mail a true copy of the notice provided for in this section to every person from whom he shall have received during the then current year a request in writing for such copy containing a description of the land in respect of which such copy may be required and a fee of twenty-five cents.

Statement
of arrears

47. (1) The Territorial Assessor or other proper officer of his Department shall on demand furnish or give to the owner of any land liable for Territorial taxation a written statement of the arrears of taxes, if any, charged against such land at that date or to any person a certificate showing the arrears of taxes or other Territorial charges, if any, charged against any land within the Yukon Territory at that date and also showing whether such land has or has not been sold or advertised for sale for arrears of taxes within two years previous to the date of such certificate and, if so sold, within what time

it may be redeemed and what amount is required to redeem it.

(2) The Territorial Assessor may charge a fee not exceeding One Dollar for the making and delivering or mailing of each such certificate but no charge shall be made for a statement of arrears without such certificate.

(3) The Territorial Assessor or other proper officer of his Department shall on demand and without charge give to any taxpayer who has paid his taxes and assessments on lands or on lands and improvements a certificate that all Territorial taxes and assessments and charges charged against or levied against the land or lands and improvements described in the certificate of such taxpayer have been fully paid to the date of such certificate.

Certificate
of payment

(4) Any error in any statement or certificate given under the provisions of this section shall not subject the Government of the Yukon Territory to damages.

48. All taxes and assessments shall become due and payable within five days after the service, mailing or posting of such notice as provided by Section 46 at the Office of the Territorial Collector.

Date taxes
due

49. The Territorial Collector, or his agent, shall pay over the amounts collected to the Territorial Treasurer or deposit them to the credit of the Yukon Territory in a chartered bank designated by the Territorial Treasurer.

Bank account

50. Upon all taxes remaining due and unpaid on the thirty-first day of March of the fiscal year in which such taxes were levied there shall be added an additional sum in the amount of a penalty of six per centum of such unpaid taxes.

Penalty

51. All persons paying taxes on or before the twenty-eighth day of February of the taxation year in which such taxes were levied shall be entitled to a reduction of six per centum on the amount of such taxes.

Discount

Arrears

52. (1) The taxes on lands and improvements together with the penalty of Section 50 mentioned which are unpaid on the thirty-first day of March in every year shall be deemed taxes in arrears and shall bear interest from the said date at the rate of six per centum per annum and such interest shall be deemed to become part of the said arrears of taxes.

(2) Such total amount of arrears of taxes shall be deemed to be a charge upon the parcel of land or improvements in all respect as if the said penalty and interest had originally formed part of the taxes levied thereon.

Delinquent taxes

53. (1) All taxes on lands and improvements remaining unpaid on the thirty-first day of March in the year following that taxation year in which the taxes are imposed shall be deemed to be delinquent on the said thirty-first day of March.

(2) All taxes which become delinquent at the date mentioned in subsection (1) shall thereafter bear interest at the rate of six per centum per annum until paid or recovered.

(3) Such added interest shall be deemed to be part of the said delinquent taxes and a charge upon the parcel of land or improvements in all respects as if the said interest had originally formed part of the taxes levied thereon.

Payments credited to arrears

54. Except as in this Ordinance otherwise provided, no money received by the Territorial Collector in payment of taxes due upon any parcel of land or improvements shall be applied to the payment of taxes of the then current taxation year until all taxes which become due in the previous years have been fully paid.

Liability of owner

55. (1) Any person whose name appears on the assessment roll of the Territorial Assessor in any year as the owner of any land or improvements or any taxable interest therein within the Territory shall be liable for all taxes imposed under this Ordinance.

- (2) The liability imposed by this section shall be a debt recoverable by action brought on behalf of the Government of the Yukon Territory in the Territorial Court of the Yukon Territory by the Commissioner.
- (3) Production of a copy of the Territorial Collector's roll or of so much of the said roll as refers to the taxes payable by such person, written or printed without any erasure or interlineation and certified as a true copy by the Territorial Assessor shall be prima facie evidence of the debt without proof of the signature of the Territorial Assessor or production of the original Territorial Collector's roll or of a part of which such certified copy purports to be a copy.
- (4) The liability imposed by this section shall not be enforced by action against any person whose name appears on the assessment roll by reason of the fact that he is an executor, administrator or trustee of any estate except to the extent and value of the assets of such estate which shall have come into his hands.

56. (1) If any person fails to pay the Territorial Collector the taxes due and payable by him within thirty days after the same have become due and payable notwithstanding anything to the contrary contained in any Ordinance, the Territorial Collector may by himself or his Agent levy the same with the costs by distress of the goods and chattels of the person who ought to pay the same.

Distress for
delinquent
taxes

- (2) The costs chargeable in such distress shall be those made payable in cases of distress for rents and penalties by "The Distress Ordinance", being Chapter 26 of the Consolidated Ordinances of the Yukon Territory, 1914.
- (3) If any person fails to pay to the Territorial Collector the taxes due and payable to him within thirty days after the same have become due and payable, the Territorial Assessor or Collector may give notice to any person from whom any debt is due or accruing due to such first mentioned person and the person served with such notice shall at once or as soon as such debt accrues due

pay such taxes to the Territorial Collector to the extent of such debt or to the full amount of such taxes whichever is the lesser and such payment shall be a discharge and release pro tanto of such debt to the extent of the amount of such payment to the Territorial Collector and after such notice has been given and such debt is due or has accrued due the Territorial Collector may levy distress of the goods of the person to the amount of such debt or so much as is sufficient to pay such taxes and such distress shall be a discharge and release as aforesaid.

(4) No Warrant shall be necessary to enable the Territorial Collector or his Agent to levy distress under this section or to justify him in so doing but it shall be sufficient for him to serve a notice personally or by prepaid registered letter on the person on whose goods, or on goods in whose possession, he is about to make distress of the amount claimed by him for rates and taxes and of the fact that he is about to make such distress.

(5) Goods distrained under this section may be impounded on the premises or any part thereof on which they are found or may be removed for safe-keeping. In either case the collector may leave any person or persons in charge of the same if he deems it necessary for their safe-keeping.

Sale of goods
distrained

57. The Territorial Collector or his agent after giving five days' notice of sale by hand bills posted in at least five conspicuous places in the district in which the sale is to take place shall sell such goods on the premises or at any other place in the Territory for the best price to be gotten therefor and shall apply the proceeds of such sale towards the satisfaction of the rates and taxes due and expenses incurred and shall pay the surplus, if any, to the owner of such goods if known or to the person in whose possession they were when the distress was levied.

58. If a distress and sale of goods is made by the Territorial Collector or Agent under the provisions of Section 57,

the Territorial Collector may sue for any balance of rates and taxes due and unpaid after such sale in the manner provided by the provisions of Section 55.

59. (1) If any person, who is indebted for Territorial rates and taxes due, and who has been served with a notice requiring him to pay the same, is about to leave the Territory the Territorial Collector or any Territorial Agent may make an affidavit before a Judge of the Territorial Court or before any Stipendiary Magistrate or Justice of the Peace that such person is indebted to the Government of the Yukon Territory for such rates and taxes and that he verily believes that such person is about to leave the Territory and that such rates and taxes will be lost unless the goods of such person are forthwith distrained or unless such person is forthwith arrested and thereupon such Judge, Stipendiary Magistrate or Justice of the Peace, notwithstanding that the time named in such notice has not expired, may by order direct the Territorial Collector or Agent forthwith to levy distress of the goods of such person or may make an order that such person be arrested and held to bail for such sum not exceeding the amount of such rates and taxes and probable costs as to such Judge, Stipendiary Magistrate and Justice of the Peace seems proper.

Distress
where taxes
owing by
person
leaving
Territory

(2) It shall not be necessary for the Territorial Collector or Agent to state in the affidavit mentioned in the preceding subsection the grounds of his belief.

(3) Such order directing the Territorial Collector or Agent to levy distress shall authorize and justify him in making any distress which he could have made if such rates and taxes were due and payable. Such order that any person be arrested and held to bail shall be subject to all the provisions of Rules Numbers 409 to 419, both inclusive, of the "Judicature Ordinance", being Chapter 48 of the Consolidated Ordinances of the Yukon Territory, 1914, so far as the same relate to the execution of a special order and the imprisonment of any person thereunder.

Certificate
by Assessor
proof of
debt

60. In any action brought against any person for the recovery of rates and taxes owing to the Government of the Yukon Territory where there is a defence pleaded, a certificate in writing purporting to be signed by the Territorial Assessor or Collector or a Territorial Agent that the defendant's name appears on the Collector's roll for the sum claimed from him for rates and taxes and that the said sum has not been paid shall without proof of hand-writing be prima facie evidence in any court of such rates and taxes being due and unpaid.

Amounts
under
\$100.00

61. Any person absent or absconding from the Territory who is indebted for Territorial rates and taxes may be proceeded against for such rates and taxes under the provisions of Order 35 of the "Judicature Ordinance" notwithstanding that the amount of such rates and taxes is less than One Hundred Dollars.

Insolvency

62. The Territorial rates and taxes of any person who becomes insolvent or assigns his property shall constitute a lien upon his estate and shall be paid by the trustee or assignee of such property and in default of payment such rates and taxes may be collected from such trustee or assignee in the same manner and by the same proceedings as if such rates and taxes had been rated on such trustee or assignee personally, unless he satisfies the Territorial Assessor or Collector that sufficient money or property of such person to satisfy such rates and taxes has not come into his possession or under his control.

Tax sale

63. On the fifteenth day of July in each year at such place or places as the Commissioner may designate at the hour of three o'clock in the afternoon, the Territorial Assessor and the Territorial Agents shall offer for sale by public auction all and every parcel of land and improvements, if any, thereon upon which the taxes are delinquent.

64. (1) The Territorial Collector shall prepare a list of the lands to be sold as authorized by this Ordinance showing the respective owners thereof and the amounts of taxes due thereon and shall include therein in a separate column a statement of the proportion of costs chargeable

on each lot for advertising and the sum of fifty cents for each parcel to be sold and shall designate at what place the sale of each parcel shall be held.

(2) The Territorial Collector shall cause the said list to be posted in a conspicuous place in his office and in the office of every Territorial Agent and in three other places within each Municipality for four consecutive weeks before the day fixed for such sale and also, at least four weeks before the day fixed for such sale, he shall publish once a copy of said list in the Yukon Gazette and in any newspaper or newspapers published in the Yukon Territory, which the Commissioner may designate.

(3) The list described in subsection (1) shall be headed as follows:

"Sale of Lands in the Yukon Territory for Delinquent Territorial Taxes

Notice is hereby given that the following lands in the Yukon Territory will be offered for sale for delinquent taxes on the fifteenth day of July 19....., at three o'clock in the afternoon at the places hereinafter designated."

(4) Such posting and publication shall constitute good and effective service of said notice upon all persons named therein and all persons having any interest in the lands described therein.

65. (1) At the time and places appointed for such sale the Territorial Collector or Agents shall proceed to sell such lands and improvements at public auction to the highest bidder therefor.

(2) From the proceeds of such sale the Territorial Collector and Agents shall be authorized to receive a price equal to or exceeding the sum of the following amounts:

(a) the total amount of delinquent taxes upon the land and upon the improvements thereon;

- (b) the total amount of taxes in arrears upon such land and upon the improvements thereon;
 - (c) the total amount of the interest and penalty due to date;
 - (d) the amount of the current year's taxes upon such lands and upon the improvements thereon;
 - (e) a sum equal to the costs and expenses in and to such sale; which said sum shall be the upset price and shall be the lowest amount for which the land may be sold.
- (3) If the price realized at the sale shall exceed the sum of the amounts provided in subsection (2), the Territorial Assessor shall pay the balance to the owner of such land and improvements, if he is known to the Territorial Assessor, unless the said land and improvements are subject to a lien or incumbrance.
- (4) If the owner of such land and improvements is not known to or cannot be found by the Territorial Assessor, or if such land and improvements are subject to a lien or encumbrance, the Territorial Assessor shall pay such balance into the Territorial Court of the Yukon Territory to abide the order of the Judge thereof.
- (5) Upon the sale of such land and improvements, the Territorial Collector or Agent shall deliver to the purchaser a receipt for the price in Form "B" in the Schedule to this Ordinance.
- (6) Every purchaser at a Territorial tax sale, other than the Government of the Yukon Territory, at the time of such sale and before he is given a receipt in Form "B", shall by himself or his agent sign a statement setting out his full name, occupation and Post Office address.
- (7) In the event of there being no bid for, or no bid equal to the upset price of any land and improvements, the Government of the Yukon Territory shall be declared to be the purchaser thereof.

66. Any mortgage, judgment creditor or other person having an encumbrance or lien upon or against the land or land and improvements advertised for sale under the provisions of this Ordinance may pay the sum provided in subsection (2) of Section 65 and obtain from the Collector a certificate to that effect and thereupon shall be entitled to add the amount so paid to the amount due on such mortgage, judgment, encumbrance or lien.

67. (1) No error, informality or irregularity on the part of the Territorial Assessor, the Court of Revision, the Territorial Collector or of any Territorial Officer and no error or omission in giving any notice required by this Ordinance to be given shall affect or prejudice the validity of any general or individual assessment made or of any tax or rate levied, distrained for or collected.

Errors and omissions

(2) The invalidity, irregularity or illegality of any individual assessment, tax or rate shall not extend to affect the validity of any general assessment, tax or rate of any other assessment, tax or rate.

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

Order confirming sale

(2) With leave of the Judge, notice of such application may be given by one publication in the Yukon Gazette, at such time in advance of the day on which the application is to be made as the Judge shall direct.

(3) In such notice the names of all persons appearing by the records of the Land Registry Office on the date of the sale to be confirmed and of all persons appearing on the Territorial Collector's roll to have any interest in the lands and improvements sold shall be set forth.

(4) The notice shall be given by summons of the Judge obtained *ex parte* returnable in such time as the Judge directs after service thereof.

(5) Application to confirm a tax sale made under this Ordinance shall be made by the Territorial Collector.

Redemption

69. Any person having an interest in lands or improvements sold for taxes under this Ordinance may redeem the same at any time before the time for hearing of the application for confirmation of the sale of such lands or improvements by paying to the purchaser or his assignee the amount of the purchase money paid therefor and any further sums charged against the said lands and improvements and lawfully paid together with twenty per centum of the said amount and sums and such costs as a Judge may allow.

70. From the time of the payment to the purchaser or his assignee of the amount mentioned in Section 69 all right and interest of the purchaser in said lands and improvements shall cease and determine and he shall give a receipt for such payment and the person making such payment shall advise the Territorial Collector of such redemption.

**Receipt
evidence of
tax sale**

71. (1) Subject to the provisions of the foregoing sections, on any application for an order for the confirmation of such sale the production of a receipt for the price paid for the land or lands and improvements signed by the Territorial Collector or a Territorial Agent shall be prima facie evidence that all conditions have existed and all acts been performed and all requirements of this Ordinance in that behalf have been complied with which are necessary to entitle the applicant to the order of confirmation.

(2) If such application is not made until after the expiration of six months from the date of the receipt, such receipt shall be conclusive evidence that all conditions have existed and all costs have been performed and all requirements of this Ordinance in that behalf have been 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 land was not liable to assessment.

72. Forthwith upon the granting of an order of a Judge confirming the sale, the Territorial Collector shall in his own name as Territorial Collector execute and deliver to the purchaser a transfer in Form "C", which shall be as effectual to transfer and convey all the estate of the registered owner thereof in the land sold as if the same had been executed and delivered by such owner to such purchaser and as if such land was free of all liens and encumbrances.

Transfer
after order

73. No action shall be commenced for any thing done in pursuance of any provisions of this Ordinance after six months from the date of the act complained of.

Limitation
of action

74. (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.

Taxation of
Crown granted
mineral
claims

(2) The tax shall be payable on the first day of August in each year.

75. (1) Notwithstanding the provisions of Section 74, 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.

Development
in lieu of
taxes

(2) Such work shall be valued by the Collector in accordance with the schedule of values 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 become 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.

(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.

Notice by
Collector

(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 and 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.

76. (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 75. Address
for service

(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.

