



ORDINANCES  
OF THE  
**YUKON TERRITORY**

---

PASSED BY THE  
**YUKON COUNCIL**

IN THE YEAR

**1958**

FIRST SESSION

F. H. COLLINS  
COMMISSIONER

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Printed and Published for the Government of Yukon Territory under  
Authority of Chapter 93 of the Consolidated Ordinances of 1958.

BY

H. J. TAYLOR, Queen's Printer





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# INDEX

## ORDINANCES PASSED 1958 (1st Session)

Chap.	Title	Page
1	An Ordinance Respecting Public Printing .....	1
2	An Ordinance Respecting Pawn Brokers and Second Hand Dealers .....	2
3	An Ordinance Respecting Public Health .....	6
4	An Ordinance Respecting the Conservation of Game....	17
5	An Ordinance to Provide for the Government Control and Sale of Alcoholic Liquor .....	52
6	An Ordinance to Make Provision for the Purchase of Federal Government Annuities by the Yukon Territorial Government Employees .....	88
7	An Ordinance Respecting the Handling and use of Explosives in the Yukon .....	90
8	An Ordinance Governing the Safe Operation of Mines in the Yukon Territory .....	97
9	An Ordinance Respecting the Maintenance of Parents, Deserted Wives and Children .....	115
10	An Ordinance to Repeal Certain Ordinances .....	121
11	An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter into an Agreement with the Minister of Citizenship and Immigration of Canada Respecting the Education of Indian Children in the City of Dawson .....	122
12	An Ordinance Respecting a Citizenship Instruction Agreement Between the Yukon Territory and the Government of Canada .....	125
13	An Ordinance to Authorize the Commissioner to Grant a Franchise to the Yukon Electrical Company Limited for the Distribution of Electrical Power in the Area of Haines Junction, in the Yukon Territory .....	127
14	An Ordinance to Amend the Old Age Assistance and Blind Persons Allowance Ordinance .....	128
15	An Ordinance to Amend the Disabled Persons Allowance Ordinance .....	130
16	An Ordinance to Amend the Business Licence Ordinance .....	131
17	An Ordinance to Amend the Steam Boilers Ordinance ....	132
18	An Ordinance to Amend the Insurance Ordinance .....	134
19	An Ordinance to Amend the Workmen's Compensation Ordinance .....	147
20	An Ordinance to Amend the Reciprocal Enforcement of Judgments Ordinance .....	150
21	An Ordinance to Amend the Saw Logs Driving Ordinance .....	151
22	An Ordinance to Amend the Elections Ordinance and to Repeal an Ordinance Respecting the Council of the Yukon Territory .....	153
23	An Ordinance to Amend the Evidence Ordinance .....	155
24	An Ordinance to Amend the Motor Vehicles Ordinance .....	156
25	An Ordinance to Amend the Fur Export Ordinance ....	159
26	An Ordinance for granting to the Commissioner Certain Sums of Money to Defray Expenses of the Public Service of the Territory .....	160
27	An Ordinance for Granting to the Commissioner Certain Additional Sums of Money to Defray the Expenses of the Public Service of the Territory .....	168



## CHAPTER 1

## ORDINANCES OF YUKON TERRITORY

1958 (First Session)

## AN ORDINANCE RESPECTING PUBLIC PRINTING

*(Assented to May 5th, 1958)*

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 *Public Printing Ordinance*. Short title.
2. The Commissioner may authorize the publication, in such form as he may prescribe, of an official gazette to be called the *Yukon Gazette* for the publication of proclamations, official and other notices and of all matters that are required to be published therein. Official gazette.
3. All advertisements, notices and documents that relate to matters within the control of the Commissioner in Council and are by any law required to be published shall be published in the *Yukon Gazette* unless some other mode of publication is prescribed by law. Publication in gazette required.
4. The Commissioner may appoint an officer who shall be known as the Queen's Printer. Queen's Printer.
5. The Queen's Printer under the direction of the Commissioner has the management and control of the printing and stationery requirements of the Territory and has such other powers and shall discharge such other duties as are conferred or imposed upon him by the Commissioner. Powers and duties of Queen's Printer.
6. The Queen's Printer shall print and publish or cause to be printed and published the *Yukon Gazette*, the Ordinances of the Yukon Territory and such documents and announcements as the Commissioner may require. Idem.
7. The *Public Printing Ordinance*, chapter 75 of the Consolidated Ordinances, 1914, is repealed. Repeal.

## CHAPTER 2

## ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE RESPECTING PAWNBROKERS  
AND SECOND-HAND DEALERS*(Assented to May 5th, 1958)*

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 *Pawnbrokers and Second-Hand Dealers Ordinance*.

**INTERPRETATION.**

- Pawnbroker defined.** 2. In this Ordinance, "pawnbroker" means any person who takes or receives by way of pawn, pledge or exchange, any goods for the repayment of money lent thereon.

**PAWNBROKERS.**

- Licence required.** 3. (1) No person shall carry on the business of a pawnbroker within the Territory unless he is the holder of a valid and subsisting licence issued therefor by the Commissioner, and has paid the required fee.

- Duration of licence.** (2) A licence issued by the Commissioner pursuant to subsection (1) is valid until the thirty-first day of March next following the date of issue thereof, but may be renewed from year to year upon payment of the required fee.

- Fee.** (3) For the purposes of this section, the required fee is twenty-five dollars and shall be paid to the Territorial Treasurer.

- Schedule to be posted.** 4. (1) Every pawnbroker shall keep posted in a conspicuous place in his shop or place of business a printed or clearly and legibly written schedule of rates authorized by law to be made by such pawnbroker.



- (2) Every pawnbroker shall keep and maintain a sign Sign. over the entrance to his shop or place of business, on which shall be painted his name in large and legible letters and underneath his name the words "Loan Office".
5. (1) Every pawnbroker shall keep a record book in Record. which he shall enter at the time of each loan
- (a) a description of the goods pawned;
  - (b) the amount lent thereon; and
  - (c) the name and residence of the pawner.
- (2) The pawnbroker shall give a duplicate of the Duplicate of entry. entry made in the record book referred to in subsection (1) to the pawner and such duplicate shall be used to redeem the pawn from the pawnbroker.
- (3) The record book shall at all reasonable times Inspection. within business hours be open to the inspection of a peace officer.
6. (1) Pawned goods not redeemed within one year from Sale at public auction. the date of deposit may be sold at public auction by the pawnbroker.
- (2) Where any goods are being sold under this section, Notice of sale. the pawnbroker shall, at least ten days before such sale, place a notice stating the time and place of such sale in a newspaper published or circulated in the area where the sale is to take place, or post such notice in at least two public places in the area.
- (3) The pawnbroker may deduct from the proceeds of Deduction from proceeds. the sale of any goods under this section the amount of the loan made on such goods together with accrued interest thereon as well as the costs of the sale, and where any money remains after making such deductions the money shall, upon demand by the person by whom the goods were deposited, be paid to that person.
- (4) Every pawnbroker shall enter in a book kept by him for that purpose an account of the sale of such goods, showing
- (a) the time and place of the sale;
  - (b) the name of the pawner;
  - (c) the name of the auctioneer;
  - (d) the proceeds of the sale; and
  - (e) the expenses of the sale;

and the book may be examined by the pawner or his personal representative at any reasonable time.

Redemption within one year.

7. Goods pawned may be redeemed at any time within one year from the pawning thereof and the pawnbroker shall return the pledge upon payment of principal and interest due thereon.

Holder deemed owner.

8. The holder of the duplicate entry shall be deemed the owner of the goods pawned, and the pawnbroker shall not be held liable if he delivers the goods to such holder unless he knows that the person presenting the duplicate has obtained the same fraudulently or illegally, or has found it.

Where entry lost.

9. If the duplicate entry has been lost and is no longer in the possession of the pawner, the pawner may obtain the goods from the pawnbroker if he presents an affidavit sworn before a commissioner or other person qualified to take oaths stating that the duplicate entry has been lost and that he is still entitled to redeem such goods.

Prohibition.

10. No pawnbroker shall take goods in pledge from a person who is under eighteen years of age knowing him to be so, or from a person apparently under the influence of alcohol.

### SECOND-HAND DEALERS

Licence required.

11. (1) No person shall carry on the business of second-hand dealer within the Territory unless he is the holder of a valid and subsisting licence issued therefor by the Commissioner, and has paid the required fee.

Duration of licence.

(2) A licence issued by the Commissioner pursuant to subsection (1) is valid until the thirty-first day of March next following the date of the issue thereof, but may be renewed from year to year upon payment of the required fee.

Fee.

(3) For the purposes of this section, the required fee is twenty-five dollars and shall be paid to the Territorial Treasurer.

Record of purchases, sales, etc.

12. (1) Every second-hand dealer shall keep a record of all purchases and sales, together with a brief description of the goods and the price paid or received therefor.

(2) The record may be kept either in book form or by retention of counter slips, but if counter slips are used they shall be retained on file for a period of not less than six months. Form of record.

(3) The record shall at all reasonable times within business hours be open to the inspection of any peace officer. Inspection.

### GENERAL.

**13.** Every person who violates any of the provisions of this Ordinance is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars. Offence and penalty.

### REPEAL.

- 14.** The following Ordinances are repealed: Repeal.
- (a) *The Pawn Brokers Ordinance, chapter 70 of the Consolidated Ordinances, 1914;*
  - (b) *The Second-Hand Dealers Ordinance, chapter 18 of the Ordinances of 1947.*

CHAPTER 3

ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE RESPECTING PUBLIC HEALTH

(Assented to May 5th, 1958)

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 *Public Health Ordinance*.

**INTERPRETATION.**

Definitions.

2. In this Ordinance,
  - (a) "communicable disease" means a disease listed in Schedule A and any other disease that may hereafter be declared by the Commissioner to be a communicable disease;
  - (b) "Health Officer" means a person appointed by the Commissioner to act as a Health Officer;
  - (c) "licensed medical practitioner" means a medical practitioner as defined in the *Medical Profession Ordinance*;
  - (d) "Medical Health Officer" means a licensed or duly qualified medical practitioner appointed by the Commissioner to act as a Medical Health Officer;
  - (e) "municipality" means a municipality as defined in the *Municipal Ordinance*;
  - (f) "regulation" means any rule, order or regulation made by the Commissioner under the authority of this Ordinance; and
  - (g) "Sanitary Inspector" means a person appointed by the Commissioner to act as a Sanitary Inspector.

"Communi-  
cable  
disease."

"Health  
Officer."

"Licensed  
medical  
practitioner."

"Medical  
Health  
Officer."

"Munici-  
pality."

"Regulation."

"Sanitary  
Inspector."

## PART I

## PUBLIC HEALTH AND SANITATION.

3. The Commissioner may make rules, orders and regulations respecting Regulations  
of  
Commissioner.

- (a) the control and prevention of communicable diseases, including
  - (i) the reporting by every medical practitioner of persons under his treatment suffering from a communicable disease,
  - (ii) the isolation or placing in a hospital or building provided for quarantine or isolation purposes, or in any other proper place, of any person suffering from a communicable disease,
  - (iii) the detention for observation and surveillance of persons who have been exposed to a communicable disease,
  - (iv) the cleansing, purification, disinfection or disinfestation of articles or things used by persons suffering from a communicable disease,
  - (v) the supply of medical aid, accommodation and medicine and such other articles or things as the Commissioner deems necessary for the mitigation of any epidemic or communicable disease,
  - (vi) the entry into the Territory of vehicles, vessels and other conveyances, including aircraft, and their departure therefrom, and the receiving and discharging of passengers or cargoes in, on board or from the same, and
  - (vii) the vaccination or inoculation against communicable diseases of persons or animals in the Territory and the supply and distribution of vaccine matter and serum used in performing such vaccinations or inoculations;

- (b) the location of cemeteries, the burial of unclaimed bodies and the bodies of indigents, the interment of the dead, the conduct of funerals and the transportation of dead bodies;
- (c) the location, construction, ventilation, lighting, heating, equipment, water supply, drainage, toilet and ablution facilities, excreta and garbage disposal, protection against rodents and vermin, cleansing, disinfection and disinfection of, and the sanitary inspection and control of
  - (i) buildings and premises of any kind whatsoever, and
  - (ii) aircraft, ships, vessels and other public conveyances of any kind;
- (d) the prevention and removal of insanitary conditions on public or private property;
- (e) the prevention of overcrowding of premises used for human occupation and places of public assembly, and specifying the amount of air space to be allowed for each individual therein;
- (f) the cleansing of streets, lanes, yards, lots and other open spaces, both public and private;
- (g) the location, construction, ventilation, inspection, cleansing and sanitary control of sewers, sewage systems, water closets, indoor and outdoor toilets, cesspools, soakage pits, septic tanks and pumps;
- (h) the location, construction, maintenance and inspection of plumbing and plumbing systems or installations in or upon any building, structure, property or place;
- (i) the control of waste disposal grounds for the disposal of excreta and garbage;
- (j) the location, construction, maintenance, purification and treatment of water supplies and systems, the testing and analysis of water therefrom, the inspection and approval of

sources of water supply, and the addition of such chemicals thereto as, in the opinion of the Commissioner, are considered to be in the interests of public health;

- (k) the cutting, storage, distribution and sale of ice;
- (l) the sanitary inspection and control of food supplies, including milk and milk products of any kind, for human consumption, and of domesticated or range animals, stables, pens or lines, and testing of animals for tuberculosis, infectious bovine abortion or any disease communicable to human beings;
- (m) the medical and sanitary inspection and control of food handlers;
- (n) the use of noxious materials including fertilizers, sprays or preservatives dangerous to the public health;
- (o) the protection of the health of persons exposed to conditions, substances or processes occurring to any industry or occupation and that may be injurious to health;
- (p) the method of carrying on noxious or offensive trades or businesses and the summary abatement of insanitary conditions or conditions dangerous to the public health arising therefrom;
- (q) the prevention of the pollution, defilement, discoloration or fouling of lakes, streams, rivers, ponds, pools, springs and water courses, so as to ensure their sanitary condition;
- (r) the prevention, control and abatement of air pollution due to any cause;
- (s) the confinement and disposition of diseased or injured animals and the disposal of dead animals;
- (t) the medical and dental inspection of school children and of the occupants of any public

institutions including hostels, jails and lock-ups;

- (u) the use of hydrocyanic acid and other lethal gas or substances as an insecticide or rodenticide and the licensing and regulation of persons engaged in the business of vermin or rodent extermination;
- (v) the establishment of boards of health, the appointment of members thereto and the definition of their functions and duties; and
- (w) the appointment of Medical Health Officers, Health Officers and Sanitary Inspectors and the definition of their duties, powers and functions.

#### QUARANTINE DISTRICTS.

Quarantine  
Districts.

4. (1) The Commissioner may by order declare any area or district in the Territory to be a quarantine district, where he has reason to believe that an epidemic of communicable disease exists therein.

(2) Where any area or district is declared to be a quarantine district, a Health Officer has power to

- (a) prevent the ingress or egress of persons, or vehicles, vessels or other conveyances, including aircraft, to or from the quarantine district;
- (b) detain for observation and surveillance persons who have been exposed to a communicable disease; and
- (c) order the cleansing, purifying, disinfection or disinfestation of persons who have been exposed to a communicable disease, or of articles or things used by persons suffering from a communicable disease at the expense of the owner, occupier, custodian or person in charge or possession thereof.



**HEALTH DISTRICTS AND OFFICERS.**

5. (1) The Commissioner may by order establish within the Territory one or more Health Districts and may, for each such district, appoint a licensed or duly qualified medical practitioner as Medical Health Officer or some other suitable person as Health Officer.

Health  
Districts.

(2) Every Medical Health Officer or Health Officer appointed pursuant to subsection (1) may exercise and perform all the powers, duties and functions specified in this Ordinance or the regulations.

Powers and  
duties.

**PART II****MEDICAL CARE OF CAMP EMPLOYEES**

6. In this Part, "camp" includes a mining, prospecting, fishing, lumber, dredging or construction or other camp in which any skilled or unskilled labour is employed in an area remote from hospital and medical facilities.

"Camp"  
defined.

7. The following provisions respecting medical and surgical care apply in respect of camps having less than fifty employees, namely:

Medical and  
surgical care  
where less  
than fifty  
employees.

- (a) the employer shall provide reasonably adequate first aid equipment, medicines and supplies;
- (b) in camps having ten or more employees:
  - (i) the employer shall appoint a fully qualified first aid man possessing a St. John's Ambulance Brigade First Aid Certificate, a British Columbia First Aid Attendants Association Certificate of Qualification in First Aid or possessing qualifications and experience satisfactory to a Medical Health Officer, whose duties, in part, but not necessarily in whole, shall relate to matters of first aid, sickness and sanitation, and
  - (ii) the employer is responsible for the cost of transportation to the nearest hospital where illness or injury may be treated.

Medical, surgical and hospital care where fifty or more employees.

**8.** The following provisions respecting medical, surgical and hospital care apply in respect of camps having fifty or more employees, namely:

- (a) the employer
  - (i) shall contract with one or more licensed medical practitioners for the medical and surgical care of his employees, and
  - (ii) may deduct from the pay of each employee for the payment of medical, surgical and hospital care an amount not exceeding three dollars per month;
- (b) a medical practitioner who has entered into a contract under paragraph (a) shall reside so that under normal travel conditions he is within two hours travelling time from the camp where his services are employed;
- (c) where a medical practitioner has undertaken the care of more than one thousand employees the employer shall secure the services of another licensed or duly qualified medical practitioner as assistant; and
- (d) every medical practitioner who has a contract with an employer under paragraph (a) shall supervise the sanitation of the camp or camps where his services are employed.

Limitation.

**9.** No liability exists under sections 7 or 8 in respect of medical, surgical or hospital expenses incurred

- (a) in connection with venereal disease, insanity, cancer or tuberculosis, or in connection with any disease or injury resulting from the use of intoxicants or drugs for a period in excess of sixty days, or
- (b) in connection with industrial disease or injuries for which provision is made in the *Workmen's Compensation Ordinance*.

Provision of hospital accommodation, etc., where more than ten and less than fifty employees.

**10. (1)** The following provisions respecting hospital accommodation apply in respect of camps having more than ten and less than fifty employees, namely:

- (a) in camps having from ten to twenty-five employees the employer shall provide reasonable accommodation for accident or sickness cases; and
- (b) in camps having more than twenty-five employees the employer shall provide a separate first aid or emergency hospital quarters containing not less than two beds and shall provide, in addition to a first aid man, such extra nursing staff as the circumstances require

(2) The following provisions respecting hospital accommodation apply in respect of camps having fifty or more employees; namely, Where fifty or more employees.

- (a) subject to paragraph (b) the employer shall provide suitable hospital accommodation as is specified in this Ordinance;
- (b) where there is a hospital established and in operation within reasonable distance from the camp, and where in the opinion of the Commissioner, suitable accommodation, equipment, staff and transportation facilities are available, the employer may make arrangements with such hospital for the care of his employees and provide the necessary transportation for employees to the hospital and return instead of providing a hospital at the camp.

(3) In any hospital referred to in paragraph (a) of subsection (2) there shall be provided one hospital bed for every hundred employees but in no case shall the hospital have less than four beds. Accommodation.

**PART III**

**ENFORCEMENT.**

11. A Health Officer may, at any reasonable time, enter any place and examine the same for any purpose relating to the enforcement of this Ordinance or the regulations. Right to enter and examine.

12. (1) Where a Health Officer is authorized to direct that any matter or thing relating to the enforcement of this Direction given by Health Officer.

Ordinance or the regulations be done by a person and such person fails to comply with any direction so given, the Health Officer may, with the approval of the Commissioner, direct and arrange that the matter or thing be done at the expense of such person.

Expenses recoverable as debt.

(2) All expenses incurred under subsection (1) are recoverable by the Commissioner as an ordinary debt.

Seizure and detention

**13.** (1) A Health Officer may, when the safety of persons appears to make it necessary, seize, detain and carry away any article or thing by means of which or in relation to which he has reasonable grounds for believing that any provision of this Ordinance or the regulations has been violated.

Idem.

(2) Any article or thing seized pursuant to subsection (1) may, with the approval of the Commissioner, be destroyed or otherwise disposed of at the direction of the Health Officer, except that the Health Officer shall, where he is satisfied that the provisions of this Ordinance and the regulations with respect thereto have been complied with, release any article or thing seized by him pursuant to subsection (1) to the person from whom the same was seized.

Powers of Health Officer, Sanitary Inspector, assistance, etc.

**14.** A Health Officer and a Sanitary Inspector have, for any purpose relating to the enforcement of this Ordinance or the regulations, all the powers of a peace officer while acting in his capacity as such Health Officer or Sanitary Inspector and in the performance of his duties under this Ordinance or the regulations, and where any Health Officer or Sanitary Inspector is obstructed in the performance of any such duty he may call to his assistance any peace officer or other person he thinks fit, who shall give him all reasonable assistance in his power.

Powers of Medical Health Officer, etc.

**15.** For the purposes of this Ordinance, a Medical Health Officer has all the powers of a Health Officer.

Exemption.

**16.** The Commissioner may exempt any person or thing from all or any of the provisions of this Ordinance or the regulations, upon such terms and conditions as may be specified by the Commissioner.

Offences and punishment.

**17.** Every person who  
(a) violates any of the provisions of this Ordinance or the regulations;

- (b) obstructs a Medical Health Officer, Health Officer or Sanitary Inspector in the exercise of his powers or in the carrying out of his duties under this Ordinance or the regulations;
- (c) neglects, fails or refuses to comply with an order or direction given to him by a Medical Officer, Health Officer or Sanitary Inspector in the exercise of his powers or the carrying out of his duties under this Ordinance or the regulations;
- (d) without the authority of a Medical Health Officer, Health Officer or Sanitary Inspector, removes, alters or interferes in any way with anything seized or detained under this Ordinance; or
- (e) owns, constructs, operates or maintains, as the case may be, any installation, building, place or thing mentioned in this Ordinance or the regulations that does not comply with the requirements thereof,

is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months, or both such fine and imprisonment.

**18.** The following Ordinances are repealed:

Repeal.

- (i) *An Ordinance to Prevent the Pollution of Running Streams*, chapter 72 of the Consolidated Ordinances of 1914;
- (ii) *The Venereal Diseases Prevention Ordinance*, chapter 2 of the Ordinances of 1943;
- (iii) *An Ordinance to Amend the Venereal Diseases Prevention Ordinance*, chapter 13 of the Ordinances of 1944;
- (iv) *The Yukon Health Ordinance*, chapter 7 of the Ordinances of 1948; and
- (v) *An Ordinance to Amend the Yukon Health Ordinance*, chapter 17 of the Ordinances of 1949 (2nd session).