77. (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. Tax Roll

(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 for the districts in which the claims therein designated are situate and in the Land Registry Office for the District and in the Office of the Collector.

(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

78. 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.

Interest not divided

79. 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.

Prior lien

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

Notice of delinquency

81. 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 74 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.

Publication

82. (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.

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

- (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.
83. (1) On the day appointed for the sale of the claim, ^{Tax sale} the Collector or his agent shall proceed to sell the claim at public auction to the highest bidder therefor.
- (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.
- (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.
- (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 "D" to the purchaser

for the full amount of the purchase price, and he shall deliver one of the interim receipts to the purchaser, and file one in the Land Registry Office, and retain and file one in his own office.

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

Payment of
tax by
mortgagee

84. 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.

Redemption

85. (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 for which the claim was sold, together with the interest thereon at the rate of twenty 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.

(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 Registry 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.

- (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.
- (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.
86. (1) During the twelve month 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 spoilation and waste during the period of redemption.
87. (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. Order of confirmation
- (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 Registry 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.

88. (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 87 by the Collector.

(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.

Transfer
on sale

89. (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 "E".

(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 "E", 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.

90. 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.

Taxes paid to
Treasurer

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

Transfer to
Crown.

92. The Crown Grant Tax Ordinance, being Chapter 9 of the Ordinances of the Yukon Territory, 1950, Second Session, and amendments thereto, and Sections numbered 334 to 396, both inclusive, of the Municipal Ordinance, being Chapter 8 of the Ordinances of the Yukon Territory, 1949, Second Session, are hereby repealed.

Repeal

FORM "A"

DECLARATION OF TERRITORIAL ASSESSOR

C A N A D A

YUKON TERRITORY

TO WIT:

I, (Name of Territorial Assessor), do solemnly declare that the within roll has been prepared by me, under the provisions of "The Taxation Ordinance", as the assessment roll for the Yukon Territory, for the year _____, and that I have therein set out to the best of my judgment and ability the true value of the land and improvements within the said Territory which are subject to Territorial Assessments in accordance with the said Ordinance; and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act".

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

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

FORM "B".

TERRITORIAL TAX SALE INTERIM RECEIPT NO.....

Roll No.....

Received from (name) (address)
(occupation) , the sum of Dollars,

in payment of the following property purchased at tax sale

on the day of 19 ,

(here describe the land in accordance to Lot, Block Sub-
division and Townsite or Lot and Group, as the case re-
quires)

in the Yukon Territory.

This receipt to be surrendered to the Territorial Tax Col-
lector on delivery to purchaser of transfer of the above
property under Section 65 of "The Taxation Ordinance", being
Chapter , of the Ordinances of the Yukon Territory,
1952, First Session.

Territorial Tax Collector (or
Agent of Territorial Tax Collector)

FORM "C"

TERRITORIAL TAX TRANSFER

I, _____ of _____, by _____,

virtue of authority vested in me to sell lands for arrears of Territorial taxes by "The Taxation Ordinance", being Chapter _____ of the Ordinances of the Yukon Territory, 1952, First Session, do hereby, in consideration of the sum

of _____ Dollars paid to me by _____ (name of transferee, his address, and his occupation),

transfer to the said _____ (name of transferee)

all that piece of land being _____ (here describe the land according to lot, block, subdivision and townsite, or lot and group as the case requires), _____ in the Yukon Territory.

Dated the _____ day of _____, 19____

Signed by the above named _____

In the presence of _____

(Signature of Collector with official seal)

(NOTE: Before this transfer is presented to the Registrar for registration in the Land Titles Office the following affidavit must be completed and sworn).

AFFIDAVIT OF VALUE ANNEXED TO TRANSFER

C A N A D A
Yukon Territory
TO WIT:

I, (name of transferee or agent) , of (address)
(occupation) , make oath and say:

THAT I am the transferee (or agent of the transferee)
named in the annexed instrument and as such have a knowl-
edge of the property therein described.

THAT, in my belief the said property with all improve-
ments thereon and thereto is of the value of

Dollars; and no more.

SWORN to before me at the
of in the Yukon
Territory, this day of
, 19
A Commissioner for taking Affidavits
in and for the Yukon Territory.

FORM "D"

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 describe 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 de-
livery to the above named purchaser of a transfer of the
above claims under Section 83 of "The Taxation Ordinance",
being Chapter , of the Ordinances of the Yukon Territory,
1952, First Session.

Territorial Tax Collector (or Agent
of Territorial Tax Collector)

FORM "E"

TRANSFER OF CLAIM FOR TAXES

I, _____ of _____
 by virtue of authority vested in me to sell Crown Granted
 Mineral Claims for arrears of Territorial taxes, by "The
 Taxation Ordinance", being Chapter _____ of the Ordinances
 of the Yukon Territory, 1952, do hereby, in consideration of
 the sum of _____ Dollars paid to me by
 (name of Transferee, his address, and his occupation),
 transfer to the said _____ (name of Transferee)
 all that piece of land which is described as (here set out
 description of the claim or claims by Lot and Group numbers,
 and by name, if any), _____ in the Yukon Territory.

DATED the _____ day of _____, 19____

Signed by the above named _____

In the presence of _____

 (Signature of Collector with
 Official Seal)

AFFIDAVIT OF VALUE ANNEXED TO TRANSFER

C A N A D A

Yukon Territory

To Wit:

I, (name of Transferee or Agent), of (Address) (Occupation) , make oath and say:

THAT, I am the transferee (or Agent of the Transferee) named in the annexed instrument and as such have a knowledge of the property therein described.

THAT, in my belief the said property with all improvements thereon and thereto is of the value of Dollars, and no more.

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

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

CHAPTER 18

AN ORDINANCE TO REPEAL THE ORDINANCE TO
PROVIDE FOR THE IMPOSITION AND COLLECTION
OF A TOLL ON THE WHITEHORSE-MAYO HIGHWAY

(Assented to May 10th, 1952.)

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

1. An Ordinance to Provide for the Imposition and Collection of a Toll on the Whitehorse-Mayo Highway, being Chapter 6 of the Ordinances of the Yukon Territory, 1951, First Session, and amendments thereto are hereby repealed.
-

CHAPTER 19

AN ORDINANCE AUTHORIZING THE CONSOLIDATION
AND REVISION OF THE ORDINANCES OF THE
YUKON TERRITORY

(Assented to May 10th, 1952.)

Preamble

WHEREAS it has been found expedient to revise, clarify and consolidate the public Ordinances of the Yukon Territory inclusive of the Consolidated Ordinances of the Yukon Territory, 1914.

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

Commission
to be
appointed
by the
Commissioner

1. The Commissioner is hereby empowered to issue a commission to two or more persons, constituting them commissioners for revising and consolidating the Ordinances of the Yukon Territory, and to include in such revision and consolidation the Ordinances passed at the present session of the Yukon Council and such Ordinances passed at future sessions of Council as it may be deemed expedient so to include, and from time to time in case of death or refusal or incapacity to act of any one of the said commissioners, to appoint some other person or persons to be a commissioner or commissioners as aforesaid, to give effect to the provisions of this Ordinance.

Commissioners
to prepare
and arrange
for publica-
tion of
Ordinances

2. The Commissioners are hereby authorized and empowered to prepare and arrange for the publication of the said Ordinances, to omit all such Ordinances and parts of Ordinances as have expired, been repealed or had their effect and all Ordinances repealing any or any parts of any Ordinances as well as the Ordinances and parts of Ordinances repealed and the schedules of all such repealed or repealing Ordinances and to alter the numbers of the said Ordinances and sections thereof, to revise and bring up to date said Ordinances, and to make such alterations in their language

as are requisite in order to preserve a uniform mode of expression and to make such amendments as are necessary to bring out more clearly what they deem to have been the intent of the Yukon Council or to reconcile seemingly inconsistent enactments or to correct clerical or typographical errors and to frame a comprehensive index to the entire work.

3. It shall be lawful for the Commissioner of the Yukon Territory to make payment from time to time of such sum or sums as he may think fit, not exceeding the monies appropriated by the Commissioner in Council of the Yukon Territory for such purpose, as remuneration for such commissioners and also for such further charges and expenses as may be incurred by said Commissioners.

Payment of
Commissioners



CHAPTER 20

AN ORDINANCE TO AMEND THE
"MUNICIPAL ORDINANCE"*(Assented to May 10th, 1952.)*

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 Municipal Ordinance, being Chapter 8 of the Ordinances of the Yukon Territory, 1949 (Second Session), is amended hereby by striking out Section 288 thereof and substituting therefor the following:

Discount

"288. All persons paying taxes on or before the thirtieth day of November of the year in which such taxes are levied shall be entitled to a reduction of five per centum of the amount of such taxes."

2. The said Ordinance, as amended by Chapter 5 of the Ordinances of the Yukon Territory, 1950 (First Session), as amended further by Chapter 12 of the Ordinances of the Yukon Territory 1951, (First Session), is amended further hereby by inserting the following sections as Part XVI.

"Part XVI—School Levy"

Municipal

427. (1) There shall be levied by the Government of the Yukon Territory from each municipality in the said Territory on the total annual assessment of such Municipality, a rate not to exceed ten mills.

Levy to be
prior
charge

(2) The rate imposed by this section shall be a first charge on the amount tendered by a ratepayer on account of his taxes and shall be paid in full to the Territorial Treasurer before any portion of said amount is applied against Municipal rates due or accruing due.

428. The amount collected pursuant to the rate imposed by this Part shall form part of the Yukon Consolidated Revenue Fund and shall be used for School purposes within the Yukon Territory.

Levy to be
for school
purposes

429. The amounts collected in any one month pursuant to this Part shall be forwarded to the Territorial Treasurer on or before the fifteenth day of the month next following the month in which the collection was made.

Payment by
Municipality

430. The accounts and records of every Municipality shall be available at any time for inspection by an official who may be designated by the Commissioner for that purpose.

Inspection of
records

431. (1) The rate mentioned in Section 427 shall be set by the Commissioner for the year 1952-1953 forthwith upon the passing of this Ordinance, and shall thereupon be added to any tax levied or to be levied by any Municipality for the year 1952-53.

Rate to
be set
annually

(2) In each succeeding year, the rate mentioned in Section 427 shall be set by the Commissioner on or before the 31st day of December in the year next preceding the year in which such rate shall be imposed and collected.



CHAPTER 21

AN ORDINANCE RESPECTING
BUSINESSES, CALLINGS, TRADES AND
OCCUPATIONS, AND THE ISSUE OF
LICENCES THEREFOR

(Assented to May 10th, 1952.)

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 "Business Licence Ordinance". |
| Application | 2. This Ordinance shall not apply to those portions of the Territory which are situated within the boundaries of any Municipality. |
| Prohibition | 3. No person shall carry on within the Territory any of the Businesses, Callings, Trades or Occupations in the schedule hereto, without having first obtained a licence for the purpose, and paid the fee therefor, as shown in the said schedule. |
| Partnership | 4. In the case of persons engaged in, following, practising, carrying on, or exercising any trade, occupation, profession, business or calling as members of a partnership, it shall be sufficient compliance with this Ordinance if one license is taken out by the partnership in the partnership name in respect of that trade, occupation, profession, business or calling, and the licence fee is paid thereon. |
| Licence fee payable by person carrying on business | 5. The licence fees mentioned in the schedule hereto, where not otherwise specially expressed, shall be payable by the person engaging in, following, practising, carrying on or exercising the trades, occupations, businesses, professions or callings therein mentioned for each store, office, house or place of business, calling or trade occupied or carried on by |

him, either in his own name or in the name of an agent or representative in any part of the Territory.

6. Any person engaging in, following, practising, carrying on or exercising any trade, occupation, profession, business or calling in Section 3 described or named without having taken out and had granted to him and holding a licence in that behalf, shall be guilty of an offence against this Ordinance, and liable on summary conviction therefor to a penalty not exceeding the sum of \$100.00 for every such offence, together with the amount which he should have paid for such licence, which amount and penalty shall, for the purpose of recovery under this Ordinance, be held to be one penalty, and may be recovered on summary conviction at the instance of any Constable, Police Officer, or other Agent appointed by the Commissioner for the purpose of collecting any revenue of the Territory.

Offence
penalty

7. In this Ordinance "Resident" means a person who resides in the Yukon Territory for not less than eight months in each year.

Resident

8. Nothing in this Ordinance relieves any person from obligation to obtain any licence, permit or certificate or comply with any provisions of any other Ordinance.

Other
Ordinances

9. Any person commencing business after October 1st in any year shall pay one-half of the licence fee mentioned in the schedule hereto.

One half
fee

10. Every application for a Territorial trade licence shall be in writing, and shall set forth the following particulars:

Application
to be in
writing

- (a) The name, occupation and address of the applicant;
- (b) The nature of the licence applied for;
- (c) The place where the trade, occupation, business, profession, employment or calling, if licensed, will be carried on;
- (d) Such further and other particulars as the Commissioner may require.

Expiry date

11. (1) Unless it is expressly issued for a lesser period and so endorsed, a licence shall be for the fiscal year current at time of issue thereof, and shall expire on the thirty-first day of March next thereafter.
- (2) The fee payable in respect of any licence shall be an annual fee whether the licence is issued on the first day of April in any year or any later day, unless it is expressly paid for a licence for a shorter period, or a particular occasion or event and the licence is so endorsed.
- (3) Any existing Territorial licence valid at the time that this Ordinance comes into force shall be valid until the expiration of the term for which it is issued and during such term the holder of such licence shall not be obliged to take out a similar licence under the provisions of this Ordinance.

Transfer
of licence

12. (1) With the consent of the Commissioner, licences may be transferred if the applicant for such transfer of licence files with the Commissioner an application in writing setting forth:
 - (a) the name, occupation and address of the applicant;
 - (b) the nature and number of the licence to be transferred.
 - (c) the name and address of the licensee from whom the licence will be transferred;
 - (d) the place where the applicant will carry on business under the licence;
 - (e) the real consideration or reason for the transfer of the licence;
 - (f) such further and other particulars as the Commissioner may require.
- (2) A fee of One Dollar shall be paid to the Commissioner upon the filing of every such application.

13. (1) Wherever by this Ordinance power is given to the Commissioner to grant or issue licences for any trade, business, profession, occupation, calling, employment or purpose, he shall have power to revoke or to suspend any licence so granted in the event of the holder of such licence being convicted of a breach of any law or Ordinance relating to the trade, business, profession, occupation, calling, employment or purpose in respect of which such licence was granted or issued.

Power to suspend or revoke licence

(2) In such case there shall be no refund made of any part of the fee paid by the licensee in respect of such licence.

14. Sections 397 to 409, both inclusive, of the Municipal Ordinance, being Chapter 8 of the Ordinances of the Yukon Territory, 1949, Second Session and an Ordinance respecting Auctioneers, Hawkers and Pedlars, being Chapter 6 of the Consolidated Ordinances of the Yukon Territory 1914, are hereby repealed.