SCHEDULE "A"

COMMUNICABLE DISEASES

Anthrax	Poliomyelitis
Brucellosis	(a) Paralytic
Cholera	(b) Non-paralytic
Diarrhoea of the Newborn (infectious)	Psittacosis (ornithosis)
Diphtheria	Q Fever
Dysentery	Rabies
(a) Amoebic	Relapsing Fever
(b) Bacillary	Rickettsial Infections
Encephalitis (infectious)	Scarlet Fever and Streptococcal Sore Throat
Food Poisoning	Smallpox
Hydatid Disease	Tapeworm Infestations
Impetigo of the Newborn (Pemphigus)	Tetanus
Infectious Hepatitis (including Serum Hepatitis)	Trachoma
Leprosy	Trichinosis
Malaria	Tuberculosis
Measles	(a) Pulmonary
Meningococcal Meningitis and Meningococemia	(b) Meningitis
Ophthalmia Neonatorum	(c) Other
Pertussis	Tularemia
Plague	Typhoid-Paratyphoid Fever
	Venereal Disease
	Yellow Fever
	Epidemic forms of disease
	Unusual clinical manifest- ations of disease

CHAPTER 4

ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE RESPECTING THE  
CONSERVATION OF GAME IN THE  
YUKON TERRITORY

*(Assented to May 5th, 1958)*

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 *Game Ordinance*. Short title.

**PART I**

**INTERPRETATION AND APPLICATION**

**INTERPRETATION.**

2. (1) In this Ordinance, Definitions.
- (a) "big game" means bison (buffalo), mountain sheep, mountain goat, any member of the deer family, whether known as caribou, moose, deer, wapiti (elk) or otherwise, bear and any other animal declared by the Commissioner to be big game; "Big game."
- (b) "certificate of registration" means a valid and subsisting certificate of registration for a trapping or a guiding area issued under this Ordinance; "Certificate of registration."
- (c) "Director" means the Director of Game; "Director."
- (d) "Eskimo" includes
- (i) a male person who is a direct descendant in the male line of a male person who is or was of the race of aborigines commonly referred to as Eskimos, "Eskimo."

- (ii) the legitimate child of a person described in subparagraph (i),
- (iii) the illegitimate child of a female person described in subparagraph (ii), and
- (iv) the wife or widow of person described in subparagraph (i), (ii), or (iii),

but does not include the Eskimo wife of a person other than an Eskimo, unless she has been deserted by or divorced from that person or has become the widow of that person, except that any person who, upon the coming into force of this Ordinance, was considered to be an Eskimo for the purposes of the game laws of the Territory shall, unless he elects not to be so considered, be deemed to continue to be an Eskimo;

"Fur-bearing animal."

- (e) "fur-bearing animal" means beaver, fisher, fox, lynx, marten, mink, muskrat, otter, squirrel, weasel or ermine and any other animal declared by the Commissioner to be a fur-bearing animal;

"Fur farm."

- (f) "fur farm" means a place where fur-bearing animals are kept in captivity;

"Game."

- (g) "game" means big game, fur-bearing animals and game birds which are wild by nature and while in a state of nature and includes the head, skin or other parts thereof;

"Game bird."

- (h) "game bird" means a bird of any species of the following groups: Anseriformes, commonly know as ducks, geese and swans; Gruiformes, commonly know as cranes, rails and coots; Charadriiformes, commonly known as plovers, turnstones, snipe, sandpipers, curlews, yellowlegs, knots, dowitchers, godwits, sanderlings and phalaropes; Galliformes, commonly know as grouse, partridge, ptarmigan, prairie chicken and pheasants;

"Game guardian."

- (i) "game guardian" means any person appointed as such under this Ordinance;



- (j) "guide" means a person who holds a chief guide or assistant guide licence; "Guide."
- (k) "hunting" means any chasing, pursuing, worrying, following after or on the trail of, stalking, or lying in wait for the purpose of taking game, and any trapping, attempting to trap, or shooting at game, whether or not the game is then or subsequently captured, killed or injured, and other forms of the verb "to hunt" have corresponding meanings; "Hunting."
- (l) "Indian" means a person who is defined as such in the *Indian Act*, and includes the Indian wife of a person other than an Indian who has been deserted by or divorced from that person or has become the widow of that person; "Indian."
- (m) "licence" means a valid and subsisting licence issued under this Ordinance or the regulations; "Licence."
- (n) "licence year" means the period from the 1st day of July to the 30th day of June next following; "Licence year."
- (o) "motor vehicle" means a vehicle that is drawn, propelled or driven by any means other than by muscular power, but does not include a vehicle that runs or is intended to run only upon rails; "Motor vehicle."
- (p) "open season" with respect to any kind of game means the period during which that kind of game may be hunted or taken; "Open season."
- (q) "outfitter" means a person who holds an outfitter's licence; "Outfitter."
- (r) "predatory animal" means a cougar, coyote, wolf, wolverine or any other animal declared by the Commissioner to be a predatory animal; "Predatory animal."
- (s) "prescribed" means prescribed by or under this Ordinance; "Prescribed."
- (t) "registered guiding area" means an area or location defined and registered under this "Registered." "guiding area."

Ordinance for the outfitting and guiding of non-residents who desire to engage in the hunting or photographing of big game;

"Registered trapping area."

(u) "registered trapping area" means an area or location defined and registered under this Ordinance for the taking of fur-bearing animals;

"Regulations."

(v) "regulations" means the regulations issued under this Ordinance; and

"Resident."

(w) "resident" means

(i) any Canadian citizen who has resided continuously in the Territory for not less than six months prior to the date of his application for a licence, or

(ii) an alien who has resided continuously in the Territory for not less than two years immediately prior to the date of his application for a licence.

Period includes first and last days.

(2) Where a period is expressed in this Ordinance or regulations to be a period from one day to another, the period shall be reckoned inclusively of the first and last days so expressed.

Possession defined.

(3) For the purposes of this Ordinance, a person has anything in possession when he has it in his personal possession, or knowingly

(a) has it in the actual possession or custody of another person or

(b) has it in any place whether or not that place belongs to or is occupied by him, for the use or benefit of himself or another person.

#### APPLICATION.

Subject to Act.

3. (1) This Ordinance is subject to the provisions of the *Migratory Birds Convention Act* and the regulations thereunder.

Ownership of game.

(2) The property in all game within the Territory is vested in Her Majesty and no person shall acquire any right or property therein otherwise than in accordance with this Ordinance and the regulations.

PART II

GENERAL PROHIBITIONS AND RESTRICTIONS.

4. (1) No person shall hunt game in the Territory unless authorized by this Ordinance or the regulations, or by a licence issued to him. Not to hunt without licence.

(2) A licence to hunt game shall not entitle the holder to Exceptions in licence.

- (a) hunt game except during an open season for that game and in an area to which that open season extends,
- (b) hunt in excess of the quota permitted by the Ordinance or the regulations,
- (c) hunt game of a species, age or sex protected by this Ordinance or the regulations, or
- (d) hunt game by any method or means prohibited by this Ordinance or the regulations.

5. (1) Nothing in this Ordinance shall be construed to prohibit any person who holds a licence or permit under the *Migratory Birds Convention Act* or regulations thereunder from hunting game birds or taking nests or eggs in accordance with that licence or permit. Exemptions.

(2) Notwithstanding any other provisions of this Ordinance, game may be hunted and eggs of upland game birds may be taken by a person who needs the game or eggs to prevent starvation of himself and his immediate family. Game may be taken to prevent starvation.

(3) A person who hunts game or takes eggs under subsection (2) shall report as soon as practicable thereafter to a game guardian the number and kind of game or eggs taken or killed, and shall furnish such other information as may be required by a game guardian. To report number taken.

6. No person shall set out, use or employ a snare for the destruction of game other than lynx or squirrels. Use of snares.

7. (1) No person shall use poison for the purpose of taking or killing game, or have in his possession when engaged in hunting operations poison that may be used for that purpose. Poison prohibited.

- Exemptions. (2) Notwithstanding subsection (1)
- Game guardian. (a) a game guardian may possess and use poison to kill predatory animals if he has been authorized by the Director so to do, and
- Scientist. (b) the holder of a scientific licence may possess and use poison for the preservation of scientific specimens if he has been authorized by the Director so to do.
- Firearms for big game. 8. (1) No person shall, for the purpose of hunting big game, use or employ
- (a) a rifle
- (i) of less than .25 calibre,
- (ii) loaded with a full metal cased or jacketed non-expanding bullet or ball commonly known as service ammunition, or
- (iii) loaded with a bullet of the type commonly known as "tracer"; or
- (b) any firearm other than a shotgun of the type generally known as "automatic".
- In motor vehicles. (2) No person shall
- (a) discharge a firearm from a motor vehicle, or
- (b) have in or on a motor vehicle any firearm in which there is a live shell or cartridge either in the magazine or firing chamber, except that a game guardian who is engaged in the control of predatory animals may carry in a motor vehicle a rifle with live ammunition in the magazine but not in the firing chamber.
- Discharge on highway. (3) No person shall discharge a firearm of any description either on or across any public road or highway within the Territory.
- Certain contrivances forbidden. 9. No person shall use or employ for the purpose of hunting game and predatory animals any of the following methods, means and contrivances: set gun, spear, pit, dead-fall, fire, jacklight, searchlight or other artificial light, artificial salt licks or spring traps having a jaw spread exceeding seven inches.

10. (1) No person shall hunt game from or by means of an aircraft, but nothing in this Ordinance shall be deemed to prohibit a hunter, trapper, guide or outfitter from making use of an aircraft as a means of transportation between the settlement in the Territory where he outfits and his principal base camp.

Aircraft  
transportation

(2) Whenever so required by a game guardian every operator of an aircraft who has transported a hunter, trapper, guide or outfitter under subsection (1) shall make available for inspection by such game guardian any log books or other records pertaining to any such flight.

Inspection  
of flight  
records.

(3) Whenever so required by a game guardian, every hunter, trapper, guide or outfitter shall designate the settlement at which he outfits, the location of his principal base camp, and the area in which he intends to hunt or trap.

Designation  
of base  
camp.

11. No person who has killed game other than bear shall

Abandon-  
ment of  
game.

- (a) abandon any portion of the flesh thereof that is suitable for human food,
- (b) allow any portion of the flesh thereof that is suitable for human food to be destroyed or spoiled,
- (c) allow any portion of the flesh thereof that is suitable for human food to be used as bait in trapping operations or to be fed to captive fur-bearing animals or domestic animals, including dogs, or
- (d) allow the pelt of a fur-bearing animal in his possession to become deteriorated, spoiled or destroyed.

12. No person shall have in his possession game killed or taken in violation of this Ordinance or the regulations.

Possession  
of game.

13. (1) No person shall buy or sell, or offer to buy or sell, or kill for gain or reward, any big game or game birds or parts thereof, except that the Director may, subject to such terms and conditions as he deems fit, grant permission to any person to sell the antlers, horns or cape of any big game.

Sale of game  
prohibited.

Consumption of game, when prohibited.

(2) Except as otherwise permitted by this Ordinance, no game or parts thereof shall be served for food at any hotel, restaurant, public dining room, school, mission, hostel, hospital, camp, dining room of a mining, logging, construction or other commercial or industrial establishment, with a meal for which a charge is made whether directly or indirectly.

Exception.

(3) Subsection (2) does not apply to missions in the settlements of Old Crow.

No Contracts for unlawful hunting.

**14. (1)** No person shall employ, or enter into a contract or agreement with, any other person to hunt game or to take any egg or nest or part thereof contrary to this Ordinance or the regulations.

Counselling offence.

(2) No person shall counsel, procure or incite another person to commit an offence under this Ordinance or regulations.

**PART III**

**SPECIAL PROHIBITIONS AND RESTRICTIONS**

**BIG GAME.**

Game export licence.

**15. (1)** The Director may issue a licence to export big game and game birds.

Prohibition.

(2) Except under a licence issued under subsection (1) no person shall ship or remove any big game or game birds from the Territory.

Restrictions.

(3) Where a person is not a resident, no export licence shall be issued under subsection (1) unless

(a) a hunting licence, duly completed and signed by the outfitter or guide in charge of the party, is produced, and

(b) the trophy fees set out in Schedule A are paid.

Big game protected.

**16.** Subject to this Ordinance or the regulations, no person shall, at any time, hunt or have in his possession the whole or any part of

Female moose.

(a) a moose of the female sex;

Male moose.

(b) a moose of the male sex having

(i) unforked antlers,

- (ii) first incisors deciduous, and
  - (iii) second molars non-functional;
  - (c) a mountain sheep of the female sex; Female mountain sheep.
  - (d) a mountain sheep of the male sex having Male mountain sheep.
    - (i) a horn which describes an arc of less than one hundred and eighty degrees when measured along the outer curvature,
    - (ii) the first or second incisors deciduous, and
    - (iii) second molars non-functional;
  - (e) a caribou of either sex having Caribou.
    - (i) unforked antlers,
    - (ii) first, second or third incisors deciduous, and
    - (iii) second molars non-functional; or
  - (f) a mountain goat of either sex having Mountain goat.
    - (i) a horn less than five inches in length measured along the outer curve, and
    - (ii) second molars non-functional.
- 17.** (1) Subject to subsection (2) no person who is not a resident shall engage in hunting big game unless he is outfitted by an outfitter and accompanied by a guide. Guide required for non-residents.
- (2) A person who is not a resident may hunt big game without a guide if Permit.
- (a) he is accompanied by a resident, and
  - (b) a permit is obtained from the Director so to do.
- 18.** Every person who, accidentally or otherwise, kills any big game in excess of the number permitted to be taken by this Ordinance or the regulations, or any animal which, by virtue of its age or sex is protected under Section 17 Accidental killing.
- (a) shall immediately and properly dress the carcass, take away the meat and hide, keep them in a good state of preservation and

deliver them to the nearest game guardian who shall dispose of the meat and hide in accordance with instructions from the Director; and

- (b) shall at the time of delivery of the meat and hide to a game guardian, furnish an affidavit setting forth the circumstances of the killing.

**GAME BIRDS.**

Hours of hunting.

**19.** No person shall hunt game birds between the hours of one hour after sunset, and one hour before sunrise on the next succeeding day.

Nests and eggs protected.

**20.** Except as otherwise provided in this Ordinance no person shall molest, injure, destroy or take the nests or eggs of any game bird.

**FUR-BEARING ANIMALS.**

No removal, etc., of traps.

**21.** Except as authorized by this Ordinance, no person shall remove, molest, spring, or in any way interfere with traps set by another person for the taking of fur-bearing animals.

Setting and resetting of traps.

**22.** (1) Except during the open season no person shall set or reset a trap or contrivance used in connection with trapping operations.

Traps to be removed or sprung on or before last day of open season.

(2) A person who uses traps or other contrivances for hunting game shall remove or spring such traps or other contrivances on or before the last day of the open season.

Predatory animals.

**23.** Except as authorized by the Director, no person shall set traps or other contrivances for predatory animals between the 1st day of April and the 31st day of October in any year, but predatory animals may be shot at any time.

Muskrat.

**24.** No person shall, at any time,

- (a) hunt any muskrat with a shotgun; or
- (b) break or destroy any muskrat house except that a muskrat house may be opened for the purpose of setting traps therein if reasonable care is taken to prevent the subsequent freezing of any such muskrat house



**25.** (1) Subject to subsection (2), no person shall cut, break, destroy or interfere with a beaver house or beaver dam. Not to interfere with beaver house or dam.

(2) The Director may issue a licence for the injury or destruction of beaver dams or houses when such injury or destruction becomes necessary to the carrying on of a *bona fide* mining operation, or to the driving of timber on any stream, or to prevent damage to roads or other property. Licence to destroy.

## PART IV

### LICENCES AND CERTIFICATES

#### GENERAL.

**26.** The licences and certificates of registration that may be issued under this Ordinance are as follows: Types of licences.

- (a) licence to export big game under section 15;
- (b) licence to hunt big game and game birds under section 36;
- (c) licence to hunt game birds under section 36;
- (d) licence to hunt bear under section 36;
- (e) general hunting licence under section 37;
- (f) licence for scientific purposes under section 38;
- (g) outfitter's licence under section 39;
- (h) chief guide licence under section 42;
- (i) assistant guide licence under section 42;
- (j) certificate of registration of guiding area under section 48;
- (k) certificate of registration of trapping area under section 54;
- (l) fur farm licence under section 65;
- (m) licence to take live game animals for propagation or for export under section 68;
- (n) licence to import fur-bearing animals under section 72;
- (o) trading post licence under section 75;
- (p) outpost licence under section 75;
- (q) licence to trade and traffic in fur-bearing animals under section 76.

- Issue of licences.** **27.** (1) An application for any licence or certificate of registration may be made to the Director or a game guardian, and shall be in a prescribed form and accompanied by the prescribed fee.
- False Information.** (2) No person shall furnish any false information or make a false statement in any application for a licence or certificate of registration required to be made pursuant to this Ordinance or the regulations.
- Licence void.** (3) A licence or certificate of registration issued to any person who furnishes any false information or makes any false statement in an application for a licence or certificate of registration is null and void and shall be deemed to have always been null and void.
- Signature of licensee required.** (4) No hunting licence or general hunting licence is valid unless the signature of the person to whom the licence is issued is endorsed thereon and in the case of a person signing by mark the mark shall be witnessed.
- Age of licensee.** (5) No person under the age of fourteen years is eligible for any licence.
- Effect of licence or certificate of registration.** **28.** A licence or certificate of registration entitles the person to whom it is issued to carry on such operations as are authorized by the licence or certificate of registration and in accordance with this Ordinance and the regulations.
- Certificate of game killed.** **29.** Every licence holder, upon request, shall be entitled to receive from the Director a certificate showing the game killed by him.
- Submit for inspection of game guardian.** **30.** Upon the request of a game guardian, every person shall submit for inspection by such game guardian any licence or certificate of registration issued to him.
- Transfer, etc., prohibited.** **31.** (1) No licence or certificate of registration shall be sold, transferred or assigned without the consent of the Commissioner.
- Not to allow another to use licence.** (2) No person shall knowingly allow his licence or certificate of registration to be used by another person.
- Not to use another's licence.** (3) No person shall knowingly use the licence or certificate of registration of another person.
- Date of expiry of licence.** **32.** Subject to section 42, unless sooner cancelled, each licence expires on the expiry date mentioned in the licence

or, if no expiry date is mentioned, on the 30th day of June next following its date of issue.

**33.** (1) Subject to subsection (2), every person to whom a licence has been issued shall, before leaving the Territory or as soon as practicable after the expiration of the licence, which ever first occurs, return the licence to a game guardian with the affidavit or declaration on the back of the said licence duly completed setting forth the number and kind of game killed, trapped, taken, traded or trafficked in under its authority. Return of licence.

(2) Where a licensee is unable to return his licence to a game guardian as required by subsection (1), he shall, before leaving the Territory or as soon as practicable after the expiration of the licence, whichever first occurs, forward to the nearest game guardian his affidavit setting forth the number and kind of game killed, trapped, taken, traded or trafficked in during the period covered by the licence. Idem.

**34.** (1) A licence or certificate of registration held by a person convicted of an offence against this Ordinance may, in addition to any other penalty imposed upon such conviction, be suspended or cancelled by the justice before whom the case was tried. Cancellation upon conviction.

(2) Upon the suspension or cancellation of any licence or certificate of registration pursuant to subsection (1), the holder thereof shall surrender the licence or certificate forthwith to the justice or to a game guardian. Surrender of licence to game guardian.

**35.** Any person who makes a false report as to the amount of game killed, trapped, taken or traded in, or who fails or neglects to return his licence within the time specified in the Ordinance or regulations is guilty of an offence, and, in addition to any other penalty provided in the Ordinance or regulations, may be refused a licence in any subsequent year. Penalty for false reports.

### HUNTING LICENCES.

**36.** Subject to this Ordinance and the regulations, the Director or a game guardian may upon application therefor issue a licence to any person entitling him Issue of hunting licence.

- (a) to hunt big game and game birds,
- (b) to hunt game birds only, or
- (c) to hunt bear only.

**GENERAL HUNTING LICENCE.**

Issue of licence.

**37. (1)** Subject to this Ordinance and the regulations, the Director may upon application therefor issue a general hunting licence to any person who is a Canadian citizen over the age of sixteen years and is largely dependent upon hunting and trapping for a livelihood, and

- (a) has resided continuously in the Territory for three years immediately prior to his application,
- (b) does not reside in the Territory but for three years immediately preceding the date of his application was licenced to hunt and did hunt fur-bearing animals in the Territory, or
- (c) is the child or widow of a person referred to in paragraph (a) or (b).

Entitlement.

(2) A general hunting licence issued under subsection (1) entitles the holder thereof to hunt big game, game birds and fur-bearing animals in accordance with this Ordinance and the regulations.

Person under sixteen.

(3) A person under the age of sixteen years who assists his parents or guardian in lawful hunting operations does not require a licence so to assist.

**SCIENTIFIC LICENCE.**

Commissioner may issue licence.

**38. (1)** The Commissioner may issue a licence to a person to take and export big game, fur-bearing animals or non-migratory game birds or the eggs or nests of such birds for scientific purposes.

Application.

(2) The licence specified in subsection (1) may be issued only

- (a) upon application from a person whose application is accompanied by written testimonials from two scientists of recognized standing; or
- (b) upon application from and for the purpose of
  - (i) a recognized museum, university or scientific society, or
  - (ii) a department of the Government of Canada or of a province of Canada or of the government of any country or state other than Canada.

(3) The holder of a licence for scientific purposes shall be exempted from the provisions of sections 17 and 74. Exemption of

**PART V**

**GUIDES AND OUTFITTERS  
OUTFITTERS.**

**39.** (1) The Director may, upon application therefor, issue an outfitter's licence to any person who is a resident and a *bona fide* owner of equipment in good condition and repair that in the opinion of the Director is sufficient to take care of at least four hunters in the field. Outfitters.

(2) Unless sooner cancelled, every outfitter's licence expires on the 31st day of December of the year in which it was issued. Expiry date.

(3) Every outfitter shall keep his equipment in good condition and repair at all times, and shall make it available for inspection by the Director or a game guardian at all reasonable hours. Keep equipment in good order.

(4) Every outfitter shall ensure that the guide in charge of every party of hunters that he outfits complies with any Ordinance or regulations under any Ordinance respecting Sanitary control.

- (a) the sanitation of camps and camp sites,
- (b) the preparation and handling of food, and
- (c) the health of employees preparing food for the hunting party.