Repeal

SCHEDULE

LICENCES AND FEES

- 1. Accountants—An Accountant, whether a chartered accountant or otherwise, who keeps his own business\$ 25.00
- 2. Agents taking orders for commodities without a place of business in the Yukon Territory:
 - (a) if a resident 25.00
 - (b) if a non-resident 100.00
- 3. Auctioneer 25.00
- 4. Baker—owning or keeping a bakeshop or delicatessen 25.00
- 5. Banking Business—for each Branch 100.00
- 6. Barber—Keeping Barbershop:
 - (a) for first chair 25.00
 - (b) for each additional chair 5.00

7. Billiard and Pool Hall—Operating a Billiard or Pool Room for hire:	
(a) for first table	25.00
(b) for each additional table	5.00
8. Blacksmith	25.00
9. Bottling Works—carrying on the work of bottling	50.00
10. Bowling Alley—Keeping Bowling Alley:	
Each Alley	25.00
11. Broker or Broker's Agent—Carrying on business of Broker of any kind, representing any Broker or Brokerage Company, or soliciting business for any Broker or Brokerage Company	50.00
12. Butcher—Meat Storage Plant—Keeper of Meat Market	50.00
13. Cigar Stand or Store—Keeping a Cigar Stand or Store	25.00
14. Contractors — Carrying on Business employing any building tradesman:	
(a) if a resident	50.00
(b) if a non-resident	100.00
15. Dealer—Second Hand Dealer	25.00
16. Diamond Driller—for each drill	10.00
(Total fee not to exceed \$50.00)	
17. Drug Stores that sell goods other than pharmaceutical products	50.00
18. Dry Cleaners	25.00
19. Electric Light and Power Plant—keeping an electric light plant and furnishing light or power for sale, or retailing electric light or power	100.00
20. Freighting—by motor vehicle	25.00
21. Garage Keeper	50.00
Filling Station	10.00
22. Hawker or Pedlar	50.00

23. Launderer—keeping a steam laundry	50.00
24. Merchants selling petroleum products in bulk	50.00
25. Merchant — General	50.00
26. Mill—Operating a Sawmill	50.00
27. Motor Vehicle Dealer	25.00
28. Pawnbroker	25.00
29. Photographer	25.00
30. Printers—Newspaper Proprietor	50.00
31. Professions — Practicing any profession, the fee for which is not fixed by any other Ordinance	25.00
32. Public Telephone System	100.00
33. Restaurant Keeper	25.00
34. Rifle or Shooting Gallery	25.00
35. Taxicab Operator	25.00
36. Transportation by Water—Any person or Com- pany carrying passengers or freight for a fee on waterways within Yukon Territory, by a mechanical driven boat, or a mechanical driven boat towing barges—licence fee to be computed at 50 cents per ton on the net ton- nage of both boat and barge.	
37. Hotel or Rooming House:	
(a) with three or more rooms to rent	25.00
(b) with ten or more rooms to rent, and hav- ing a licence for sale of beer	50.00
(c) a Boarding House	10.00
38. Keeping an Automatic Record Playing Machine for public entertainment, and for which any fee or compensation is directly or indirectly received. For each machine	15.00
39. Any business of any nature whatsoever not re- ferred to in this Section, or the Section next following, and in respect of which the licence fees are not imposed herein, nor by the pro- visions of any other Ordinance	25.00

CHAPTER 22

AN ORDINANCE TO AMEND
"THE INDIGENT PERSONS' ESTATES LIEN
ORDINANCE"

(Assented to May 10th, 1952.)

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 Indigent Persons' Estates Lien Ordinance," being Chapter 9 of the Ordinances of the Yukon Territory, 1951 (Second Session), is amended hereby by adding the following Section:—

"6. Where aid has been granted, by the Government of the Yukon Territory, to an indigent person, in any form or manner whatsoever, the Territorial Secretary may give notice to any person from whom any debt is due or accruing due to such first mentioned indigent person and the person served with such notice shall at once, or as soon as such debt accrues due, pay to the Territorial Secretary the amount of such aid to the extent of such debt or to the full amount of such aid, whichever is the lesser and such payment shall be a discharge and release pro tanto of such debt to the extent of the amount of such payment to the Territorial Secretary and after such notice has been given and such debt is due or has accrued due, the Territorial Secretary may levy distress of the goods of the person to the amount of the debt or so much as is sufficient to pay the amount of such aid and such distress shall be a discharge and release as aforesaid."

CHAPTER 23

AN ORDINANCE RESPECTING THE REGISTRATION
OF VOTERS FOR TERRITORIAL ELECTIONS

(Assented to May 10th, 1952.)

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 Registration of Voters' Ordinance".

Short
Title

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

Definitions

"Commissioner" means Commissioner of the Yukon Territory;

"Registrar" means the Registrar of Voters for an electoral district;

"Territory" means the Yukon Territory.

3. Every person who is not disqualified by this Ordinance, or any other law in force in the Yukon Territory, and who:

Registration
qualification
of voter

(a) is of the full age of twenty-one years, and

(b) is a Canadian citizen; and

(c) has resided in the Territory for one year, and in the electoral district in which he seeks registration as a voter for one month immediately preceding the date of his making application under this Ordinance to be registered as a voter,

shall be entitled to be registered as a voter, and being duly registered as a voter under this Ordinance shall be entitled to vote at any election.

4. The following persons shall be disqualified from voting at any election, and shall not make application to have their names inserted in any list of voters:

- (a) every person disqualified from voting under the provisions of this Ordinance, or any other Ordinance of the Yukon Territory;
- (b) every person convicted of treason or any indictable offence, unless he has secured a free or conditional pardon for the offence, or has undergone the sentence imposed for the offence;
- (c) every insane person who has been so declared by Order of a competent Court.

Residence

5. For the purpose of registration of voters under this Ordinance, the place of residence of a person shall be determined according to the following rules:

- (a) the residence of a person shall be deemed to be the place in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning;
- (b) a person who leaves his home for temporary purposes only shall not thereby lose his residence;
- (c) a person shall not be considered to have gained a residence in the Territory, or in an electoral district thereof, if he has come into the Territory for temporary purposes only, without the intention of making the Territory and some place in the electoral district his home;
- (d) if a person goes to a place outside of the Territory with the intention of making that place his residence, he loses his residence in this Territory;
- (e) if a person goes to a place outside of the Territory with the intention of remaining in that place for an indefinite time as a place of residence, he thereby loses his residence in the Territory, notwithstanding the fact that he may have the intention of returning at some future time;

- (f) the place where a man's family resides shall be deemed to be his place of residence, but any man who takes up or continues his abode with the intention of remaining at a place other than where his family resides shall be deemed to be a resident where he so resides;
- (g) the residence of a single man shall be where he usually sleeps, without regard to where he takes his meals or is employed;
- (h) a change of residence can only be made by the act of removal joined with the intent to remain in another place; there can be only one residence; as a residence cannot be lost until another one is gained;
- (i) a person shall not lose or be deemed to have lost his residence in the Territory by reason only of the fact that he has heretofore been or may hereafter be absent from his place of residence while serving as a sailor, soldier, chaplain, surgeon, or nurse, or in any other capacity in the Naval, Military, or Air Forces of Canada or in any other of Her Majesty's Naval, Military, or Air Forces.

6. A Registrar of Voters for each electoral district, and such number of Deputy Registrars of Voters as may be necessary for every electoral district, shall be appointed by the Commissioner. Registrar

7. For the purpose of registration of voters the Registrar shall furnish, without charge, blanks, in Form 1, to any person applying therefor; and shall receive from any person offering to file the same a sworn affidavit in Form 1, in support of an application for registration as a voter. Method of registration

8. For the general convenience of the public, and for the purpose of securing the fullest registration of qualified voters, the Registrar of Voters, or a Deputy Registrar of Voters:—

- (a) shall attend with all necessary blanks at such convenient times and places as the Registrar may deem advisable for the purpose of assisting applicants in the preparation and filing of affidavits in support of their respective applications for registration; and

- (b) when he has reason to believe that some person is entitled to be entered upon the list of voters, as to whom, owing to absence, inadvertence, or other cause, no affidavit in support of an application for registration has been received, may take such steps as to the Registrar may seem advisable for the purpose of obtaining the affidavit of that person for filing in support of his application for registration.

Affidavit

9. The affidavit in support of an application for registration may be sworn before any person authorized to administer an oath within the Territory by any Ordinance of the Territory, and before any Registrar, or Deputy Registrar of Voters, Municipal Clerk, Postmaster, Postmistress, Territorial Agent, or Mining Recorder.

Insertion
of name
on list

10. (1) If it appears to the Registrar from the affidavit of the applicant filed with him that the applicant is entitled to be registered as a voter in the electoral district in which the Registrar is acting, he shall forthwith insert the name of the applicant in a list of persons applying for registration. The Registrar shall prepare the list according to Form 2, and shall post up, and keep posted up, a copy of the list in his office, and a copy in a conspicuous place on the outside of the door of his office.

(2) Every person, other than the Registrar, who removes the whole or any part of any copy of the list posted under this section shall be liable, on summary conviction, to a penalty of not less than Five Dollars and not more than Fifty Dollars.

Proof of
citizenship

11. The onus of proof of the fact that an applicant is a Canadian citizen shall be upon such applicant.

Registration
period

12. The registration of voters, as provided in the preceding sections of this Ordinance, shall continue for a period of one month without interruption, commencing from the date fixed by the Commissioner for such registration.

Voters list

13. (1) Immediately after the conclusion of the registration of voters, the Registrar shall make up the list of

voters for the electoral district, which shall consist of the names on the list of applications for registration which have been received by him.

(2) The Registrar shall arrange the list of voters alphabetically, according to the surnames of the persons whose names are inserted thereon. Subject to the next following Section, the Registrar shall place the name or number of the Polling Division in which the voter resides opposite his name on the voters' list.

Alphabetical
list

(3) For the purpose of any election the Registrar shall divide the list of voters into sections, corresponding to the Polling Divisions into which the electoral district is divided, and shall number the names of the voters consecutively throughout the list; but otherwise, he shall prepare the list of voters in accordance with the provisions of sub-section (2).

Polling
Divisions

(4) Where, by reason of the indefinite boundaries of a Polling Division, or otherwise, a doubt arises as to the Polling Division in which a voter should be registered, the Registrar shall decide the matter, having regard in every case to the convenience of the voter, and to any preference expressed by him.

14. The Registrar may at any time correct any error in the spelling or initials of any name, or the address or occupation of any voter upon the list of voters, and may, where necessary, correct the number or name of the Polling Division placed opposite the name of the voter.

Correction
of errors

15. (1) On completion of the list of voters, the Registrar shall certify it as correct, and shall send a certified copy thereof to the Commissioner at such time as the Commissioner may direct.

Registrar
to certify
list

(2) The Registrar shall retain in his custody the certified original list of voters, the original affidavits, and all other lists and documents had by him in connection with the preparation of the list of voters, and shall deal with them as directed by the Commissioner.

Copy on
demand

- (3) The Registrar shall furnish to any person written copies of the lists of voters, or any part thereof, upon payment of the cost of preparing the same.

List to be
official list

16. Subject to alterations and additions which may be made by the Registrar, every list of voters, certified under the provision of this Ordinance, shall be the list of voters to be used at all elections in the electoral district to which it refers until another list of voters for that District is prepared under this Ordinance.

Penalties

17. (1) Any Registrar or Deputy Registrar who:—
- (a) wilfully refuses or neglects to make out any list of voters; or
 - (b) wilfully neglects to insert in the list of voters or in the list of persons applying for registration as voters the name of any person who applies to be registered as a voter and complies with all the provisions of the Ordinance; or
 - (c) wilfully inserts in the list of voters or in the list of persons applying for registration as voters the name of any person who has not applied for registration; or
 - (d) wilfully inserts in the list of voters or in the list of persons applying for registration as voters the name of any person disqualified by this Ordinance; or
 - (e) wilfully refuses or neglects to publish, send, or mail any notice, post any list, or declines to give a copy of the same to any person entitled thereto at the time and in the manner required by this Ordinance; or
 - (f) wilfully refuses or neglects to deliver or transmit the lists, books, or documents to the Commissioner, or other person as required by or under this Ordinance; or
 - (g) wilfully commits any act of omission or commission in contravention of the duties of his office under this Ordinance;

shall be guilty of an offence against this Ordinance, and be liable, on summary conviction, to a penalty of not less than One Hundred Dollars.

- (2) Nothing in this section shall affect or abridge any right of action against any Registrar, or Deputy Registrar, which may arise under or by virtue of this Ordinance, or any law for the time being in force in the Territory.

18. No person shall make or cause to be made an application on his behalf to be registered as a voter in more than one electoral district; and any person offending against the provisions of this section shall, on summary conviction, be liable to a penalty not exceeding Fifty Dollars.

19. The provisions of "An Ordinance Respecting Elections", being Chapter 7 of the Ordinances of the Yukon Territory, 1919, shall apply, mutatis mutandis, to the provisions of this Ordinance.

FORM 1
(Section 7)

Affidavit in Support of Application for Registration
as a Territorial Voter

CANADA
Yukon Territory

I, _____, do hereby apply to have my name inserted in the list of voters for _____ Polling Division _____ of the _____ Electoral District, and I do hereby make oath and say (or solemnly affirm) :—

(1)

That I now reside at _____ in the _____ Electoral District, and my post office address is _____ Yukon Territory.

(2)

That I am of the _____ sex, of the full age of twenty-one years, and a Canadian citizen by birth (or naturalization).

(3)

That I have resided in the Yukon Territory for one year immediately preceding the date of this my application to be registered as a voter, and that I have for one month of that period immediately preceding the said date resided in the _____ Electoral District.

(4)

That I am in no respect disqualified from being registered as a voter in the said electoral district.

(5)

That I am not registered as a Territorial voter in any electoral district in the Yukon Territory.

SWORN before me at _____
in the Yukon Territory, this _____
day of _____ 19 _____ }
(Title of Officer) } (Deponent sign here)

FORM 2

(Section 10)

List of Persons Applying for Registration as
Territorial Voters.

In the Division of	Electoral District (or the Electoral District).	Polling
-----------------------	--	---------

- | | | |
|------------------------|---|------------|
| 1. Black, James Andrew | Parsons Bridge | Mason |
| 2. Doe, John | Sooke River,
Section 47,
Sooke District | Farmer |
| 3. Roe, Richard Samuel | 146 Royal Avenue,
Whitehorse, Y.T. | Bank Clerk |

N.B. Insert Christian name and surname at full length,
residence and profession, trade or calling.

CHAPTER 24

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

(Assented to May 10th, 1952.)

WHEREAS, it appears by message from Fred Fraser, 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, 1953, and

WHEREAS, it appears by message from Fred Fraser, Esquire, Commissioner of the Yukon Territory and in the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "B" to this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory, for the purposes relating thereto, for the twelve months ended March 31st, 1952.

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 four hundred and forty-nine thousand three hundred and thirty-two dollars for defraying the several charges and expenses of the Public Services of the Yukon Territory and for the twelve months ending March 31st, 1953, 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

fifty-nine thousand three hundred and twenty-four dollars for defraying the several charges and expenses of the Public Service of the Yukon Territory for the twelve months ended March 31st, 1952 as set forth in Schedule "B" of this Ordinance.

3. 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, 1953, and the purposes for which they are granted.

Vote

No.

1.	Yukon Council			
	A. Sessional Indemnities	\$ 5,800.00		
	B. Travelling and Living Expenses	1,500.00		
	C. Legislative Printing	4,500.00		
	D. Territorial Election	2,000.00		
	E. Reserve for Decennial Consolidation	1,000.00		
	F. Legal Counsel	500.00	\$	15,300.00
		<hr/>		
2.	Territorial Offices			
	A. Salaries	\$ 62,855.00		
	B. Supplies, Expenses, Equipment and Renewals	15,100.00		77,955.00
		<hr/>		
3.	Department of Education			
	A. Administration—			
	(1) Salaries	\$ 5,250.00		
	(2) Supplies and Expenses	1,500.00	\$	6,750.00
		<hr/>		
	B. Dawson Public School			
	(1) Salaries	\$ 28,600.00		
	(2) Supplies and Expenses	12,000.00		40,600.00
		<hr/>		

Vote
No.

C. Whitehorse Public School			
	(1) Salaries	\$ 75,900.00	
	(2) Supplies and Expenses	20,000.00	95,900.00
<hr/>			
D. Mayo Public School			
	(1) Salaries	\$ 8,620.00	
	(2) Supplies and Expenses	2,600.00	11,220.00
<hr/>			
E. Other Public Schools			
	(1) Salaries	\$ 25,010.00	
	(2) Supplies and Expenses	4,450.00	29,460.00
<hr/>			
	F. Separate Schools		17,750.00
			<hr/>
4.	Department of Public Works		
	A. Salaries	\$ 400.00	
	B. Expenses	500.00	
	C. Repairs and Maintenance	7,000.00	7,900.00
<hr/>			
5.	Department of Health and Public Welfare		
	A. Health—		
	(1) Salaries	\$ 15,700.00	
	(2) Supplies and Expenses	5,000.00	
	(3) Communicable Diseases	3,400.00	
	(4) Statutory Hospital Grants	46,000.00	
	(5) T. B. Control	42,000.00	\$112,100.00
<hr/>			
	B. Public Welfare—		
	(1) Child Welfare	\$ 23,000.00	
	(2) Social Assistance	73,000.00	
	(3) Old Age and Blind Pensions	18,240.00	
	(4) Institutional Grants	3,825.00	118,065.00
<hr/>			
	C. Special Grants to Hospitals		26,000.00
			<hr/>
			256,165.00

Vote
No.