(5) Whenever the Director, or a game guardian, finds upon inspection that an outfitter has not complied with subsection (3) or (4), he shall forthwith report his findings in writing to the Commissioner, who may, in his discretion, order the suspension or cancellation of the outfitter's licence. Report where no compliance.

**40.** (1) No person for gain or reward or hope thereof shall use, rent or let any saddle horse, pack horse, vehicle, boat or other equipment to any non-resident for the purpose of being used in the hunting of big game without first obtaining an outfitter's licence. Licence required to outfit hunter.

(2) Notwithstanding subsection (1), any person may rent or let any saddle horse, pack horse, vehicle, boat or other equipment to an outfitter. Equipment -- rental.

Provide chief guide.

41. (1) For each party of non-resident hunters an outfitter shall provide one chief guide who shall be in charge of the party in the field.

(2) The chief guide in charge of a party in the field may act as guide for one hunter and an additional guide shall be provided for each additional hunter in the party.

Prohibition.

(3) No outfitter shall hire, engage or employ to act as a guide a person who is not the holder of a guide's licence.

**GUIDES.**

Guides' licences.

42. (1) Guides' licences shall be of two kinds, namely, assistant guide licences and chief guide licences.

Qualifications of assistant guide.

(2) The Director may, upon application therefor, issue an assistant guide licence to a resident who

- (a) held an assistant guide licence in the preceding year, or
- (b) can satisfy the Director that
  - (i) he is physically sound,
  - (ii) he is of good character,
  - (iii) he has sufficient knowledge of the area to be hunted
  - (iv) he has sufficient knowledge of hunting methods,
  - (v) he has sufficient knowledge of care of trophies in the field, and
  - (vi) he has sufficient knowledge of this Ordinance and the regulations.

Qualifications of chief guide.

(3) The Director may issue a chief guide licence to a resident who

- (a) held a chief guide licence in the preceding year, or
- (b) has acted as an assistant guide for at least three years and, in the opinion of the Director, is capable of assuming the responsibility for a party of hunters in the field.

Expiry date.

(4) Unless sooner cancelled, every guide's licence expires on the 31st day of December of the year in which it was issued.

(5) For the purpose of subsections (2) and (3), a Grade A guide and a Grade B guide as defined by *An Ordinance to Amend the Yukon Game Ordinance*, chapter 13 of the Ordinances of 1952 (1st session), is considered to be the equivalent of a chief guide, and a Grade C guide as defined by the said Ordinance is considered to be the equivalent of an assistant guide.

Transitional.

**43.** (1) No person for gain or reward, or hope thereof, shall act as a guide to any non-resident while afield for the purpose of hunting big game without first obtaining a guide's licence.

May not act as guide without licence.

(2) No guide shall 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.

Duty of guide.

**44.** If he can do so without using force, every guide shall prevent any person for whom he is acting as a guide from violating this Ordinance or the regulations.

Guide to prevent violations.

**45.** Every guide may carry, but not use, firearms belonging to any person for whom he is acting as a guide.

Carrying firearms.

**46.** Except to prevent personal injury or loss of life, no guide shall while he is acting as a guide, kill, take or catch any big game.

Guide not to kill big game.

**47.** Every chief guide shall, on his return from a big game hunting trip with a party for which he has been engaged as a guide,

Return completed by guide.

(a) make a return in writing on a prescribed form; and

(b) endorse on the back of each non-resident hunting licence the number and kinds of game taken by the holder thereof.

**REGISTERED GUIDING AREAS.**

**48.** The Director may upon application therefor issue a certificate of registration of a guiding area to an outfitter.

Certificate of registration.

**49.** (1) Except as provided in subsection (2) of section 17, a certificate of registration of a guiding area reserves to the holder thereof the sole and exclusive right and privilege of outfitting and guiding any person for the purpose of hunting big game within the area described in the certificate of registration.

Right conferred on issue of certificate.

Permission to guide outside guiding area.

(2) The Director may, upon request, permit an outfitter or guide in his service or employ the right and privilege of outfitting and guiding any person for the purpose of hunting big game within an area for which no certificate of registration has been issued.

One certificate only.

**50.** No person shall hold more than one certificate of registration of a guiding area.

When certificate may be cancelled.

**51.** The Director may cancel a certificate of registration of a guiding area where, in his opinion, the holder thereof, without reasonable excuse, does not actively engage in business as an outfitter during the open season in any year that the certificate is in force .

Expiry date of certificate.

**52.** Unless sooner cancelled, every certificate of registration of a guiding area expires five years following the date of issue.

Time for renewal.

**53.** (1) The holder of a certificate of registration of a guiding area may, within a period of sixty days preceding the date on which it expires or sixty days after that date, apply for a renewal, and if the Director is satisfied that the holder has complied with this Ordinance and the regulations, he is entitled to a renewal thereof for a further period of five years in priority over all other applicants.

Loss of priority.

(2) Where the holder of an expired certificate of registration of a guiding area fails to apply for renewal within the limits set in subsection (1), he shall have no priority over other applicants.

## PART VI

### REGISTERED TRAPPING AREAS.

Issue of a certificate of registration of trapping area.

**54.** (1) The Director may, upon application therefor, issue a certificate of registration of a trapping area to the holder of a general hunting licence.

(2) A certificate of registration of a trapping area in that portion of the Territory lying north of sixty-five degrees thirty minutes North Latitude may be granted only to a person who resided and hunted under licence in that part of the Territory in each of the three years immediately preceding the date of his application.



(3) Except with the permission of the Commissioner, no certificate of registration of a trapping area shall be issued to a person who holds a licence to trap in any other part of Canada.

No certificate to persons licenced to trap elsewhere in Canada.

(4) No person shall be granted more than one certificate of registration of a trapping area.

**55.** (1) A certificate of registration of a trapping area may be issued to a group of two or more persons if each of them is qualified to obtain a certificate or registration.

Issue to group.

(2) The certificate of registration of the trapping area shall be issued in the name of the leader of the group.

In name of leader.

(3) The leader of the group holding a certificate of registration shall furnish such returns and information respecting wildlife and hunting and trapping operations as the Director may require.

Returns.

**56.** (1) Except as provided in this Ordinance, a certificate of registration of a trapping area reserves to the holder thereof or, in the case of a certificate of registration issued to the leader of a group, to the persons of the group, the sole and exclusive right and privilege of hunting fur-bearing animals within the area described in the certificate of registration.

Exclusive right to hunt fur-bearing animals.

(2) A game guardian may, upon request, permit the holder of a certificate of registration of a trapping area or, in the case of a certificate of registration issued to the leader of a group, to the persons of the group, the right and privilege of hunting fur-bearing animals within an area for which no certificate of registration has been issued.

Not to hunt outside area without permission.

**57.** Except as provided in section 38, no person shall, within a registered trapping area, hunt fur-bearing animals or set traps, snares or other trapping equipment or skin or prepare or assist in the skinning or preparation of pelts for sale, unless

Only certain persons may hunt in trapping areas.

- (a) he is the holder of, or a dependant of a person who is the holder of, a certificate of registration for that area;
- (b) he is a member of a group of persons holding a certificate of registration for that trapping area or a dependant of such member; or

(c) he is employed with the consent of the Director by the holder of a certificate of registration of a trapping area to assist in hunting in that area, and is the holder of a general hunting licence; but such consent may be issued only upon evidence satisfactory to the Director that the employer cannot obtain an adequate livelihood without assistance.

Holder may remove other traps.

**58.** Where a holder of a certificate of registration of a trapping area discovers traps, snares or other trapping equipment set within the limits of the trapping area by any person not authorized to do so, he may remove them from the area and if he does so shall deliver them to a game guardian.

Cancellation where holder fails to trap.

**59.** The Director may cancel a certificate of registration where, in his opinion, the holder thereof, without reasonable excuse, does not actively engage in hunting fur-bearing animals on his trapping area during the open season in any year that the certificate is in force.

Expiration of certificate.

**60.** Unless sooner cancelled every certificate of registration of a trapping area expires five years following the date of issue.

Time for renewal.

**61.** (1) The holder of a certificate of registration of a trapping area may, within a period of sixty days preceding the date on which it expires or sixty days after that date, apply for a renewal, and if the Director is satisfied that the holder has complied with this Ordinance and the regulations, he is entitled to a renewal thereof for a further period of five years in priority over all other applicants.

Loss of priority.

(2) Where the holder of an expired certificate of registration of a trapping area fails to apply for renewal within the limits set in subsection (1), he shall have no priority over other applicants.

Annual reports.

**62.** On or before the 30th day of June in any year that a certificate of registration of a trapping area is in force, the holder thereof shall submit to a game guardian a true and complete report on a prescribed form showing the number and kind of game taken in the trapping area during that licence year.

**63.** Whenever required by a game guardian every holder of a certificate of registration of a trapping area shall submit a report to the game guardian giving the number and location of beaver colonies in the area.

Reports on beaver colonies.

**64.** The holder of a certificate of registration of a trapping area may remove, sell, transfer or assign any movable improvements made or lawfully acquired by him on the trapping area.

May dispose of improvements.

**PART VII**

**FUR FARMS AND LIVE GAME.**

**65.** The Director may, upon application therefor, issue a licence to operate a fur farm to any resident.

Licence to operate fur farm.

**66.** Without the consent of the owner of the fur farm, no person other than a game guardian shall enter upon any fur farm or go within twenty-five yards of the pens or dens of fur-bearing animals thereon if notices forbidding trespassing on the said premises that are plainly discernible at a distance of not less than twenty-five yards are posted upon such pens or dens.

Unauthorized entry forbidden.

**67.** Where notices have been posted in accordance with section 66, the owner or caretaker of a fur farm may kill a dog found terrifying captive fur-bearing animals within twenty-five yards of their pens or dens.

May kill dog terrifying fur-bearing animals.

**68.** The Director may issue a licence to take wild live game animals for propagation or for export.

Licence to take live animals.

**69.** Wild live game animals, whether taken for propagation or for export, shall be taken in the period and in numbers specified in the licence and by the use of box traps or other devices approved by the Director.

Taking of live animals.

**70. (1)** Where live animals are shipped or transported every precaution shall be taken to prevent injury to the animals.

Animals not to be injured in shipment.

**(2)** The animals referred to in subsection (1) shall be properly fed and cared for and shall be shipped or transported in well ventilated crates maintained in a sanitary condition.

Feeding, etc., of animals in shipment.

**Return of licence.** **71.** Every licence issued under section 68 shall, upon expiry, be returned to the Director together with an affidavit setting forth the numbers and kinds of game taken under its authority.

**Licence to import fur-bearing animals.** **72.** (1) No person shall import into the Territory a fur-bearing animal without first having obtained a licence from the Director authorizing such import.

**Certificate of health.** (2) The Director shall not issue a licence under subsection (1) unless the applicant produces a certificate of health signed by a veterinarian in respect of the fur-bearing animals to be imported.

**PART VIII**

**GAME SANCTUARIES AND PRESERVES.**

**Game preserves.** **73.** (1) Each area described in Schedule B is a game preserve and shall be known by the name immediately preceding its description in that Schedule.

**Prohibition.** (2) Except as provided in subsection (3), no person other than an Indian or Eskimo shall hunt or trade and traffic in game within the boundaries of a game preserve.

**Exception.** (3) Where a person enters a game preserve for the purpose of prospecting for minerals he may, if he is licensed to hunt game birds, take game birds during the open season for such birds.

**Game sanctuaries.** **74.** (1) Each area described in Schedule C is a game sanctuary and shall be known by the name immediately preceding its description in that Schedule.

**Prohibition.** (2) Except as provided in section 38, no person shall hunt game within a game sanctuary.

**Sealing of firearms and traps.** (3) No person except a game guardian or the holder of a scientific licence shall have in his possession in a game sanctuary any firearm or trap of any description unless it has been sealed by a game guardian in such a way as to render it inoperative.

**Removal of seal.** (4) The seal may be removed from a firearm where such action is necessary to preserve life.

(5) Every person who removes the seal from a firearm pursuant to subsection (4) shall report to a game guardian as soon as possible and swear an affidavit setting forth the reasons for his actions.

Report to game guardian.

PART IX

TRADING AND TRAFFICKING IN GAME.

75. (1) No person shall establish, operate or maintain in the Territory an establishment in which the business of trading or trafficking in game is carried on unless he holds a trading post licence issued by the Director with respect to that establishment.

Trading post or outpost licences.

(2) A separate licence shall be obtained in respect of each trading establishment.

Separate licences for each establishment.

(3) Where the trading establishment is to be operated less than eight months in a year, an outpost licence issued by the Director shall be obtained.

Outpost licence.

(4) Where the trading establishment is to be operated eight or more months in a year, a trading post licence issued by the Director shall be obtained.

Trading post licence.

(5) No outpost licence shall be issued to a person unless he holds a trading post licence.

Outpost licence only to holder of trading post licence.

(6) A trading post in respect of which a licence is issued shall be operated for at least eight months of each licence year.

Trading post to be operated at least eight months.

(7) An outpost in respect of which a licence is issued shall be operated for at least three months of each licence year.

Outpost to be operated at least three months.

(8) A licence for a trading post or an outpost is not transferable.

Not transferable.

(9) A licence issued under this section remains in effect until cancelled by the Director or surrendered.

Duration of licence.

76. (1) Except as provided in section 78, no person shall, either by himself, his clerk, servant or agent, buy, sell, deal exchange, barter, solicit or traffic in the skin, pelt or part thereof of any fur-bearing animal or conduct a sale or

Licence to sell fur-bearing animals.

purchase of the skin, pelt or part thereof without first having obtained a licence from the Director authorizing him to do so.

Transfer of licence.

- (2) A licence to trade in game may be transferred
  - (a) upon application in writing to the Director by the holder thereof, and
  - (b) upon payment of any increase in licence fee.

Right to trade limited to posts described in licence.

- (3) A licence to trade or traffic in game authorizes the person to whom it is issued to trade or traffic only at the trading post or outposts described in the licence.

Holder's assistant does not require licence.

- (4) A person employed to assist the holder of a licence to trade or traffic in game does not require a licence unless he engages in trading or trafficking in game on his own account.

Duties of trader.

- 77.** Every holder of a fur trading licence shall
  - (a) keep a true record of all furs purchased or sold by him, such record to show
    - (i) date of purchase or sale,
    - (ii) name and address of vendor or purchaser,
    - (iii) licence number of the trapper, and
    - (iv) a sufficient description of the furs purchased or sold;
  - (b) forward an annual return in a prescribed form to the Director within fifteen days after the end of each licence year; and
  - (c) whenever so required by the Director in writing produce his records and books of account for examination by a game guardian.

Unlicensed resident may purchase for personal use.

- 78. (1)** A resident may purchase without a licence skins or pelts for use by himself and his family.

Unlicensed visitor may purchase limited value for personal use.

- (2) A person who is not a resident of the Territory may purchase without a licence skins or pelts for his own use, but not for barter or sale, the total value of which does not exceed two hundred dollars in any licence year.

## PART X

## POWERS OF THE COMMISSIONER.

79.

The Commissioner may

Powers.

- (a) prescribe forms of licences, applications and certificates of registration and such other forms as may be required for the purposes of this Ordinance or the regulations;
- (b) cancel, suspend or refuse to issue or renew any licence or certificate of registration for any cause that to him seems sufficient;
- (c) reinstate a cancelled or suspended licence or certificate of registration upon such terms as he may deem proper;
- (d) as a condition precedent to the issue or reinstatement of any licence or certificate of registration in any case or class of cases, require the applicant therefor to furnish a bond or other form of security as he may deem necessary to secure the due observance of this Ordinance;
- (e) appoint honorary game guardians;
- (f) fix or vary at any time the boundaries of any trapping or guiding area in respect of which a certificate of registration has been issued;
- (g) permit the meat of game to be had in possession and served
  - (i) in schools, hospitals or hostels in case of need, and
  - (ii) in hotels, restaurants or dining rooms of clubs or other organizations on special occasions;
- (h) grant, without fee, a special licence to enable a guest of the Territory to hunt therein;
- (i) notwithstanding anything herein, authorize a game guardian or any person under the supervision of a game guardian, to hunt game at any time in any part of the Territory and by any method deemed necessary by the Commissioner to carry out an experiment or

investigation in connection with the conservation, development or utilization of the wild-life resources including the control of predatory animals; and

- (j) on behalf of the Territory, enter into agreements with Canada in connection with the development of fur rehabilitation blocks or registered trapping areas where such development will be beneficial to Indians or Eskimos.

Regulations of  
Commissioner.

- 80.** (1) The Commissioner may make regulations
- (a) fixing the boundaries of the areas within which any specified species of game may be hunted or killed;
  - (b) prescribing the number of any specified species of game and the sex thereof that may be hunted and killed;
  - (c) fixing the periods of open seasons;
  - (d) respecting the continuation in force of any certificate of registration that has been issued to a person who enlists in the armed forces or who becomes hospitalized or otherwise incapacitated, and respecting the enjoyment by the dependants of any such person of any of the rights of that person thereunder during the period of his absence in the armed forces or during the period of his hospitalization or incapacity, notwithstanding anything else herein;
  - (e) respecting the sealing and marking of pelts of any specified species of game, the manner and method of such sealing or marking and, generally, the use of seals and marks for any such purpose; and
  - (f) respecting any other matter the regulation of which the Commissioner deems necessary or advisable in order to carry out effectively the purposes and provisions of this Ordinance.

Publication  
in *Gazette*.

(2) No regulation shall have force and effect until it has been published in the *Yukon Gazette*.

Tabling of  
regulations.

(3) The Commissioner shall cause regulations made pursuant to this Ordinance to be tabled at the session of Council next following the making of such regulations.



PART XI

ADMINISTRATION AND ENFORCEMENT  
OFFICERS.

- 81.** The Commissioner may appoint
- (a) an officer to be called the Director, who shall supervise, under the direction of the Commissioner, the administration of this Ordinance; and
  - (b) one or more persons to be called game guardians who shall, under the direction of the Director, perform such duties as may be assigned by the Director.
- 82.** The following persons shall be *ex officio* game guardians:
- (a) the Director;
  - (b) members of the Royal Canadian Mounted Police;
  - (c) all outfitters and chief guides; and
  - (d) the Forest Supervisor and all forest officers appointed under the *Forest Protection Ordinance*.
- 83.** A game guardian and an honorary game guardian appointed pursuant to this Ordinance shall, before acting as such, take and subscribe to the following oath:
- “I, \_\_\_\_\_ of \_\_\_\_\_, a game guardian appointed under the provisions of the *Game Ordinance*, do swear that to the best of my judgment I will faithfully, honestly and impartially execute and perform the office and duty of such game guardian according to the true intent and meaning of the *Game Ordinance*. So help me God.”
- 84.** (1) All game guardians, while acting as such under the provisions of this Ordinance, have and possess the powers of a Commissioner for taking affidavits in and for the Territory in relation to all matters coming within the provisions of this Ordinance.
- (2) Every game guardian has the power to enforce and carry out the provisions of this Ordinance and the regulations.

Appointment of Director.

Game guardians.

*Ex officio* game guardians.

Oath.

Game guardian to be Commissioner of oaths.

Enforcement of Ordinance.

Authority of honorary game guardian.

(3) Every honorary game guardian has the power and authority of a game guardian to the extent prescribed by the Commissioner.

**DISPUTES.**

Power to settle disputes.

**85.** (1) The Director has power to settle any dispute in connection with hunting or trapping operations.

Appeal.

(2) An appeal lies from the decision of the Director to a police magistrate

Notice of appeal.

(3) Notice of appeal shall be given within thirty days from the day upon which the decision appealed from is pronounced or given, or within such further time as the Director may allow, and, after service upon the opposite party, shall be filed with the Director.

Deposit of security for costs.

(4) At the time of filing notice of appeal, the appellant shall deposit with the Director such sum of money or security therefor as security for costs of the appeal as the Director may consider necessary.

Transfer of evidence, etc., to police magistrate.

(5) Upon receipt of notice of appeal and deposit of security for costs, if any, the Director shall forthwith transfer the complaint, evidence and other proceedings to a police magistrate.

Hearing.

(6) The police magistrate shall fix the time of hearing at as early a date as may, in his opinion, be convenient to all parties.

Appeal lies to judge.

(7) An appeal from the decision of a police magistrate lies to a judge.

**ARREST AND SEARCH.**

Arrest without warrant.

**86.** Any game guardian who finds a person committing an offence against this Ordinance or the regulations may arrest that person without warrant.

**SEIZURE AND FORFEITURE.**

Seizure of game.

**87.** (1) All game taken, caught, killed or had in possession in violation of this Ordinance or all nests or eggs or part thereof taken or had in possession in violation of this Ordinance, together with all game of any kind whatsoever, whether legally taken, caught, killed or had in possession

or otherwise, that are intermixed therewith, shall, upon being found by a game guardian, be forthwith seized by him and, when so seized, shall be taken before a justice.

(2) All guns, ammunition, traps, boats, skiffs, canoes, punts and vessels of every description, horses, dogs, wagons, sleighs, aircraft, vehicles and other outfits, decoys and appliances and materials of every kind used in violation of or for the purpose of violating this Ordinance may, upon being found by a game guardian, be forthwith seized by him and, when seized, shall be taken before a justice.

Seizure of equipment.

**88.** Where a person refuses to submit for inspection to a game guardian any paper, records, documents or books of account as required under this Ordinance, the game guardian, upon obtaining a warrant therefor, may seize the same.

Seizure of records and documents.

**89.** (1) Upon the conviction of a person for an offence under this Ordinance or the regulations, the justice before whom the case was heard may declare the forfeiture to the Territory of anything seized under section 87 in connection with the conviction.

Forfeiture upon conviction

(2) The Commissioner may dispose of anything declared forfeited under this section in any way he deems fit and the proceeds thereof shall be deposited to the credit of the Yukon Consolidated Revenue Fund.

Proceeds to Y.C.R.F.

**OFFENCES AND PENALTIES.**

**90.** Every person who violates a provision of this Ordinance or the regulations is guilty of an offence and in addition to any other penalty is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

General penalty.

**ONUS OF PROOF.**

**91.** (1) Whenever by this Ordinance it is made an offence to do an act without holding a licence or certificate of registration therefor, the onus in any prosecution shall be upon the person charged to prove that he held a licence or certificate of registration as required by this Ordinance.

Onus on accused to show he held licence.

(2) In any prosecution under this Ordinance, the onus of proof as to his being a resident shall be upon the defendant.

Onus as to residence.

Onus as to prevent starvation.

(3) In any prosecution under this Ordinance, the onus of proving that the game taken or killed was necessary to prevent starvation of himself or his family shall be upon the person charged with having killed or taken such game in violation of this Ordinance.