6. **Municipal Administration**

A. Subsidy Grants—			
(1) City of Whitehorse	\$ 4,000.00		
(2) City of Dawson	1,250.00	\$ 5,250.00	
		<hr/>	
B. Special Grants—			
(1) City of Whitehorse	\$ 36,875.00		
(2) City of Dawson	25,250.00	62,125.00	
		<hr/>	
C. Town of Mayo—			
(1) Fire Department:			
(a) Salaries	\$ 3,000.00		
(b) Supplies and Expenses	3,815.00	6,815.00	
		<hr/>	
(2) Street Maintenance			
(a) Street Lighting	\$ 640.00		
(b) Grading and Maintenance	800.00	1,440.00	
		<hr/>	
(3) Special Purposes		302.00	8,557.00
		<hr/>	

7. **Game and Publicity Department**

A. Salaries	\$ 11,700.00		
B. Supplies, Expenses, Equipment and Renewals	4,910.00		
C. Wolf and Coyote Bounties	3,000.00		
D. Game Preservation	3,200.00		
E. Publicity	2,250.00	25,060.00	
		<hr/>	

8. **General**

A. General	\$ 3,590.00		
B. Retirement Annuity Plan	3,500.00		
C. Unemployment Insurance	1,300.00		
D. Property Insurance	1,000.00		
E. Revision of Ordinances	5,000.00	14,390.00	
		<hr/>	

Vote
No.

9.

**Roads, Bridges and Public
Works**

A. Dawson District—			
(1) Garage	\$ 11,500.00		
(2) Resource Roads	35,000.00		
(3) Trunk Roads	14,000.00		
(4) Local Roads	10,000.00		
(5) Ferry Service	10,100.00	\$ 80,600.00	
<hr/>			
B. Mayo District—			
(1) Garage	\$ 7,100.00		
(2) Trunk Roads	12,000.00		
(3) Local Roads	7,500.00	26,600.00	
<hr/>			
C. Whitehorse District—			
(1) Garage	\$ 7,400.00		
(2) Resource Roads	11,000.00		
(3) Trunk Roads	15,000.00		
(4) Local Roads	11,500.00	44,900.00	
<hr/>			
D. Whitehorse-Mayo Highway—			
(1) Garage	\$ 6,800.00		
(2) Resource Roads	223,000.00		
(3) Ferry Service	37,600.00	267,400.00	
<hr/>			
E. Airfields—			
(1) Dawson	\$ 2,000.00		
(2) Mayo	1,800.00		
(3) Others	500.00	4,300.00	
<hr/>			
F. Administration—			
(1) Salaries	\$ 12,600.00		
(2) Expenses	3,000.00	15,600.00	439,400.00
<hr/>			
TOTAL CURRENT EXPENDITURE			\$ 1,113,782.00
C. CAPITAL EXPENDITURES			
(1) Whitehorse School	\$ 45,000.00		
(2) Road Equipment	27,500.00		
(3) Public Buildings	116,000.00		
(4) Construction Dawson-Mayo Road	150,000.00	355,950.00	
<hr/>			

SCHEDULE "B"

Sums granted to the Commissioner by the Ordinance for the twelve months ended March 31st, 1952, and purposes for which they were granted.

1. Yukon Council

A. Sessional Indemnities	\$ 300.00	
C. Legislative Printing	2,575.13	\$ 2,875.13
	<hr/>	

2. Territorial Offices

A. Salaries	\$ 4,914.23	
B. Supplies and Expenses	379.57	5,293.80
	<hr/>	

4. Public Works

C. Repairs and Maintenance		2,397.08
----------------------------	--	----------

6. Municipal Administration

C-1 Fire Department		574.96
		<hr/>

\$ 11,140.97

CAPITAL ACCOUNT

C-2 Road Equipment		48,182.95
		<hr/>

\$ 59,323.92

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ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL

IN THE YEAR

1952

SECOND SESSION

FREDERICK FRASER
COMMISSIONER



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Authority of Chapter 75 of the Consolidated Ordinances of 1914.

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CHAPTER 1

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

(Assented to October 23rd, 1952.)

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 Yukon Territorial Public Service Ordinance", being Chapter 76 of the Consolidated Ordinances of the Yukon Territory, 1914, is hereby amended by striking out the words "without additional compensation" where they appear in the sixth line of Section 38 thereof, and substituting therefor the following:

Section 38
amended

"subject to such additional compensation as the Commissioner may authorize."

Section 40
repealed

2. The said Ordinance is further amended by repealing Section 40 thereof.

CHAPTER 2

AN ORDINANCE TO AMEND
"THE GOVERNMENT LIQUOR ORDINANCE"

(Assented to October 23rd, 1952.)

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

Commissioner
may interdict
indigent

1. The Government Liquor Ordinance, being Chapter 14 of the Ordinances of the Yukon Territory, 1952 (first session), is hereby amended by adding immediately after section 25(1) the following subsection:

- (a) Where any person is in receipt of relief or assistance from the Government of the Yukon Territory, the Commissioner may make application for an order of interdiction prohibiting the sale of liquor to such person.
-
-

CHAPTER 3

AN ORDINANCE TO AMEND
"THE INTERPRETATION ORDINANCE"

(Assented to October 23rd, 1952.)

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 Interpretation Ordinance", being Chapter 1 of the Consolidated Ordinances of the Yukon Territory, 1914, as amended by Chapter 15 of the Ordinances of the said Territory, 1951, (first session), is further amended by adding immediately after the words "Discovery Day", where they appear in paragraph 19 of Section 8, the following words:

Holidays
definition
amended

"Or the eighteenth day of August, when the seventeenth day of August falls on a Sunday."

CHAPTER 4

AN ORDINANCE TO AMEND
"THE HOSPITALS ORDINANCE"

(Assented to October 23rd, 1952.)

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 Hospitals Ordinance" being Chapter 43 of the Consolidated Ordinances of the Yukon Territory, 1914, as amended by Chapter 4 of the Ordinances of the Yukon Territory, 1948, is amended by repealing Section 4 and substituting therefor the following section:

"4. In case of public moneys being appropriated for the purposes of this Ordinance by the Commissioner-in-Council every such hospital complying with the requirements of this Ordinance and of all orders made by the Commissioner hereunder, shall receive in each year aid from such moneys to the extent and amount following that is to say:

Amount of
aid to
hospital

(a) Every such hospital shall have and receive not less than one dollar and fifty cents and not more than two dollars for each day's actual treatment and stay of every patient.

Additional
grant for
partially free
patient

(b) Every such hospital shall have and receive an additional grant of not less than four dollars and not more than five dollars for each day's actual treatment and stay of every partially free patient admitted to or being within such hospital during the calendar year for which said aid is granted, less the number of days represented by any money's worth given for such treatment by the patient, provided, however, that such aid shall not be granted in respect of any partially free

patient until there has been filed with the Territorial Treasurer in respect of such patient a certificate of the attending physician that each day of such treatment and stay was necessary and an application on behalf of the hospital for such aid with evidence which satisfies the Territorial Treasurer that the hospital has made every reasonable effort to collect from such patient the full cost in money's worth of his treatment and stay and stating the reasons why such full cost could not be collected and the amount which was so collected.

Physician's
certificate

(c) Every such hospital shall have and receive an additional grant of not less than four dollars and not more than five dollars for each day's actual treatment of every free bed patient and three dollars for every free ambulant patient admitted to or being within such hospital.

Additional
grant for free
patient

(d) Every such hospital shall have and received an additional grant of one half the regular fee charged by such hospital for medicines, x-rays, operating room and similar fees, other than ward fees, for every free patient admitted to or being within the hospital.

Additional
grant for
medicine,
x-rays, etc.

(e) This Ordinance is retroactive to the first day of April, 1952."

Effective
date

CHAPTER 5

AN ORDINANCE TO AMEND THE
"PROTECTION OF CHILDREN ORDINANCE"

(Assented to October 23rd, 1952.)

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

Section 26(1)
amended

1. The "Protection of Children Ordinance" being Chapter 1 of the Ordinances of the Yukon Territory, 1945, is hereby amended by striking out the words "ten nor more than twenty-five" where they appear in the second and third lines of subsection 1 of Section 26 and substituting therefor the word "five".

CHAPTER 6

AN ORDINANCE TO AMEND
"THE FUR EXPORT TAX ORDINANCE"

(Assented to October 23rd, 1952.)

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 Fur Export Tax Ordinance", being Chapter 12 of the Ordinances of the Yukon Territory 1951 (second session), is hereby amended by striking out the fourteenth line of Schedule "A", and substituting therefor the following:

Schedule
amended

"On each muskrat (musquash) .05"

CHAPTER 7

AN ORDINANCE TO AMEND THE
"DENTAL PROFESSION ORDINANCE"

(Assented to October 23rd, 1952.)

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 15 of the Ordinances of the Yukon Territory, 1952, (first session), is amended hereby by inserting immediately after Section 4 the following section:

Register of
dental
hygienists

"4A (1) The Commissioner shall cause to be kept a register of dental hygienists and no person shall be allowed to practise as a dental hygienist unless he is registered therein.

Application

(2) The Commissioner may, upon application, enter in the register the name of any person qualified in a recognized school or college of dentistry or dental hygiene."

2. The Ordinance is further amended by inserting immediately after Section 16 the following section:

Regulations

"16A Notwithstanding anything herein contained the Commissioner may make regulations

(a) providing for the delegation to dental hygienists of the performance, under the direct control and supervision of a dentist duly licensed and registered under this Ordinance, of the services of cleaning and polishing teeth and the giving of instructions and demonstrations in oral hygiene and mouth care;

- (b) prescribing other specific dental duties of a minor nature that may be similarly delegated for performance by dental hygienists;
 - (c) prescribing the admission and annual fees payable by dental hygienists; and
 - (d) generally for defining, regulating and controlling the the practice of dental hygiene.”
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CHAPTER 8

AN ORDINANCE TO AUTHORIZE AND IMPLEMENT
AN AGREEMENT BETWEEN THE GOVERNMENT OF
CANADA AND THE GOVERNMENT OF THE
YUKON TERRITORY, NO. 2

(Assented to October 23rd, 1952.)

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 "Federal-Territorial Agreement Ordinance, No. 2, 1952".
- Interpretation 2. In this Ordinance
- "Agreement" (a) "Agreement" means the Agreement entered into pursuant to this Ordinance;
- "Commissioner" (b) "Commissioner" means the Commissioner of the Yukon Territory;
- "Municipality" (c) "Municipality" has the meaning assigned thereto by the Agreement; and
- "Tax Rental Agreement, 1948" (d) "Tax Rental Agreement, 1948" means the Agreement entered into pursuant to Chapter 21, Ordinances Yukon Territory, 1948, between the Government of Canada and the Government of the Yukon Territory, dated the fourteenth day of September, 1948.
- Commissioner authorized to enter into agreement 3. Subject to the provisions of this Ordinance, the Commissioner is authorized to enter into and execute, on behalf of the Yukon Territory, an Agreement with the Government of Canada providing
- Provisions of agreement

(a) that the Government of Canada will pay to the Yukon Territory

Payments to Territory

(i) in respect of each of the five calendar years commencing on the first day of January in the period from the first day of January, 1952, to the thirty-first day of December, 1956, the amounts specified in section four of this Ordinance, and

(ii) in respect of each of the five fiscal years commencing on the first day of April in the period from the first day of April, 1952, to the thirty-first day of March, 1957, an amount not less than the amount by which the guaranteed minimum annual amount specified in section five of this Ordinance exceeds the amount of the population subsidy specified in Section four of this Ordinance; and

(b) that in consideration thereof, the Government of the Yukon Territory will suspend and refrain and require the municipalities in the Yukon Territory to suspend and refrain from the imposition, levying and collection of

Territory to suspend or refrain from imposing certain taxes

(i) personal income taxes, corporation taxes and corporation income taxes, in respect of the period of five years commencing on the first day of January, 1952, and ending on the thirty-first day of December, 1956, and

(ii) succession duties in respect of successions or transmissions consequent upon or upon property passing upon death occurring during the period of five years commencing on the first day of April, 1952, and ending on the thirty-first day of March, 1957,

in terms substantially similar to the terms contained in the Tax Rental Agreement, 1948, subject to such modification as may be necessary to give effect to the provisions of sections four and five of this Ordinance and omitting the terms relating to the tax of five per cent. on the income of corporations imposed pursuant to Clause six thereof for the imposition of which no provision shall be made.

Terms similar to 1948 agreement

Provisions of agreement

4. An Agreement entered into under this Ordinance, in addition to the other terms that may be agreed upon, shall provide

Amounts payable to Territory

(a) that the amount payable by the Government of Canada to the Government of the Yukon Territory in lieu of grants for the support of the Government and Council of the Yukon Territory and other special grants to the Government of the Yukon Territory shall be \$30,000.00; and

(b) that the amount payable by the Government of Canada to the Government of the Yukon Territory by way of annual subsidy in respect of population shall be \$7,276.80, being an amount of 80 cents per capita on the 1951 population of 9,096 persons, which amount is referred to in this Ordinance as the "population subsidy".

5. An Agreement entered into under this Ordinance shall also provide:

Computation of amounts payable

(a) that the guaranteed minimum annual amount payable by the Government of Canada to the Government of the Yukon Territory shall be \$170,487.00, being the amount derived by increasing the amount of \$89,365.00 (the guaranteed minimum annual amount payable under Clause 1B of the Tax Rental Agreement, 1948) by a ratio representing a comparison of the value of gross national product per capita and population of the Yukon Territory in the year 1948 with the value of gross national product per capita and population of the Yukon Territory in the year 1942 as determined by the Dominion Statistician;

(b) that the adjusted annual amount payable by the Government of Canada to the Government of the Yukon Territory (which under Clause 1B of the Tax Rental Agreement, 1948, in respect of a fiscal year, is the average of amounts determined in respect of each of the three calendar years immediately preceding the fiscal year) shall, in respect of a fiscal year, be the average of

amounts determined in respect of each of the two calendar years immediately preceding the fiscal year, such amount to be the greater of

- (i) the guaranteed minimum annual amount, or
 - (ii) the amount that is the product of the guaranteed minimum annual amount and the product of the ratio that the value of the gross national product per capita in that calendar year bears to the said value of the calendar year 1948 and the ratio that the population of the Yukon Territory for that calendar year bears to the said population in the calendar year 1948, these said ratios to be as determined by the Dominion Statistician;
- (c) that for the purpose of determining the adjusted annual amount payable by the Government of Canada to the Government of the Yukon Territory, the value of the gross national product shall be the value thereof determined by the Dominion Statistician at factor cost, instead of at market prices as is provided in the Tax Rental Agreement, 1948;
- (d) that payments on account of the amounts payable by the Government of Canada to the Government of the Yukon Territory under the Agreement in respect of a calendar year shall be made semi-annually on the thirtieth day of June and on the thirty-first day of December, in the calendar year, and in respect of a fiscal year shall be made quarterly on the thirtieth day of June, the thirtieth day of September, the thirty-first day of December and the thirty-first day of March respectively, in the fiscal year; and
- (e) such other terms as may be agreed upon for the purpose of giving full effect to the provisions of this section, for improvement in the technical procedures required to give effect to the Agreement and generally to give effect to the meaning and intent of this Ordinance.

Payments to be made semi-annually in respect of calendar year

Payments made quarterly in respect of fiscal year

Terms to give effect to section and Ordinance.

5A. An agreement entered into under this Ordinance may also provide ...

Further provisions of Agreement

(a) that in consideration of the release by the Government of Canada of its right to all further payments by the Government of the Yukon Territory under clause three of the Tax Rental Agreement, 1948, and to make any further deductions under the said clause three, the Government of the Yukon Territory will release its right to all further payments by the Government of Canada under clause four of the Tax Rental Agreement and to be furnished with any further information by the Government of Canada under the said clause four.

(b) that in consideration of the payment by the Government of Canada of the sum of \$182.92, the Government of the Yukon Territory will release its right to payment by the Government of Canada under the said clause four of interest and penalties in respect of overdue taxes, and

(c) that the Government of Canada will retain all further amounts collected by it under the said clause four.

Agreement shall contain clause similar to clause 7 of Tax Rental Agreement, 1948

6. An Agreement entered into under this Ordinance shall also contain a clause similar to Clause 7 of the Tax Rental Agreement, 1948, except that sub-paragraph (a) of paragraph (2) thereof shall be amended to provide for an amusement tax to be levied at a rate of not less than ten per cent., and paragraph (3) thereof shall be deleted.

Agreement may be varied

7. The Agreement may be varied or amended from time to time, as may be agreed upon with the Government of Canada by the Commissioner.

Ordinances, by-laws inoperative to extent necessary to give effect to agreement

8. Upon the execution of the Agreement, the Ordinances, regulations, by-laws, orders and rules, including those of any municipality in the Yukon Territory, shall, for the relevant periods provided in the Agreement, but not longer, be deemed to be amended, suspended or inoperative, as the case may be, to the extent necessary to give effect to the Agreement and to permit the Yukon Territory to fulfil every obligation assumed by it under the Agreement.

9. To the extent to which any Ordinance, regulation, by-law, order or rule is required to be amended for the purposes of the Agreement, it shall for the relevant period provided in the Agreement have effect and have the force of law as if every required amendment had been expressly made therein.

10. Neither the Commissioner nor any municipality shall do any act or exercise any power or collect any tax in contravention of the provisions of the Agreement.

No
contravention
of agreement

11. In any case in which by this Agreement any tax or fee is required to be reduced, such tax or fee is, for the relevant period provided in the Agreement, but not longer, reduced, in accordance with the Agreement, and the tax or fee in the reduced amount shall only continue to be payable and exigible and recoverable in the same manner as if it had not been reduced.

When tax
required to
be reduced

12. The Commissioner is empowered to do every act and to exercise every power and to make every payment necessary or proper for the purpose of implementing in every respect every obligation assumed by the Yukon Territory under the Agreement.

Power to
implement
obligations
under
Agreement

13. The preceding sections shall remain in operation only so long as necessary to give effect to the terms of the Agreement.

Length of
operation of
section 12

14. Any amount or amounts that become payable to the Government of Canada under the terms of the Agreement shall be a charge upon and be paid out of the Yukon Consolidated Revenue Fund.

Manner of
payment

15. The "Federal-Territorial Agreement Ordinance, 1952", being Chapter 16 of the Ordinances of the Yukon Territory, 1952, First Session, is hereby repealed.

Repeal

16. This Ordinance is retroactive to the extent necessary to give effect to the Agreement.

Retroactive
effect

CHAPTER 9

AN ORDINANCE TO AMEND
THE "STEAM BOILERS ORDINANCE"

(Assented to October 23rd, 1952.)

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 "Steam Boilers Ordinance", being Chapter 2 of the Ordinances of the Yukon Territory, 1952 (first session), is amended by repealing section 8 and substituting the following:

Inspection
once a year

"8. (1) The owner of

- (a) a boiler,
- (b) a pressure vessel of over twenty cubic foot capacity,
- (c) a hot water boiler which for heating purposes has over one hundred and fifty square feet of heating surface or irrespective of heating surface is installed in a school, hospital, church, theatre, hall, auditorium or building where the public assemble,

shall cause it to be inspected at least once in each year by an inspector, and shall pay to the Territorial Treasurer the fee as prescribed in Schedules B and C of this Ordinance.

Inspector to
set and seal
safety valves,
test pressure
gauges and
examine
installation

(2) The inspector shall set and seal the safety valves of the boiler's and pressure vessels he inspects and shall test the pressure gauges of such pressure vessels and shall satisfy himself that such boilers and pressure vessels are safely installed.

(3) It shall be the duty of such inspector to furnish the Territorial Secretary with all particulars of the inspection so that the fee as prescribed in Schedules B and C of this Ordinance may be assessed.

Inspector to furnish particulars to Territorial Secretary

(4) After the completion of the inspection the inspector shall issue to the owner a certificate of inspection.

Certificate of inspection

(5) At all times the most recent inspection certificate issued with respect to a boiler or pressure vessel shall be displayed, protected by glass or other transparent covering, in a conspicuous place in the room or other place in which the boiler or pressure vessel is operated.

Certificate to be displayed

(6) An owner of a boiler or pressure vessel is guilty of an offence under this Ordinance who does not have in his employ a person having the required certificate or permit to operate a boiler or pressure vessel.

Offence

(7) Notwithstanding anything herein contained the Commissioner may, if the circumstances warrant, issue a certificate to an owner of a new boiler or pressure vessel pending the next regular visit of the inspector."

Commissioner may issue certificate to owner of new boiler

2. The said Ordinance is further amended by adding to subsection 2 of Section 20 the following proviso:

"Provided that upon recommendation of the inspector, the Commissioner may issue a provisional certificate to any person who has been employed as a fireman on a high pressure boiler for not less than one year upon payment of a fee of ten dollars; such provisional certificate to be valid for a period of not more than one year."

Section 20 amended

3. The said Ordinance is further amended by inserting after the word "horsepower" where it appears in subsection (1) of Section 23 the words and figures "and under 750 horsepower."

Section 23(1) amended

4. The said Ordinance is further amended by repealing Sections 35 and 36 and substituting therefor the following Sections:

Affidavit
concerning
new boiler

"35 (1) (a) Where any boiler is delivered to a purchaser within the Territory, an affidavit of the foreman under whose supervision the boiler was built, fully filled out and detailed in accordance with a form prescribed by the Province or State where the boiler was built, shall be forwarded to the Commissioner. Such form shall show the name and address of the purchaser which may be filled in by the agent making the sale.

Compliance
with this
section

(b) The inspector will not be required to examine or finally pass new boilers unless the provisions of this Section have been complied with.

Application
to hot water
boilers

(2) The same inspection procedure and the same fees used in connection with steam boilers shall be applicable to hot water boilers used for heating purposes and having more than one hundred and fifty square feet of heating surface.

Inter-
provincial
Boiler Code

(3) The Interprovincial Boiler Code shall govern the design, construction and inspection of boilers and pressure vessels in all respects where not covered by the regulations."

Calculation
of boiler
horsepower

"36. For the purposes of this Ordinance, one boiler horsepower shall be equivalent to 10 square feet of heating surface irrespective of type, except that for electric boilers the horsepower rating shall be calculated by dividing by 10 the maximum kilowatt capacity of the heating element."

New
schedules
added

5. The Ordinance is further amended by adding thereto the following Schedules:

SCHEDULE B

Inspection Fees for Boilers:

Less than 25 horsepower high pressure	\$10.00
Less than 25 horsepower low pressure	5.00
25 horsepower and less than 75 horsepower	12.50
75 horsepower and less than 100 horsepower	15.00
100 horsepower and less than 150 horsepower	17.50
150 horsepower and over	20.00

SCHEDULE C

Inspection Fees for Pressure Vessels:

Not exceeding 235 cubic feet by volume	\$ 5.00
236 cubic feet to and including 400 cubic feet by volume	7.50
401 cubic feet to and including 1000 cubic feet by volume	10.00
1001 cubic feet to and including 2000 cubic feet by volume	12.50
2001 cubic feet to and including 4000 cubic feet by volume	15.00
Over 4000 cubic feet by volume	17.50

CHAPTER 10

AN ORDINANCE TO AMEND THE
"OLD AGE ASSISTANCE AND BLIND PERSONS
ALLOWANCE ORDINANCE"

(Assented to October 23rd, 1952.)

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 "Old Age Assistance and Blind Persons Allowance Ordinance", being Chapter 12 of the Ordinances of the Yukon Territory, 1952, (First Session), is hereby amended by repealing paragraph (e) of Section 2 thereof, and substituting the following:

"Director"
defined

"(e) 'Director' means the Director of Old Age Assistance and Blind Persons Allowance."

Section 4
amended

2. The Ordinance is further amended by deleting from the first line of Section 4 thereof the following words:

"the monies issued and advanced out of"

3. The Ordinance is further amended by repealing Section 5 and substituting therefor the following:

Director
appointed by
Commissioner

"5 (1) The Director shall be appointed by the Commissioner.

(2) The Director shall

(a) receive applications, and

Duties of
Director

(b) determine the eligibility of each applicant for assistance or allowance and approve the application for the grant of assistance or allowance.

(3) The Director may

(a) call for any additional proof that may be prescribed in the Regulations or the Federal Act.

(b) confirm, amend or reverse any direction or determination made by him under this Ordinance,

and, subject to his right to amend or reverse any direction or determination, every direction or determination given or made by the Director is final and is not subject to review by any Court or otherwise."

4. The Ordinance is further amended by inserting after the word "innocent" where it appears in Section 9, subsection 1, the words "or false". Section 9
amended

5. The Ordinance is further amended by inserting after the word "assistance" where it appears in Section 12, subsection 1, the words "or allowance". Section 12
amended

6. This Ordinance is deemed to have come into force on the first day of April, 1952. Effective
date

CHAPTER 11

AN ORDINANCE TO AMEND
THE "YUKON CORPORATION INCOME TAX
ORDINANCE"

(Assented to October 23rd, 1952.)

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

1. Section 11 of the "Yukon Corporation Income Tax Ordinance", being Chapter 24 of the Ordinances of the Yukon Territory, 1948, is repealed and the following substituted therefor:

Non-
applicability
after 1952

"11. (1) This Ordinance is not applicable to a taxation year ending after December 30, 1952.

Computation
of tax
deduction

(2) A corporation may deduct from the tax otherwise payable by it under this Ordinance, in respect of its fiscal year commencing in the calendar year nineteen hundred and fifty-one, an amount that is in the same ratio to the said tax otherwise payable, as the number of days in that fiscal year following the last day of December of the said calendar year, is to three hundred and sixty-five".

Extension of
time of
expiration

2. The said Ordinance shall be deemed not to have expired on the first day of January, 1952, and shall be deemed to continue in force and to have continued in force at all times subsequent to the thirty-first day of December, 1951.

CHAPTER 12

AN ORDINANCE RESPECTING COMPENSATION TO
BE PAID AS A RESULT OF INJURIES OR DEATH
CAUSED TO WORKMEN IN THE COURSE OF
THEIR EMPLOYMENT

(Assented to October 23rd, 1952.)

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 "Workmen's Compensation Ordinance". Short title

2. In this Ordinance, Definitions

(a) "Accident" includes a wilful and intentional act, not being the act of the workman and shall also include a chance event occasioned by a physical or natural cause, as well as disablement arising out of and in the course of the employment, and where the disablement is caused by disease the date of the accident shall be deemed to be the date of the disablement; "Accident"

(b) "child" includes an illegitimate child, and any child of any child and the child of a husband or wife by a former marriage, as well as any other child to whom the workman stood in loco parentis; "Child"

(c) "compensation" includes medical aid; "Compensation"

(d) "common law wife" includes any woman who although not legally married to him lives and cohabits with a man as his wife and is known as such in the community in which they have lived; "Common Law wife"

(e) "construction" includes reconstruction, repair, alteration, renovating, painting, decorating and demolition; "Construction"

- "Court" (f) "Court" means The Territorial Court of the Yukon Territory;
- "Dependents" (g) "dependents" means such of the members of the family of a workman as were wholly or partially dependent upon his earnings at the time of his death or who, but for the incapacity due to the accident, would have been so dependent; but a person shall not be deemed to be a partial dependent of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessities of life suitable for persons in his class and position;
- "Employer" (h) "employer" means every person, firm, association, body or corporation having or deemed by this Ordinance to have in his or its service one or more workmen;
- "Employment" (i) "employment" means employment in an industry or any part, branch or department of an industry;
- "Industry" (j) "industry" means any establishment, undertaking trade or business included in the Schedules hereto or designated by regulation, whether the same be carried on in conjunction with other occupations or separately;
- "Insurer" (k) "insurer" means an insurance company licensed to do business in Canada under the Canadian and British Insurance Companies Act or the Foreign Insurance Companies Act;
- "Invalid" (l) "invalid" means a person who is physically or mentally incapable of earning;
- "Learner" (m) "learner" means any person who, although not under a contract of service or apprenticeship, becomes subject to the hazards of an industry within the scope of this Ordinance for the purpose of undergoing training or probationary work specified or stipulated by the employer as a preliminary to employment and in the event of a learner suffering injury in such circumstances as would entitle him to compensation such compensation shall be based upon the wages paid to beginners in the trade or business in which he is a "learner";

(n) "lumber" includes logs, laths, shingles, ties and all other forest products the manufacture and production of which is an industry or is within an industry within the scope of this Ordinance; "Lumber"

(o) "manufacturing" includes making, preparing, altering, repairing, renovating, dyeing, cleaning, ornamenting, printing, finishing, packing, assembling the parts of and adapting for use or sale any raw material, goods, article or commodity; "Manufacturer"

(p) "medical aid" includes medical and other services by all those licensed to practise the healing art in the Territory or at such place outside the Territory where treatment may be authorized and nursing, hospitalization, drugs, dressings, x-ray treatment, special treatment, transportation and other matters and things as the employer or Referee may authorize or provide; "Medical aid"

(q) "member of a family" means wife, husband, parent, grandparent, step-parent, child, grandchild, step-child, brother, sister, half-brother, half-sister and a person who stood in loco parentis to the workman or to whom the workman stood in loco parentis, whether related to him by consanguinity or not so related; and where the workman is the parent or grandparent of an illegitimate child, includes such child and where the workman is an illegitimate child includes each of his parents or grandparents; "Member of a family"

(r) "mine" includes any opening, quarry or excavation in, or working of, the ground for the purpose of searching for, winning, opening up, removal of, or proving any mineral-bearing substance, and any ore body, mineral deposit, stratum, soil, rock, quartz, limestone, bed of earth, clay, sand or gravel, or place where mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine and also any roastery, smelting furnace, mill work or place used for or in connection with crushing, reducing, smelting, refining or treating any of said substances; "Mine"

- "Mine rescue and first aid work" (s) "mine rescue and first aid work" includes the equipment necessary for such work, the repairs thereof, the training necessary for such work and the supplies used therein;
- "Outworker" (t) "outworker" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted for use or sale in his own home or on other premises not under the control or management of the person who gave out the articles or materials;
- "Payroll" (u) "payroll" means the total remuneration earned by all the workmen of an employer in the Yukon Territory in a year, less the remuneration in excess of three thousand dollars paid to each workman in that year.
- "Permanent total disability" (v) "permanent total disability" without restricting the general meaning of the term shall be conclusively presumed in all cases where the injuries suffered consist of or include,—
- (i) total and permanent loss of the sight of both eyes;
 - (ii) the loss of both feet at or above the ankle;
 - (iii) the loss of both hands at or above the wrist;
 - (iv) the loss of one hand at or above the wrist and one foot at or above the ankle;
 - (v) any injury to the spine resulting in permanent and complete paralysis of legs or arms or one leg and one arm;
 - (vi) any injury to the skull resulting in incurable imbecility or insanity;
- "Physician" (w) "physician" means an authorized person skilled in the art of healing;
- "Referee" (x) "referee" means such person or persons as the Commissioner may from time to time designate;
- "Remuneration" (xx) "remuneration" includes salary, wages, commissions, tips, earnings for overtime and for piece work and for contract work, bonuses or allowances, the cash equivalent of

board and lodging, stores certificates, credits or any substitute for money.

(y) "workman" means a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise and includes:— "Workman"

- (i) any person engaged in training for mine rescue work or who with the knowledge and consent of the management or the person in charge of an authorized mine rescue crew, is doing recovery work after an explosion, accident or catastrophe;
- (ii) the employees of a contractor contracting for the performance of mining operations for another person engaged in the industry of mining and also such contractor whilst actually working;
- (iii) the driver of a vehicle doing work for another whether the former supplies the vehicle or does not supply it, if the relationship of master and servant exists between the driver and the other person;
- (iv) the user of a fishing boat or fishing equipment doing work for another whether the former supplies such boat or equipment or does not supply it, if the relationship of master and servant exists between the user and the other person;
- (v) a learner; and
- (vi) any person not otherwise coming within the foregoing definition, who under the provisions of this Ordinance or a regulation is deemed to be a workman.