Onus as to possession.

(4) The possession of game or the nests or eggs of birds by any person within a game sanctuary shall be *prima facie* evidence of the guilt of such person and the onus of proof to the contrary shall rest upon him.

**MISCELLANEOUS.**

Prosecution within one year.

**92.** Prosecution for any offence committed against this Ordinance may be entered at any time within one year from the time when such offence was committed.

Moneys deposited in Y.C.R.F.

**93.** All moneys received from fees and charges made under the authority of this Ordinance and all fines resulting from convictions under this Ordinance shall be deposited to the credit of the Yukon Consolidated Revenue Fund.

Repeal.

- 94.** The following Ordinances are repealed:
- (a) *An Ordinance to Create a Game Preserve in the Yukon Territory for Native Indians*, chapter 1 of the Ordinances of 1924;
  - (b) *An Ordinance to Amend an Ordinance to Create a Game Preserve in the Yukon Territory for Native Indians*, chapter 9 of the Ordinances of 1938;
  - (c) *The Yukon Game Ordinance*, chapter 11 of the Ordinances of 1951 (2nd Session);
  - (d) *An Ordinance to Amend the Yukon Game Ordinance*, chapter 13 of the Ordinances of 1952 (1st Session);
  - (e) *An Ordinance to Amend the Yukon Game Ordinance*, chapter 10 of the Ordinances of 1953 (1st Session);
  - (f) *An Ordinance to Amend the Yukon Game Ordinance*, chapter 8 of the Ordinances of 1954 (1st Session);
  - (g) *An Ordinance to Amend the Yukon Game Ordinance*, chapter 25 of the Ordinances of 1955 (1st Session); and

(h) *An Ordinance to Amend the Yukon Game Ordinance*, chapter 7 of the Ordinances of 1956 (1st Session).

95. This Ordinance shall come into force on the 1st day of July, 1958.

**SCHEDULE A.**

**SCHEDULE OF FEES FOR LICENCES AND CERTIFICATES.**

1. Hunting Licences

- (a) General hunting licence if issued to
  - (i) an Indian or Eskimo ..... Free
  - (ii) a person over 65 years of age .. Free
  - (iii) any other person ..... 5.00
- (b) Licence to hunt big game and game birds if issued to
  - (i) an Indian ..... Free
  - (ii) an Eskimo ..... Free
  - (iii) a resident over 65 years of age.. Free
  - (iv) any other resident ..... 2.00
  - (v) a non-resident Canadian
    - (A) to take two big game trophies ..... 50.00, and
    - (B) to take additional trophies, each ..... 25.00
  - (vi) a non resident alien
    - (A) to take two big game trophies .. ..... 100.00, and
    - (B) to take additional trophies, each ..... 25.00
- (c) Licence to hunt game birds only if issued to
  - (i) a non-resident ..... 10.00
- (d) Licence to hunt bear if issued to
  - (i) a resident ..... Free
  - (ii) a non-resident Canadian ..... 25.00
  - (iii) a non-resident alien ..... 50.00

2.	Certificate of Registration of Trapping area or renewal thereof .....	10.00
3.	Certificate of Registration of Guiding area or renewal thereof .....	10.00
4.	Outfitter's licence .....	25.00
5.	Chief Guide licence .....	20.00
6.	Assistant Guide licence .....	10.00
7.	Trading Post licence .....	1.00
8.	Outpost licence .....	1.00
9.	Fur trader's licence if issued to	
	(i) a resident .....	25.00
	(ii) a non-resident .....	150.00
10.	Fur farm licence or renewal thereof .....	2.00
11.	Licence to take live animals .....	1.00
12.	Licence to export live animals, for each animal .....	2.00
13.	Licence to export big game and game birds .....	Free
14.	Licence to import fur-bearing animals .....	Free
15.	Scientific licence .....	Free

**SCHEDULE B.**

**DESCRIPTION OF GAME PRESERVE**

**PEEL RIVER PRESERVE.**

Comprising all that tract of land which may be described as follows:

Commencing at the most easterly intersection of the 66th Parallel of north latitude with the boundary between the Northwest Territories and the Yukon Territory; thence westerly and northerly, following the said boundary to its intersection with the Peel River, thence southerly following the right bank of Peel River to its confluence with the Snake River; thence upstream following the right bank of the Snake River to its intersection with latitude

65 degrees 30 minutes North, a distance of approximately sixty miles, thence due east to the boundary between the Northwest Territories and the Yukon Territory; thence northerly along the said boundary to the point of commencement.

### SCHEDULE C.

#### DESCRIPTION OF GAME SANCTUARIES.

##### McARTHUR GAME SANCTUARY.

Comprising all that portion of the Yukon Territory lying within the boundaries described as follows:

Commencing at one of the heads of Avalanche Creek at approximately 63 degrees, 16 minutes 30 seconds North latitude, 135 degrees 22 minutes West longitude; thence downstream along the left bank of Avalanche Creek to its junction with Nogold Creek; thence downstream along the left bank of Nogold Creek to its junction with an unnamed tributary at approximately 63 degrees 19 minutes 30 seconds North latitude and 135 degrees 42 minutes West longitude; thence southwesterly along the right bank of the said tributary to its head; thence southwesterly in a straight line to the eastern extremity of an unnamed lake on North Crooked Creek at approximately 63 degrees 16 minutes 30 seconds North latitude and 135 degrees 49 minutes West longitude; thence along the left bank of North Crooked Creek to its junction with Crooked Creek; thence upstream along the right bank of Crooked Creek to its junction with South Crooked Creek; thence upstream along the right bank of South Crooked Creek to its junction with Woodburn Creek; thence upstream along the right bank of Woodburn Creek to Woodburn Lake; thence along the north shore of Woodburn Lake to its southeastern extremity; thence easterly in a straight line across a height of land to the head of an unnamed tributary of Little Kalzas River at approximately 63 degrees 03 minutes North latitude and 135 degrees 54 minutes West longitude; thence downstream along the left bank of said tributary to its junction with Little Kalzas River; thence downstream along the left bank of Little Kalzas River via the southwest shore of Little Kalzas Lake to its junction with Kalzas River; thence upstream along the right bank of Kalzas River to

its intersection with 135 degrees 05 minutes West longitude; thence due north along the said 135 degrees 05 minutes West longitude a distance of four miles, more or less, to its intersection with the right bank of Kalzas River; thence upstream along the right bank of Kalzas River to a fork at approximately 63 degrees 11 minutes 30 seconds North latitude, 135 degrees 10 minutes West longitude; thence upstream along the right bank of the northwesterly fork to its head at approximately 63 degrees 15 minutes 30 seconds North latitude, 135 degrees 18 minutes West longitude; thence northwesterly in a straight line a distance of two and one-half miles, more or less, to the point of commencement.

#### **KLUANE GAME SANCTUARY.**

Comprising all that portion of the Yukon Territory lying within the boundaries described as follows:

Commencing at the point of intersection of the International Boundary between Yukon Territory and the Territory of Alaska with the middle of the main channel of White River in approximate North latitude 61 degrees 45 minutes; thence south and easterly following the said International Boundary to its intersection with the northern Boundary of the Province of British Columbia; thence easterly following the said northern boundary of British Columbia to its intersection with the western boundary of the right of way of the Haines Highway; thence north and westerly following the said westerly and southerly boundary of the highway right of way to its intersection with the south boundary of the Alaska Highway; thence northerly and westerly following the southerly and westerly boundary of the right of way of the Alaska Highway to the middle of the main channel of the White River; thence southwesterly along the middle of said channel to the point of commencement, the said described land containing an area of approximately ten thousand one hundred and thirty (10,130) square miles, more or less.

#### **PINE CREEK GAME SANCTUARY.**

All that parcel of land in the Yukon Territory in the vicinity of the Federal Government Experimental Farm lying northerly of and adjoining the northerly limit of



the right of way of the Alaska Highway, as said right of way is shown on sheets 53 and 54 of the plan thereof, said sheets being of record numbers 40905 and 40906 in the Legal Surveys and Aeronautical Charts Division of the Department of Mines and Technical Surveys at Ottawa, said parcel being more particularly described as follows:

Commencing at an iron post numbered H1834 marking the northerly limit of the Alaska Highway; thence westerly along said northerly limit to a standard post, pits and mound numbered H1873; thence easterly in a straight line to the point of commencement; said parcel containing by admeasurement nine square miles approximately.

CHAPTER 5

ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO PROVIDE FOR GOVERNMENT CONTROL AND SALE OF ALCOHOLIC LIQUORS

(Assented to May 5th, 1958)

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 *Liquor Ordinance*.

**INTERPRETATION.**

- Definitions.   **2.** (1) In this Ordinance,
- “Beer.”                     (a) “Beer” means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, hops or any similar product in drinkable water;
- “Club.”                     (b) “club” means any benevolent or fraternal order or society or branch thereof and any association of individuals for purposes of mutual entertainment and convenience incorporated by or under the laws of Canada or any provincial or territorial laws, and includes a branch of the Canadian Legion of the British Empire Service League, and the premises used by or occupied by any such club;
- “Club member.”           (c) “club member” means an adult person who is fully accredited as a member of a club and maintains his membership therein in the manner provided by the by-laws of such club;
- “Cocktail lounge.”       (d) “cocktail lounge” means a room in licensed premises equipped with such facilities as are approved by the Commissioner for the sale of

liquor, fruit juices and soft drinks, separately or in combination;

- (e) "election" means any election of a member of the House of Commons of Canada, the Council of the Yukon Territory or the council of a municipality; "Election."
- (f) "hotel" means any place where the public, for a consideration, may obtain sleeping accommodation, with or without meals; "Hotel."
- (g) "inspector" means a person appointed as an inspector under this Ordinance; "Inspector."
- (h) "interdicted person" means a person to whom the sale of liquor is prohibited by order under this Ordinance; "Interdicted person."
- (i) "licence" means a subsisting licence granted under this Ordinance; "Licence."
- (j) "licensed premises" means the premises in respect of which a licence has been granted and includes any building or other place belonging or appertaining to such premises; "Licensed premises."
- (k) "licensee" means any person named as a licensee in a licence; "Licensee."
- (l) "liquor" includes alcohol, alcoholic, spirituous, vinous fermented malt or other intoxicating liquor, or a combination or mixture thereof, or a mixed drink of which is fermented, spirituous, vinous, or otherwise intoxicating and any other drink, drinkable liquid, preparation or mixture that is capable of human consumption and is intoxicating; "Liquor."
- (m) "liquor store" means a government liquor store established under this Ordinance; "Liquor store."
- (n) "municipality" means a municipality as defined by the *Municipal Ordinance*; "Municipality."
- (o) "package" means any container, bottle, vessel or other receptable used for holding liquor; "Package."
- (p) "prescribed" means prescribed by regulation of the Commissioner under this Ordinance; "Prescribed."