3. (1) Except as otherwise provided by this Ordinance or any regulation, every employer in any industry shall enter into and maintain in force a contract of insurance in such form, containing such conditions, for such amount and with such insurer as the Commissioner may by regulation approve providing for payment of compensation, Employers
shall
insure

- Employees** (a) to workmen of the employer in respect of personal injury by accident arising out of and in the course of their employment including disability by reason of disease due to the employment; and
- Dependents** (b) to dependents of workmen in respect of the death of a workman by accident arising out of and in the course of his employment including death by reason of disease due to the employment.
- Commissioner may exempt employers** (2) The Commissioner may by regulation:
- (a) exempt,
- (i) from the application of this section, any employer who has made other arrangements for the protection of his workmen considered by the Commissioner to be at least equivalent to those provided by this Ordinance, subject to such conditions and the payment of such fee, as the Commissioner may prescribe;
- (ii) any areas of the Territory from the application of this Ordinance; and
- Cancel exemption** (b) cancel any such exemption.
- Application of Ordinance** 4. (1) This Ordinance applies to,—
- (a) the industries or part thereof named or described in schedule 1 and to such other industries as the Commissioner may designate by regulation;
- (b) the industrial diseases described in Schedule 2 and to such other industrial diseases as the Commissioner may designate by regulation; and,
- (c) subject to subsection two of section three, all employers in such industries or part thereof.
- Withdrawal from application** (2) The Commissioner may withdraw any industry or part thereof from the application of this Ordinance.

5. This Ordinance does not apply to,—

Non-
applicability
to certain
persons

- (a) persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business;
- (b) outworkers;
- (c) persons employed in an industry of an itinerant nature; and
- (d) persons employed in the industry of farming or ranching.

6. Members of the family of an employer employed by him and dwelling in his house shall not be deemed to be workmen within the scope of this Ordinance and compensation shall not be payable to them unless in the application for insurance they are specifically named as workmen of the employer.

7. (1) For the purposes of this section "equipment" includes teams, trucks, tractors, bulldozers, drag lines, power shovels, boats, nets and such other equipment or apparatus as the Commissioner may by regulation designate.

"Equipment"
definition

(2) Where in any undertaking a person enters into an arrangement for the supplying of equipment to another person, if the person supplying the equipment,—

Who
employers
of persons
operating
equipment

- (a) operates it himself or hires another person to operate it; and
- (b) is paid or to be paid for the services of both equipment and operator;

the person supplying the equipment and any person operating the equipment shall be deemed to be workmen of the person to whom the equipment is supplied, unless the person supplying the equipment is otherwise insured under this Ordinance, in which case

- (c) he shall not be deemed to be a workman of the person to whom the equipment is supplied; and
- (d) the person operating the equipment shall not be deemed to be a workman of the person for whom the equipment is supplied but shall be deemed to be a workman of the person supplying the equipment.

(3) Where in any undertaking not coming within the provisions of subsection two, a person enters into an arrangement for the performance of work for another person and, notwithstanding that the arrangement may also provide that he supply materials, equipment or other services, if the person undertaking to perform the work,—

- (a) performs the work himself; or
- (b) has others perform the work for him; or
- (c) has others assist him in the performance of the work;

all the persons performing the work shall be deemed to be workmen of that other person for whom the work is performed, unless the person agreeing to perform the work is otherwise insured under this Ordinance, in which case,—

- (d) he shall not be deemed to be a workman of the person for whom the work is performed; and
- (e) the persons performing the work for him or assisting him in the performance of the work shall not be deemed to be workmen of that other person for whom the work is performed but shall be deemed to be workmen of the person agreeing to perform the work.

Accident
elsewhere
than in
Territory

8. (1) Where an accident that would entitle the workman or his dependents to compensation under this Ordinance if the accident had happened in the Territory happens while he is employed elsewhere than in the Territory, the workman or his dependents are entitled to compensation under this Ordinance if,—

- (a) the workman is a resident of the Territory or his usual place of employment is in the Territory;
- (b) the nature of the employment is such that in the course of the work or service which the workman performs, the work or service is required to be performed both within and without the Territory;
- (c) the employment out of the Territory has immediately followed employment by the same employer within the Territory; and
- (d) the employment out of the Territory has lasted less than six months.

(2) Where by the law of the country or place in which the accident happens the workman or his dependents are entitled to compensation or other remedy in respect of it, he or they, as the case may be, are bound to elect whether they will claim compensation or other remedy under the law of that country or place or compensation under this Ordinance and to give notice of such election; and if such notice of election is not given it shall be presumed that they have elected not to claim compensation under this Ordinance.

Election by workman under law of other country

(3) Notice of the election shall be given to the Commissioner within thirty days after the happening of the accident or, in case it results in death, within thirty days after the death or within such longer period not exceeding one year as, either before or after the expiration of such thirty days, the Commissioner may allow

Notice of election

9. Every employer to whom this Ordinance applies shall pay,—

Employer shall pay compensation

- (a) to a workman in respect of personal injury by accident arising out of and in the course of his employment including disability by reason of disease due to the employment, and
- (b) to the dependents of that workman in respect of the death of that workman by accident arising out of and of

and in the course of his employment including disability by reason of disease due to the employment,

compensation as provided in this Ordinance.

Commissioner
may appoint
referee

10. The Commissioner may designate from time to time a person or persons to act as referee.

Jurisdiction
of Referee

11. (1) The Referee has exclusive jurisdiction either with or without notice to any person or persons interested, to examine, inquire into, hear and determine, all matters and questions arising under this Ordinance and referred to the Referee by the Commissioner, and the action or decision of the Referee thereon is final and conclusive and is not open to question or review in any court, and no proceedings by or before the Referee shall be restrained by injunction, prohibition or other process or proceedings in any court or be removable by certiorari or otherwise into any court, nor shall any action be maintained or brought against the Referee in respect of any act or decision done or made in the honest belief that the same was within the jurisdiction of the Referee.

Power to
reconsider,
rescind, alter
or amend
decisions

(2) Nothing in subsection one shall prevent the Referee, within five years from the date of the accident, either with or without notice to any person or persons interested from reconsidering any matter that has been dealt with by it or from rescinding, altering or amending any decision or order previously made, all of which the Referee has authority to do.

Decisions of
Referee not
binding as
precedent

(3) The decisions of the Referee shall be upon the real merits and justice of the case and he is not bound to follow strict legal precedent and no decision or ruling of the Referee is binding upon him as a precedent for any other decision or ruling, the intent of this provision being that each case shall be decided on its own merits.

Attendance
of witnesses
and produc-
tion of
documents

(4) The Referee has the like powers as a court for compelling the attendance of witnesses and of examining them under oath and compelling the production and inspection of books, papers, documents and things.

(5) The Referee may cause depositions of witnesses residing within or without the Territory to be taken before any person appointed by the Referee in manner similar to that prescribed by the Rules of the Territorial Court.

Evidence by deposition

(6) The Referee may act upon the report of any person appointed by the Referee to make an inquiry,

Power of Referee to act on report

(7) The person appointed to make the inquiry has for the purposes thereof all powers conferred upon the Referee.

Power of person appointed by Referee

(8) Without thereby limiting the generality of the provisions of subsection one of this section, it is declared that the exclusive jurisdiction of the Referee extends to determining,—

Exclusive jurisdiction of Referee

- (a) whether an injury has arisen out of or in the course of an employment within the scope of this Ordinance;
- (b) the existence and degree of disability by reason of an injury;
- (c) the permanence of disability by reason of an injury;
- (d) the degree of diminution of earning capacity by reason of an injury;
- (e) the amount of average earnings;
- (f) the existence, for the purpose of the Ordinance, of the relationship of any member of the family of an employer or of a workman;
- (g) the existence of dependency;
- (h) whether or not an industry or any part, branch or department of any industry is within the scope of this Ordinance;
- (i) whether or not any person or aggregation of persons, is an employer within the meaning of this Ordinance;
- (j) whether or not any person is a workman within the meaning of this Ordinance;

(k) whether or not any workman is entitled to compensation under this Ordinance.

Issuance of certificate embodying substance of order

12. (1) The Referee may in any case where it is deemed necessary and shall on the application of an employer or workman interested in any order, ruling or decision of the Referee, issue a certificate embodying the substance of any such order, ruling or decision.

Certificate may be filed in Court and execution issue

(2) If an award of the Referee is not paid within sixty days the workman may file the Referee's certificate with the Clerk of the Court and such certificate has the same force and effect as if it were a judgment of such court and execution against the employer may be issued thereon.

Regulations

13. The Commissioner may make such regulations and prescribe such forms as may be deemed expedient for carrying out the provisions of this Ordinance and not inconsistent therewith.

Compensation when payable

14. (1) Where in any employment to which this Ordinance applies, personal injury by accident arising out of and in the course of employment is caused to a workman, compensation shall be paid unless the injury is attributable solely to the serious and wilful misconduct of the workman and death or serious disablement does not result from it.

Where disease partly due to employment

(2) Where the personal injury consists of disease, in part due to the employment and in part due to causes other than the employment, compensation shall be paid in the same proportion to the whole of the compensation that would have been payable had the personal injury been wholly due to the employment, as the part thereof that is due to the employment is in proportion to the whole of the personal injury.

Presumption of death in the course of employment

(3) Where a workman is found dead at a place where the workman had a right in the course of his employment to be, it shall be presumed that his death was the result of personal injury by accident arising out of and in the course of his employment, unless there is evidence sufficient to rebut the presumption.

(4) Where the accident arose out of the employment, unless the contrary is shown, it shall be presumed that it occurred in the course of the employment and where the accident occurred in the course of the employment, unless the contrary is shown, it shall be presumed that it arose out of the employment.

Presumptions that accident occurred in course of employment

(5) Where a workman suffers disablement from or because of any of the diseases enumerated in Schedule 2 and at some time during the twelve months previous to the disablement was employed in a process appearing in the second column of the Schedule and the disease contracted is the disease in the first column of the said Schedule set opposite to the description of such process, the disease shall be deemed to have been due to the nature of that employment unless the contrary is proved.

When disease deemed due to nature of employment

(6) If the injury does not disable the workman longer than the period of three days from earning full wages at the work at which he was employed, no compensation, other than medical aid, is payable under this Ordinance; if the injury disables the workman longer than the period of three days, no compensation, other than medical aid, is payable for the first three days of disability; and where the disability is of more than six days' duration, compensation is payable from the date of disability.

Disability longer than three days before compensation payable

15. (1) Except as authorized by the provisions of this Ordinance, it is not lawful for any employer, either directly or indirectly, to deduct from the wages of his workmen any part of any insurance premium that he is or may become liable to pay, or to require or to permit any of his workmen to contribute in any manner towards indemnifying him against any liability that he has incurred or may incur under this Ordinance.

Unauthorized deduction of wages prohibited

(2) It is not competent for a workman to agree with his employer to waive or to forego any of the benefits to which he or his dependents may become entitled under this Ordinance and every agreement to that end is absolutely void.

Waiver of right to compensation invalid

Compensation
may not be
assigned

(3) Except as herein otherwise provided, no sum payable as compensation or by way of commutation of any periodical payment in respect of it, is capable of being assigned, charged or attached unless with the approval of the Commissioner.

Recovery of
overpaid
compensation

(4) If and when compensation payments have been made to a workman beyond the period of his disability, the amount thereof may be recovered by the employer as a debt due to him by such workman and, without in any way limiting the employer's remedies for recovery, may be set off against any compensation that may be or become payable to him.

Claims of
permanent
disability

16. (1) All claims for permanent disability, whether total or partial shall be determined by the Referee on being referred to him by the Commissioner.

Temporary
disability

(2) All claims for temporary disability shall be determined by the insurer in accordance with this Ordinance except that if an employee who has been awarded compensation for a temporary disability notifies the Commissioner that he is dissatisfied with the disposition of his claim, such claim shall at the request of the Commissioner be reviewed by the Referee who shall make such disposition of the claim as he deems appropriate.

Rights under
Ordinance
in lieu of
right of
action
against
employer

(3) The rights and compensation payable under this Ordinance are in lieu of all rights and rights of action statutory or otherwise to which a workman or his legal personal representative or his dependents are or may be entitled against the employer of the workman or against any workmen of the employer, by reason of personal injury to or the death of the workman arising out of any accident happening to the workman while in the employment of the employer, and no action in respect of such personal injury or death lies against the employer except for compensation to which the workman is entitled under this Ordinance.

Action
against
third person

(4) Where an accident happens to a workman in the course of his employment in such circumstances as entitles him or his legal personal representative or his dependents to an action against some person other than his employer or another workman of his employer, the workman or his

legal personal representative or his dependents may bring such action subject to the provisions of subsection five.

(5) Where an accident happens to a workman in the course of his employment entitling him or his dependents to compensation under this Ordinance, and the circumstances thereof are such as to entitle him or his legal personal representative or his dependents to an action against some person other than his employer or another workman of his employer, the employer is subrogated to all the rights of the workman or his legal personal representative or his dependents as against such other person for the claim of the workman or his legal personal representative or his dependents against such other person for or in respect of the personal injury to or death of the workman.

Subrogation

(6) Upon payment to the employer of his claim against any such person the employer may accept the same and give a receipt therefor and release such other person or his legal personal representative, as the case may be, from liability in respect of the personal injuries suffered by the workman in or because of the accident in question.

Acceptance of payment by employer

(7) Any amount received by the employer from such other person in excess of the cost of the accident to the employer shall be paid over to the injured workman or his legal personal representatives or his dependents, as the case may be, upon the employer receiving from such injured workman or his legal personal representatives or his dependents, as the case may be, a release from any further claim upon the employer in respect of the accident for or on account of which payment was or is being received in which case the workman or his legal personal representative or his dependents, as the case may be, shall not thereafter be entitled to receive from or be paid by the employer or the insurer any further compensation or medical aid for or in respect of injury or death arising out of such accident.

Payment by employer to employee

17. (1) In every case of injury to a workman by accident in any industry within the scope of this Ordinance, it is the duty of the workman or in the case of his death, the duty of a dependent, as soon as practicable, after the happening of the accident, to give notice thereof to the employer.

Notice to employer of accident

Contents of
notice

(2) The notice shall give the name and address of the workman and is sufficient if it states in ordinary language the cause of the injury and where the accident happened.

Failure to
give notice

(3) Failure to give notice as required by virtue of subsections one and two unless excused by the Commissioner on the ground,—

(a) that notice for some sufficient reason could not have been given;

(b) that the employer or his superintendent or agent in charge of the work where the accident happened had knowledge of the injury; or

(c) that the Commissioner is of the opinion that the claim is a just one and ought to be allowed,

is a bar to any claim for compensation under this Ordinance.

Time limit
for making
claim

(4) No compensation is payable in respect of any claim unless notice of the claim is given to the employer by the claimant within twelve months from the happening of the accident or where death results from such accident, by a dependent, within twelve months from the date of the death.

Notice to
Commissioner
by employer

(5) Every employer to whom the Ordinance applies, having knowledge or notice of the happening of an accident or of the allegation of the happening of an accident to a workman in his employ, shall forward to the Commissioner forthwith after the same comes to his knowledge or notice, notification of the happening of the accident or of the allegation of the happening of an accident and shall also, in the event of the injured workman or the allegedly injured workman returning to his work or being able to return to his work, forward to the Commissioner and the insurer within twenty-four hours after the fact of the return or ability to return comes to his knowledge, notification thereof and make such further and other reports respecting the accident or alleged accident and workman as may be required by the Commissioner.

(6) Every employer who fails to make any report required by virtue of this section, unless excused by the Commissioner on the ground that the report for some sufficient reason could not have been made, is guilty of an offence and liable upon summary conviction to a penalty not exceeding fifty dollars and costs, and in default of payment to imprisonment for a period not exceeding three months.

Failure of
employer to
report
accident

(7) In case an employer fails to make any report required by virtue of this section, the Commissioner may make a special investigation of the accident and of the facts and circumstances surrounding it and may charge the cost of such investigation against such employer.

Investigation
by
Commissioner
where
employer
fails to
report

(8) A physician who attends an injured workman shall forward to the Commissioner,—

Physician's
report

- (a) a report within two days after the date of his first attendance upon the workman;
- (b) upon the first and fifteenth days of each month progress reports, during such time as the injured workman is unable to work as a result of the injuries;
- (c) a final report within three days after the workman is in his opinion able to resume work; and
- (d) from time to time such reports in respect of the injury in such form as may be required by the regulations.

(9) The physician shall also give all reasonable and necessary information, advice and assistance to the injured workman and his dependents in making application for compensation and in furnishing in connection therewith such certificates and proofs as may be required, without charge to the workman.

Duty of
Physician to
workman

(10) Payment of a medical account for medical services rendered to an injured workman does not of itself constitute the making of a claim by such workman or acceptance of a claim.

Payment of
account
not a claim

Medical
examination
of claimant
as required

18. (1) A workman who claims compensation or to whom compensation is payable under this Ordinance shall submit himself for medical examination in such manner and at such time and place as the employer, the insurer or the Referee may require.

(2) A workman is not required to submit himself for examination save as required by the employer, the insurer, or the referee.

Failure to
submit to
examination

(3) If a workman does not submit himself for examination as and when required by the employer, the insurer or the Referee so to do or in any way obstructs an examination, his right to compensation, or if he is in receipt of a periodical payment, his right thereto, shall be suspended until the examination has taken place, and the condition found upon such examination shall, unless the Referee otherwise directs, be deemed to have been the condition of the workman in relation to his disability at the date for which the examination was called.

Nomination
of physicians
in case of
dispute

19. (1) If and when a workman claims,—

- (a) a greater disability than that allowed him;
- (b) a continuance of compensation beyond the period allowed;
- (c) error in some feature or circumstance of his claim as affected by his physical condition; or
- (d) that the medical opinion upon which the disputed finding was made is erroneous;

and makes a request in writing to the Commissioner for examination under the provisions of this section the Commissioner shall refer the claim to the Referee who, after consultation with the workman's attending physician, may nominate one or more duly qualified medical practitioners who shall examine him and certify to the Referee as to,—

- (e) the condition of the workman;

- (f) his fitness for employment;
- (g) if unfit, the cause of such unfitness;
- (h) the extent of his temporary or permanent disability by reason of the injury in respect of which he has claimed compensation; and
- (i) such other matters as may in his opinion or in the opinion of the Referee be pertinent to the claim;

and such certificate is conclusive as to the matter certified unless the Referee at any time directs otherwise.

(2) The Referee shall notify the workman and the insurer by registered mail of the name and address of the medical practitioner nominated.

Notice to workman

(3) The Referee may also of its own motion refer a claim to such a medical practitioner and the latter shall examine the claimant and certify in the manner provided in subsection one.

Reference to medical practitioner

20. If an injured workman persists in unsanitary or injurious practices that tend to imperil or retard his recovery or refuses to submit to such medical or surgical treatment as in the opinion of the employer based upon independent expert medical or surgical advice, is reasonably essential to promote his recovery, the employer may, with the consent in writing of the Referee, reduce or suspend the compensation of that workman.

Suspension of compensation

21. (1) Where in any case, in the opinion of the Referee, it is in the best interests of an injured workman, in order to cure or relieve him from the effects of the injury, to provide a special surgical operation or other special medical treatment, the employer shall provide such surgical operation or other special medical treatment.

Referee may order treatment

(2) Where in the case of any claim for compensation the Referee is of the opinion that the injury would be alleviated to some appreciable extent by the supplying of any apparatus usually provided in such cases, the employer shall supply

Special apparatus not to affect payment

such apparatus to the workman, but any such action shall not affect in any way the payments made to the workman.

Referee may order further measures

(3) To aid in getting an injured workman back to work and to assist in lessening or removing any handicap resulting from his injuries, the employer shall take such measures and make such expenditures as the Referee may deem necessary or expedient.

Repair or renewal of special apparatus

(4) The employer shall provide for the repair, maintenance or renewal of any apparatus provided by him which becomes in need of repair, maintenance or renewal by reason of accident or ordinary wear and tear and through no misconduct on the part of the workman, so long as the disability in respect of which such apparatus was supplied continues.

When employer pays for eye-glasses, etc.

(5) The employer shall assume the expense of replacement and repair of dentures, eye-glasses, artificial eyes or limbs or hearing aids, broken as a result of an accident arising out of and in the course of employment of the workman, if such breakage is accompanied by objective symptoms of personal injury.

Autopsy

(6) If an autopsy is deemed necessary by the Referee, the employer or the insurer to assist in determining the cause of any death, the Commissioner may direct that the autopsy be made within a time to be fixed by him, and if the dependent or dependents refuse to permit the autopsy, the Referee may reject any claim for compensation under this Ordinance.

Death while in hospital

(7) Where the death of a workman to whom this Ordinance applies occurs while he is confined to a hospital, the hospital authority shall report the same to the employer and the Commissioner immediately after the death has occurred.

Review of compensation

22. (1) Any payment to a workman may be reviewed at the request of the workman, employer or insurer within five years from the date of the accident, and on the review the Referee may put an end to or diminish the payment or may increase it to a sum not beyond the maximum hereinafter prescribed; the Referee shall forthwith notify the Com-

missioner and the Commissioner shall forthwith notify the employer of any such appeal.

(2) Where compensation is payable the employer, with the consent of the Commissioner, may commute the payments payable to a workman or a dependent to a lump sum.

Commutation
of payments

(3) The employer may in any case where in his opinion, the interest or pressing need of the workman or any dependent warrants it, advance or pay to or for the workman or the dependent such lump sum as the circumstances warrant and as the employer may determine, and any sum so advanced or paid shall be on account of and chargeable against the compensation payable to the workman.

Accountable
advances on
compensation

(4) Where a lump sum payment has been made to a workman or a dependent as a settlement in full of his claim and has been so accepted by the workman or dependent, such workman or dependent is not entitled to receive or be paid any further or other compensation for or in respect of the degree of disability for which he was being compensated, but this subsection does not in any way affect the application of the provisions of subsection four of section twenty-one.

Position of
employee
upon
settlement
in full

(5) In case of death or permanent total disability or in case of permanent partial disability where the impairment of the earning capacity of the workman exceeds ten per cent. of his earning capacity at the time of the accident, no commutation or periodical payments shall be made except upon the application of and at an amount agreed to by the dependent or workman entitled to the payments.

Commutation
of payments

(6) Where any person entitled to compensation under this Ordinance is committed to a jail or prison, compensation is not payable to him for the period of his confinement therein, but the whole or any part of the compensation may be paid to any dependent of any person so committed.

Compensation
where
workman
committed to
jail

(7) If any person entitled to compensation under this Ordinance is committed to any institution, the compensation otherwise payable to or in respect of such person may be paid to the governing body of the institution.

Where
workman
committed to
institution

Compensation withheld pending receipt of particulars of residence, etc.

(8) The employer or the insurer may, from time to time, require from any person entitled to compensation, whether a workman or dependent, such particulars of his place of residence, address and other information relative to the disability and compensation, as he may deem necessary, and pending the receipt of such particulars, may withhold further payments.

Payment to wife and children under certain conditions

23. Where a workman is entitled to compensation and it is made to appear to the Commissioner,—

(a) that he is no longer residing in the Territory but that the spouse or child or children under eighteen years of age are still residing therein without adequate means of support and are or are apt to become a public charge or a charge upon private charity; or

(b) that he, although still residing in the Territory, is not supporting the spouse and children as aforesaid and an order has been made against him by a court of competent jurisdiction for the support or maintenance of the spouse or children or for alimony;

the Commissioner may order the compensation to be diverted in whole or in part from the workman for the benefit of the spouse or children of the workman.

Compensation for death

24. (1) Where death results from the injury, the amount of the compensation shall be,—

Burial expenses

(a) the necessary expenses of the burial of the workman, not exceeding two hundred dollars;

Contribution to additional expense

(b) to a dependent widow or dependent invalid widower the sum of one hundred dollars as a contribution to the additional expense occasioned consequent upon the death of the deceased workman;

Transportation of body

(c) where the death occurred away from the workman's usual place of residence and in the opinion of the Referee the transportation of the body seems desirable,—

- (i) the necessary expense of transporting the body from the place of death to the usual place of residence up to but not exceeding one hundred dollars; or
- (ii) the expense necessarily incurred for such of the transportation that takes place within the Territory up to but not exceeding one hundred dollars, where the usual place of residence of the workman is outside the Territory and it is proposed to transport the body to that place;
- (d) to a dependent widow or dependent invalid widower a monthly payment of fifty dollars; Monthly payment to widow
- (e) to a dependent child under the age of sixteen years other than a dependent invalid child a monthly payment of twenty-five dollars to continue until the child attains the age of sixteen years or dies before attaining that age; Monthly payment to child
- (f) to a dependent invalid child irrespective of the age of the child, a monthly payment of twenty-five dollars to continue as long as in the opinion of the Referee it might reasonably have been expected had the workman lived he would have continued to contribute to the support of the child; Monthly payment to dependent invalid child
- (g) where a workman leaves no widow or widower or where a surviving widow or widower subsequently dies or is confined to a jail, prison or institution, the employer shall make from time to time such additional payments not exceeding ten dollars monthly to a dependent child under the age of sixteen years or to a dependent invalid child as in the discretion of the Referee appears necessary to adequately maintain and support such child; Additional payments to dependent child of dependent invalid child
- (h) to a dependent widow in necessitous circumstances because of illness such additional amount as the Referee may see fit up to but not exceeding fifteen dollars a month for such period as to the Referee may seem appropriate by reason of the illness; Additional payment to widow in necessitous circumstances

Additional
payment to
child because
of illness

- (i) to a dependent child or a dependent invalid child such additional amount because of illness as the Referee may see fit up to but not exceeding ten dollars per month for such period as may to the Referee seem appropriate by reason of the illness.

Interpreta-
tion
"existing
household"

- (2) In subsection three, unless the context otherwise requires,—

- (a) "existing household" means any household where all the children entitled to compensation are maintained and taken care of by one foster-mother;

"foster-
mother"

- (b) "foster-mother" includes a natural mother.

Compensa-
tion payable
to foster-
mother

- (3) Where the workman leaves no widow or the widow subsequently dies and it seems desirable to continue the existing household, and an aunt, sister or other suitable person acts as foster-mother in keeping up the household and maintaining and taking care of the children entitled to compensation in a manner which the Referee deems satisfactory the foster-mother while so doing is entitled to receive the same compensation for herself and the children as if she were the widow of the deceased.

Duration of
payments
to foster-
mothers

- (4) All payments to foster-mothers under the provisions of subsection three shall cease when all the dependent children who constitute the existing household have ceased to be entitled to compensation.

Compensa-
tion payable
to common-
law wife

25. (1) Where a workman for the seven years immediately preceding his death cohabited with a dependent common law wife, by whom he had one or more children and leaves no dependent widow, the compensation to which a dependent widow would have been entitled under this Ordinance may, in the discretion of the Referee, be paid to such common law wife until such time as she marries.

- (2) A dependent common law wife receiving or entitled to receive compensation under the provisions of this Ordinance may not be paid compensation for acting or claiming to act as a foster-mother to the children of the deceased workman.

26. (1) Where a dependent child approaching the age of sixteen years is attending an academic, technical or vocational school and making progress satisfactory to the Referee, the Referee may, in his discretion, order the payments of compensation to be continued in respect of the dependent child until such time as the dependent child:

Extension of compensation for dependent child attending academic, technical, or vocational school

- (a) fails to make satisfactory progress at the school;
- (b) ceases to attend school; or
- (c) attains the age of eighteen years.

(2) Where a dependent child who is receiving payments under subsection one attains the age of eighteen years during a school year the Referee may order the payments of compensation to be extended to the end of the then current school year.

27. Where the only dependents are persons other than those mentioned in subsection one of section twenty-four, section twenty-five or section twenty-six, the compensation shall be a sum to be determined by the Referee, reasonable and proportionate to the pecuniary loss to such dependents occasioned by the death, but not exceeding fifty dollars per month to a parent or parents and not exceeding in the whole eighty-five dollars per month.

Compensation for other dependents

28. Any payment to or for a child may be made to the parent of the child or the Referee may direct that the payment be made to such other person or be applied in such manner as it may deem best for the advantage of the child.

Payment to parent or other person for child

29. (1) Where a dependent widow remarries, the monthly payments to her shall thereupon cease but she shall be paid a lump sum of six hundred dollars within one month after the date of her remarriage.

Lump sum paid to widow when re-marries

30. Where a person is receiving or is entitled to receive a pension because of the death of a workman and subsequently becomes entitled to a pension because of the death of another workman such person shall not receive both pensions but shall be paid the greater of the two.

Only one pension payable

Dependent
not
resident
of Canada

31. (1) Where a dependent is not a resident of Canada, he is not entitled to compensation unless by the law of the place or country in which he resides the dependents of a workman to whom an accident happens in such place or country, if resident in Canada, would be entitled to compensation, and where such dependents would be entitled to compensation under such law, the compensation to which the non-resident dependent is entitled under this Ordinance shall not be greater than the compensation payable in the like case under that law.

(2) Notwithstanding the provisions of subsection one, the Referee may order payment of such compensation or sum in lieu of compensation to any such non-resident dependent as may be deemed proper.

Compensa-
tion for
permanent
total
disability

32. Where permanent total disability results from the injury, the amount of the compensation shall be a weekly payment during the life of the workman equal to seventy-five per cent, of the average weekly earnings of workmen employed at similar work in the same occupation as determined by the Referee.

Compensa-
tion for
permanent
partial
disability

33. (1) Where permanent partial disability results from the injury, the Referee shall estimate the impairment of earning capacity from the nature and degree of the disability by reason of the injury and award compensation accordingly based upon seventy-five per cent. of the average weekly earnings of workmen employed at similar work in the same occupation as determined by the Referee.

Nature of
injury to
be considered

(2) When deemed just, the impairment of earning capacity may be estimated from the nature of the injury having in view the workman's fitness to continue the employment in which he was injured or adapt himself to some other suitable occupation.

Payment of
lump sum
in certain
cases

(3) Where the impairment of the earning capacity of the workman does not exceed ten per cent. of his earning capacity instead of such weekly payment the Commissioner shall, unless in his opinion it would not be to the advantage of the workman to do so, direct that such lump sum as may

be deemed to be the equivalent of it shall be paid to the workman.

(4) Notwithstanding the provisions of this section, the Referee may in case a workman has been seriously and permanently disfigured about the face or head or otherwise permanently injured, recognize an impairment of earning capacity and may allow lump sums or periodical payments or both, as compensation.

Permanent disfigurement

34. Where temporary total disability results from the injury, the amount of the compensation shall be a weekly payment so long as the disability lasts, equal to seventy-five per cent. of the workman's average weekly earnings, computed in accordance with the provisions of section thirty-seven.

Compensation for temporary total disability.

35. Where temporary partial disability results from the injury, the employer or the Referee, as the case may be, shall estimate the impairment of earning capacity from the nature and degree of the disability by reason of the injury and award compensation accordingly based on seventy-five per cent. of the workman's average weekly earnings computed in accordance with the provisions of section thirty-seven but such compensation is payable only so long as the disability lasts.

Compensation for temporary partial disability

36. In case of workmen suffering injury by accident arising out of and in the course of the employment while doing rescue work in a mine after an explosion, accident or catastrophe or in any other industry or the premises thereof during or immediately after a fire or other catastrophe for the saving of human life, the compensation payable in such case shall be computed on the basis of one hundred per cent. in lieu of the seventy-five per cent. as herein otherwise provided.

Injury while doing rescue work in a mine

37. (1) The average weekly earnings of a workman for the purposes of this Ordinance shall be based upon the earnings of the workman during the previous twelve months in industries to which this Ordinance applies where the same are ascertainable except that where by reason of the shortness of the time during which the workman has been in the

Manner of computation of average weekly earnings

employment of his employer or the casual nature of the employment, it is impracticable at the date of the accident to compute the rate of remuneration, regard may be had to the average earnings which were earned by a person in the same grade of employment for the previous twelve months, but nothing in this subsection applies to any case in which the basis of compensation is fixed by section thirty-two and section thirty-three.

Where provisions of subsection (1) are inapplicable

(2) Where in any case in the opinion of the employer or the Referee, as the case may be, the provisions of subsection one are inapplicable, the employer or the Referee, as the case may be, may award compensation having regard to the earnings of the workman at the time of the accident.

Computation of average weekly earnings

(3) For the purpose of ascertaining the amount of compensation payable under the provisions of sections thirty-two to thirty-six inclusive, average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated, but not so as in any case to exceed three thousand dollars per annum.

No compensation for further or other disability in certain cases

(4) Where a workman is receiving compensation for a permanent or temporary disability, he shall not receive compensation for any further or other disability in any amount that would result in his receiving in the aggregate compensation in excess of that payable for total disability.

Where lump sum paid in lieu of weekly payments

(5) Where a workman has received a lump sum in lieu of the periodic payments that otherwise would have been payable for a permanent disability, he shall for the purposes of this subsection be deemed to be still in receipt of the periodic payments.

Computation of average weekly earnings in certain cases

(6) Where the workman has entered into concurrent contracts of service with two or more employers in industries to which this Ordinance applies under whom he worked at one time for one such employer and at another time for another such employer, his average weekly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident.

(7) Where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed on him by the nature of the employment, the sum so paid shall not be reckoned as part of the earnings.

Sum for special expenses not part of earnings

38. (1) The amount of compensation to which an injured person is entitled for temporary total or permanent total disability under the provisions of this Ordinance shall not be less than twenty-five dollars per week or where his average earnings are less than twenty-five dollars per week, the amount of such earnings.

Minimum compensation for total disability

(2) The employer or the Referee, as the case may be, may, wherever it is deemed advisable, provide that the payments of compensation may be monthly or semi-monthly instead of weekly, or where the workman or dependent is not a resident of the Territory, or ceases to reside therein, the employer or the Referee as the case may be, may fix the periods of payment or commute the compensation as it may deem proper, but if a workman or dependent entitled to compensation at the rate of twenty dollars a month or more files with the employer or the Referee, as the case may be, a request in writing that the compensation payable to him be paid semi-monthly, the compensation payable to such workman or dependent shall thereafter be paid semi-monthly.

Periods of payment

(3) For the purpose of ascertaining the amount of compensation due, such amount may be computed on a daily basis.

Computation on daily basis

(4) Where a workman or dependent is under the age of twenty-one years or is under any other legal disability, the compensation to which he is entitled may be paid to him or be applied in such manner as the employer or the Referee, as the case may be, may deem best for his advantage.

Payment to persons under legal disability

(5) Where the workman was at the date of the accident under twenty-one years of age the compensation payable to such workman may, upon his attaining the age of twenty-one years, be paid on the basis of the earnings at the time of the accident of workmen of the age of over twenty-one years employed in an occupation similar to that

Compensation payable when workman becomes 21

in which the workman was employed at the time of the accident.

Consideration
of allowance
or benefit
from
employer to
workman

39. In fixing the amount of a payment, regard shall be had to any payment, allowance or benefit which the workman may receive from his employer in respect of the period of his disability, including any pension, gratuity or other allowance provided wholly at the expense of the employer.

"Silicosis"

40. (1) In this section "silicosis" means a fibrotic condition of the lungs caused by dust containing silica and evidence of specific x-ray appearances accompanied by a substantially lessened capacity for work.

Compensa-
tion not paid
for silicosis in
certain cases

(2) Nothing in this Ordinance entitles a workman or his dependents to compensation, medical aid or payment of burial expenses for disability or death from silicosis, unless in the opinion of the Referee the workman has been exposed to silica dust in his employment in the Territory for periods amounting in all to at least three years preceding his disablement.

Application of
subsection (2)

(3) The provisions of subsection two does not prevent allowance of any claim due to silicosis that the Referee considers is entirely due to employment in the Territory.

Medical aid

41. (1) The employer shall furnish or provide for the injured workman such medical aid as may be reasonably necessary at the time of the injury and thereafter during the disability to diagnose, cure and relieve from the effects of the injury, and the Commissioner may make regulations with respect to the furnishing of and the payment for medical aid to injured workmen.

(2) All questions as to the necessity, character and sufficiency of any medical aid furnished or to be furnished shall be determined by the Referee.

Amount of
medical aid

(3) When the employer provides or is liable to pay for medical or other remedial attention as hereinbefore provided, the amount payable to any person in respect of medical or other remedial attention or any attention shall be as the

Referee shall direct and no action lies against the employer for or in respect of any amount greater than that fixed by the Referee, nor in any event against the injured workman, his employer or any other person in respect of such attention, except, however, that when the employer provides or is liable to pay for hospital services, the amount shall be at such rates as have been mutually agreed upon by the employer and the hospital authority.

(4) The Referee may require a per diem allowance of five dollars on account of his subsistence to be made by an employer to an injured workman when under the direction of the Referee or the employer he is undergoing treatment at a place other than wherein he resides, but if and when the employer is providing the workman with any of his meals and with lodging or with either or both in a hospital, clinic or other place, the aforesaid per diem allowance may be reduced proportionately as the Referee may deem proper in the circumstances.

Subsistence allowance

(5) The Referee may contract with doctors, nurses and hospitals or any other institutions for any medical aid required, and the employer shall pay any charges incurred thereunder in respect of a workman for whom he is responsible.

Contracts for medical aid and hospitalization

(6) Every employer shall, at his own expense, furnish to any workman injured in his employment who is in need of it, immediate conveyance and transportation to a hospital or to a physician or to the workman's home or to such other place as the condition of the workman requires him to be sent, and any employer who fails to do so is liable by order of the Commissioner to pay for such conveyance and transportation as may be procured by the workman or by anyone for him.

Hospitalization of injured workman

42. (1) Each employer to whom this Ordinance applies shall pay to the Commissioner or such person as the Commissioner may designate at the time the employer pays the premium on any insurance policy entered into by him pursuant to this Ordinance, an assessment of such percentage of his estimated payroll for the current calendar year not

Assessment of insured employers for administrative purposes

exceeding one-half of one per cent. of such payroll as the Commissioner may from time to time designate by regulation.

Assessment
of exempted
employers

(2) If the assessment paid by an employer under subsection one is greater or less than the amount that he would have paid had the assessment been made on his actual payroll for the calendar year, he shall, if he has paid more, be entitled to a refund or credit of the amount of the difference between the amount paid and the amount of the assessment on his actual payroll or if he has paid less he shall pay to the Commissioner the amount of such difference immediately after he ceases to be an employer under this Ordinance, or upon the termination of such year, whichever is the sooner.

Payment of
referee's fees
and expenses

(3) Each employer exempted from the application of section three shall pay to the Commissioner at the time the exemption is granted an assessment in an amount equivalent to such percentage of his estimated payroll for the current calendar year not exceeding one-quarter of one per cent. of such payroll as the Commissioner may designate by regulation.

Refund or
further
assessment in
certain cases

(4) If the assessment paid by an employer under subsection three is greater or less than the amount he would have paid had the assessment been made on his actual payroll for the current calendar year, he shall, if he has paid more, be entitled to a refund or credit of the amount of the difference between the amount paid and the amount of the assessment on his actual payroll or if he has paid less he shall pay to the Commissioner the amount of such difference immediately after he ceases to be exempted from section three of this Ordinance, or upon the termination of such year, whichever is the sooner.

Referee's
fees, refunds
and adminis-
tration
expenses

(5) From and out of the monies issued and advanced out of the Yukon Consolidated Revenue Fund, there may be paid the referee's fees and expenses, the sum of which an employer is entitled to be refunded under this section and such other costs incidental to the administration and enforcement of this Ordinance.

43. Each employer shall furnish to the Commissioner such information regarding his payroll as the Commissioner may from time to time require. Payroll
44. Where an award of the referee is not paid promptly as it falls due, the amount of such award may be paid from and out of the monies issued and advanced out of the Consolidated Revenue Fund of the Yukon Territory, and such amount so paid is a debt due to the Commissioner who may recover the same in any court of competent jurisdiction. Payment of award and recovery from employer
45. Every employer shall keep posted in his premises at a place readily accessible to his workmen a poster provided by the Commissioner setting out in concise form the provisions of the Ordinance and the procedure to be followed in reporting accidents and making claims. Particulars of Ordinance to be posted up
46. Every employer who violates any provision of this Ordinance or any regulation made hereunder for which no other penalty is provided is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars. Penalty
47. "The Workmen's Compensation Ordinance", being Chapter one of the Ordinances of the Yukon Territory, 1917, and amendments thereto, and the "Employer's Liability Ordinance" being Chapter 29 of the Consolidated Ordinances of the Yukon Territory, 1914, are hereby repealed. Repeal
48. This Ordinance shall come into force on the first day of January, 1953. Effective date

SCHEDULE 1

ENUMERATION OF INDUSTRIES

Coal mining; the operation of coke ovens and briquetting plants; mining other than coal mining; lumbering; fishing; manufacturing; building; construction; engineering; transportation; irrigation; the construction and operation of electric power lines, power plants, water works and other public utilities; the manufacture, repair and servicing of motor vehicles; the operation of municipal police forces and municipal fire departments; navigation; the operation of boats, ships, tugs and dredges; the operation of grain elevators, and warehouses; the manufacture of tobacco and tobacco products and optical products; teaming; scavenging and street cleaning; painting, decorating and renovating; dyeing and cleaning; the operation of planing mills; flour milling; the operation of packing plants, printing, lithographing and engraving; the construction and operation of telephone and telegraph systems; laundries run by mechanical power; excavation; well drilling; the operation of gas and oil wells and the laying, construction and operation of gas and oil pipe lines; the operation and maintenance of freight and passenger elevators (including the work of janitors in buildings where such elevators are operated); quarrying; the operation of lumber yards and wood yards; the preparation, putting up, hauling and distributing of natural ice; the operation of hotels, restaurants, retail stores and commercial greenhouses; exhibition associations and the operation of theatres and of the business of moving pictures and all and every occupation of work incidental to or connected with the industries or any of them enumerated in this Schedule.

SCHEDULE 2

ENUMERATION OF INDUSTRIAL DISEASES

Description of Disease	Description of Process
Anthrax	Handling of wool, hair bristles, hides and skins.
Glanders	Care of equine animals suffering from glanders; handling of carcases of such animals.
Lead poisoning or its sequelae	Any process involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequelae	Any process involving the use of mercury or its preparations or compounds.
Phosphorus poisoning or its sequelae	Any process involving the use of phosphorus or its preparations or compounds.
Arsenic poisoning or its sequelae	Any process involving the use of arsenic or its preparations or compounds.
Infection or inflammation of the skin or contact surfaces due to oils, cutting compounds or lubricants, dust liquids, fumes, gases or vapours.	Any industrial process involving the handling or use of oils, cutting compounds or lubricants or involving contact with dust, liquids, fumes, gases or vapours.
Pneumoconiosis	Quarrying, cutting, crushing, grinding or polishing of stone, or grinding or polishing of metal; mining.
Poisoning by benzol or by nitro and amidoderivatives of benzol, anilin and others.	Any industrial process involving the use of benzol or a nitro or anilin derivative of benzol or its preparations or compounds.
Subcutaneous cellulitis of the hand (Beat Hand).	Mining or other industries which require continued use of hand tools.

CHAPTER 13

AN ORDINANCE TO AMEND THE
"MUNICIPAL ORDINANCE"

(Assented to October 23rd, 1952.)

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

Description
of
Whitehorse

1. The "Municipal Ordinance" being Chapter 8 of the Ordinances of the Yukon Territory, 1949 (Second Session), is hereby amended by adding to Section 5 thereof the following subsection (4):

"(4) This Ordinance applies to the City of Whitehorse being the whole of Lots numbered One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Eight (8) all in Group numbered Eight Hundred and Four (804) in the Yukon Territory, and 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 and all that portion of Lot numbered Nineteen (19) in said Group numbered Eight Hundred and Four (804) which lies northerly of a line formed by the projection easterly of the southerly boundary of Lot numbered Two Hundred and Sixty-one (261) in said Group Eight Hundred and Four (804) to the point of intersection of the said boundary so produced easterly with the westerly bank of the Lewes River and in addition that portion of the right of way of the British Yukon Railway Company and the water front and shoreline of the Lewes River lying between the projection easterly of the most northerly boundary of the said Lot numbered Eight (8) to the point of intersection of the said boundary so produced easterly with the westerly bank of the Lewes River and the afore-said projection easterly of the southerly boundary of the said Lot numbered Two Hundred and Sixty-one (261)."

2. The said Ordinance is further amended by repealing Section 6 and substituting therefor the following section: Application of Ordinance

"6. Nothing contained in this Ordinance shall be deemed to impair, restrict or otherwise affect the powers conferred on any municipality to which this Ordinance applies by any general or special Ordinance relating to any municipality."

CHAPTER 14

AN ORDINANCE GRANTING PERMISSION TO THE
YUKON BREWERY (HOLDING) COMPANY LIMITED
TO MANUFACTURE, COMPOUND AND MAKE
INTOXICATING LIQUORS

(Assented to October 23rd, 1952.)

WHEREAS the Yukon Brewery (Holding) Company Limited with registered office situate at Whitehorse, Yukon Territory, was duly incorporated under the provisions of "The Companies Ordinance" of the Yukon Territory on the 26th day of September, A.D. 1950, for the purpose of building and operating a brewery; and

WHEREAS by Section 129 of the Yukon Act being Chapter 215 of the Revised Statutes of Canada, 1927, as amended by Chapter 23, Section 2 of the Statutes of Canada, 1951, it is provided that no intoxicating liquors or other intoxicant shall be manufactured, compounded, or made in the Territory, except by permission of the Commissioner-in-Council; and

WHEREAS the said Yukon Brewery (Holding) Company Limited has requested that it be permitted to manufacture, compound and make intoxicating liquors; and

WHEREAS it is expedient to grant its request;

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

Authority to
brew beer

1. The Yukon Brewery (Holding) Company Limited is hereby empowered, upon payment of such fee as hereinafter set forth, to manufacture, compound and make beer within the Yukon Territory within the objects of the said company as set out in its Memorandum of Association, provided

always that the said permission to brew beer is subject to relevant Territorial and Federal legislation.

2. The fee for such permission shall be Six Hundred ^{Fee} Dollars for the first year, and Five Hundred Dollars each succeeding year.

CHAPTER 15

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

(Assented to October 23rd, 1952.)

WHEREAS, it appears by message from Fred Fraser, Esquire, Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums herein-after mentioned in the Schedule 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, 1953;

THEREFOR 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 Eighty-two Thousand Four Hundred and Eighty-two dollars for defraying the several charges and expenses of the Public Services of the Yukon Territory for the twelve months ending March 31st, 1953, as set forth in the Schedule to this Ordinance.
2. The due application of all monies expended shall be duly accounted for.

SCHEDULE

Sums granted to the Commissioner by the Ordinance for the twelve months ending March 31st, 1953, and the purposes for which they are granted.

Vote
No.

1.	Yukon Council		
	A	Sessional Indemnities	\$ 2,200.00
	B	Travelling Expense	1,175.00
	C	Legislative Printing	875.00
	D	Territorial Election	2,220.00
			<u> </u> \$ 6,470.00
3.	Department of Education		
	A	Administration	\$ 730.00
	C	Whitehorse School	4,100.00
	E	Other Districts	2,600.00
			<u> </u> 7,430.00
5.	Health and Public Welfare		
	A-2	Supplies and Expenses	1,426.00
	A-4	Hospital Grants	4,706.00
	F	Special Grants to Hospitals	12,750.00
			<u> </u> 18,882.00
6.	Municipal Administration		
	C-3	Special Purpose Grants	4,200.00
8.	General		
	F	Workmen's Compensation	4,500.00
		Capital Account	
	C-3	Public Buildings	41,000.00
			<u> </u>
		TOTAL VOTE	<u> </u> \$ 82,482.00

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