- "Public place."** (q) "public place" includes
- (i) a place or building to which the public has or is permitted to have access,
  - (ii) a place of public resort, and
  - (iii) any conveyance in a public place;
- "Sell."** (r) "sell" includes exchange, barter or traffic and the selling, supplying or distribution by any means of liquor by any partnership, or by any society, association or club, whether incorporated or unincorporated, to any member of such partnership, society, association or club;
- "Spirits."** (s) "spirits" means any beverage that contains alcohol, obtained by distillation, mixed with drinkable water and other substances in solution, and includes brandy, rum, whiskey, gin and vodka;
- "Superintendent."** (t) "superintendent" means the Superintendent of Liquor Control appointed under this Ordinance;
- "Tavern."** (u) "tavern" means a specified room or rooms in an hotel where beer only may be sold and consumed;
- "Vehicle."** (v) "vehicle" means any means of transportation by land, water or air, and includes any motor car, automobile, truck, tractor, aeroplane, vessel, boat, launch, canoe, or any other thing made use of in any way for such transportation;
- "Vendor."** (w) "vendor" means a person appointed as a vendor under this Ordinance; and
- "Wine."** (x) "wine" means any liquor obtained by the fermentation of the natural sugar contents of fruit, including grapes, apples, berries or any other agricultural product containing sugar including honey and milk.

**Alcohol content.**

(2) For the purpose of paragraph (1) of subsection (1), any liquor that contains more than two and one-half per cent by volume at 60 degrees Fahrenheit of absolute alcohol shall be deemed to be intoxicating.

**POWERS OF COMMISSIONER.**

- 3. The Commissioner may Powers of Commissioner.
  - (a) establish, maintain and provide for the construction, acquisition or leasing of premises for liquor stores and warehouses;
  - (b) fix the prices at which the various classes, varieties and brands of liquor may be sold at liquor stores; and
  - (c) prescribe the nature of seals to be used on containers of liquor other than beer, purchased and kept for sale under this Ordinance.
  
- 4. (1) The Commissioner may appoint Appointment.
  - (a) a Superintendent of Liquor Control;
  - (b) such vendors as are necessary for the sale of liquor at liquor stores;
  - (c) such inspectors as are necessary for the enforcement of the provisions of this Ordinance; and
  - (d) such other persons as he deems necessary for the administration of this Ordinance.
  
- (2) The Commissioner may prescribe the duties of the persons appointed under subsection (1) and fix their remuneration. Duties and remuneration.

**POWERS OF SUPERINTENDANT.**

- 5. The Commissioner or the Superintendent with the approval of the Commissioner may Powers of Superintendent.
  - (a) determine the nature, form and capacity of the containers to be used for containing liquor kept for sale and sold under this Ordinance;
  - (b) determine the classes, varieties and brands of liquor to be kept for sale in liquor stores;
  - (c) purchase, have in his possession and under his control for sale and sell liquor in the manner set forth in this Ordinance;
  - (d) control the possession, sale, consumption, transportation and delivery of liquor in accordance with the provisions of this Ordinance;

- (e) provide for the keeping in and delivery of liquor to or from any liquor store or warehouse established under this Ordinance; and procuring of all furniture, fixtures and supplies;
- (f) subject to this Ordinance, prescribe the days and hours at which any liquor store shall be kept open for the sale of liquor; and
- (g) issue and distribute price lists showing the price fixed by the Commissioner to be paid for each class, variety or brand of liquor kept for sale in liquor stores.

**DUTIES OF VENDOR.**

Duties of vendor.

6. (1) The sale of liquor at each liquor store shall be conducted by an employee to be called the vendor.

(2) The vendor, under the supervision of the Superintendent, is responsible for the proper observance of this Ordinance and the regulations in so far as they relate to the conduct of the liquor store and the sale of liquor thereat.

Sale and delivery of liquor at liquor stores.

7. (1) All liquor shall be sold and delivered in sealed packages in the manner prescribed by the regulations, and any package that is not so sealed shall, in any prosecution for a violation of this Ordinance, be deemed, *prima facie*, to have been opened since it was purchased from a vendor.

Bottled beer.

(2) Every bottle of beer shall be sealed with a cap on which shall be stamped or printed the name of the manufacturer of the beer or some trade mark, trade name or other distinguishing mark, design or colour by which the beer is known and recognized.

Persons entitled to purchase liquor at liquor stores.

8. (1) Every person except

- (a) a person under the age of twenty-one years;
- (b) an interdicted person; and
- (c) a person under the apparent influence of liquor;

is entitled to purchase liquor from a liquor store or from a licensee and to possess and use the same in accordance with this Ordinance and the regulations.

(2) Notwithstanding subsection (1), no person who is an Indian as defined in the *Indian Act* is entitled to purchase liquor from a liquor store.

(3) A vendor may sell to any person such liquor as that person is entitled to purchase under this Ordinance and the regulations.

(4) A vendor may accept from a person entitled to purchase liquor who is a resident outside the boundaries of a municipality, a written order for the purchase of such liquor as that person is entitled to purchase under this Ordinance and the regulations, without requiring the personal appearance of that person; but the order shall 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, or to the nearest postal or express office.

**9.** Except as otherwise provided in this Ordinance, no sale or delivery of any liquor shall be made on or from the premises of any liquor store, nor shall any liquor store be open for the sale of liquor

Periods during which liquor may be sold at liquor stores.

- (a) during a longer period than nine hours in any twenty-four hours or after the hour of seven o'clock in the afternoon of any day;
- (b) on Sunday or any legal holiday;
- (c) on any day on which polling takes place at any election or plebiscite held in the electoral district in which the liquor store is situated; or
- (d) during such other periods or on such other days as the regulations may provide.

**10.** No vendor and no person acting as the clerk or servant or in any capacity for any vendor, shall sell liquor in any place or at any time except as authorized by this Ordinance and the regulations.

Prohibition.

**BANQUET PERMITS.**

"Banquet."

11. (1) In this section the word "banquet" includes dinner or luncheon.

(2) Upon receipt by a vendor of an application in prescribed form and the fee set out in the Schedule by

(a) any person in charge of a banquet, or

(b) an officer acting on behalf of any corporation or recognized society, association, club or other duly constituted organization, whether incorporated or not,

the vendor may, subject to such regulations as may be made by the Commissioner in that behalf, grant a permit in prescribed form to purchase liquor from a liquor store and serve and sell such liquor at the banquet mentioned in the permit.

(3) Any application made under subsection (2) shall be signed by the applicant.

(4) A vendor may refuse to issue a banquet permit to any applicant where he considers it in the public interest to do so but shall report the circumstances to the Superintendent whenever he refuses to issue a permit.

(5) The place where the banquet is to be held shall be sufficient to accommodate the number of guests mentioned in the application for a permit.

(6) No banquet permit shall be issued for the holding of a banquet in a cocktail lounge or a tavern.

(7) The quantity and kinds of liquor to be purchased and served under a banquet permit shall not exceed eight ounces of spirits, one pint of wine, or six pints of beer for each person attending the banquet.

(8) The holder of a banquet permit shall be responsible for the lawful use of such permit.

(9) The holder of a banquet permit shall, upon the request of any peace officer or inspector, admit such peace officer or inspector to the hall or room where the banquet is being held for the purpose of inspecting the same and otherwise carrying out his duties.



(10) A banquet permit issued under this section shall be retained in the room where the banquet is held and shall be available to any peace officer or inspector wishing to examine it.

(11) No person shall be violent, quarrelsome, riotous, or disorderly at a banquet.

(12) No banquet at which liquor is served shall be held in any room in which meals are being served to the public at the same time that the banquet is being held.

(13) Every person who makes an application for a permit under this section on behalf of any fictitious organization or who makes application for any purpose contrary to this section, or uses any fictitious name in making application, is guilty of an offence.

(14) Every holder of a permit granted under this section who uses it or permits it to be used in any manner contrary to this section is guilty of an offence.

### LICENCES.

**12.** (1) Subject to this Ordinance, the Commissioner may grant to any person Licences.

- (a) a beer licence in respect of a tavern, club or canteen; and
- (b) a liquor licence in respect of a cocktail lounge, club, steamship or canteen.

(2) Every licence granted under subsection (1) shall be in prescribed form and shall be signed by the Commissioner.

**13.** The holder of a licence granted under this Ordinance may possess, use and sell beer or liquor, as the case may be, in accordance with this Ordinance, the regulations and the terms and conditions of the licence. Possession  
of liquor  
by holder.

**14.** (1) Subject to subsection (2), every licence expires at midnight on the 31st day of March next following the day on which the licence comes into force. Tenure of  
licences.

(2) A licence that contains an express provision respecting its expiry shall expire in accordance with such provision.

(3) No licence is transferable.

(4) A licensee may voluntarily surrender his licence for cancelation.

Suspension or  
cancelation of  
licences.

15. (1) The Commissioner may suspend or cancel any licence granted under this Ordinance.

(2) Where a licence is suspended or cancelled under subsection (1), all rights and privileges of the person named in the licence conferred by or under this Ordinance are suspended or determined, as the case may be.

(3) Unless the order of suspension otherwise provides, every suspension of a licence by the Commissioner shall be for an indefinite period of time and may be terminated only by further order of the Commissioner.

(4) On receipt of a notice of suspension or cancellation of his licence, the holder of the licence, shall, if so required by the notice, deliver to the Commissioner all liquor in his possession or under his control.

(5) Where liquor is delivered by the holder of a licence pursuant to subsection (4), the Commissioner may, in his discretion, purchase the liquor at a price to be fixed by him if the liquor was lawfully in the possession of the licensee prior to the cancellation or suspension of his licence under this Ordinance.

(6) Where a person to whom a notice under subsection (4) is given fails to deliver up the liquor then in his possession, the Commissioner or person authorized by him may seize the liquor and dispose of it as the Commissioner directs.

(7) Except as otherwise provided in this Ordinance, any person whose licence has been cancelled or suspended, may, at any time within one month after cancellation or suspension, apply to the Commissioner for reconsideration of his case, which application shall be heard and determined by the Commissioner in public session.

(8) Where a hearing is held pursuant to subsection (7) and it is determined by the Commissioner to reinstate a cancelled licence, the Commissioner may issue to the applicant a new licence whether or not the formalities required by this Ordinance to be observed by any applicant for a licence have been observed by such applicant.

16. (1) Every licence for the sale of liquor shall be held to be a licence only to the person therein named and for the premises therein mentioned, and is valid only as long as the person continues to be the true owner or lessee of the business there carried on.

Validity of licences:

(2) Where a licensee dies or sells or otherwise assigns his business or becomes dispossessed of it by bankruptcy or by operation of law, then, subject to subsections (3) and (4), the licence *ipso facto* becomes void and shall be forfeited to the Commissioner

(3) The Commissioner may, in a case to which subsection (2) applies and if it seems to him proper, grant an interim licence in respect of such premises to any person who appears to be entitled to the benefit thereof, as personal representative of the deceased licensee or as an assignee or a trustee in bankruptcy or otherwise by operation of law; but the interim licence shall not extend beyond the period of two months from the happening of the event from which the forfeiture of the licence would result, and the person to whom it is granted has all the privileges and is subject to all the liabilities of a licensee under the Ordinance.

Interim licences.

(4) Subject to subsection (5), a person who is granted an interim licence pursuant to subsection (3) may, within a period of two months, apply to the Commissioner for a licence in respect of the premises; and the like proceedings shall be had and taken for the hearing and consideration of the application by the Commissioner as are provided in this Ordinance in the case of an application for a licence for the first time.

(5) When a licence becomes void through the death of the licensee, the Commissioner, pending the consideration of the application for the new licence, may issue to the personal representative of the deceased licensee an interim licence for such period additional to the two months provided in subsection (3) as the Commissioner may in writing permit.

17. Where any licence under this Ordinance is issued to a corporation anything required by this Ordinance to be done by any person as licensee whether before or after the granting of a licence, may be done in the name of the corporation, by the officer or agent of the corporation in charge of the particular premises for which the licence is to be or has been granted.

Where licensee a corporation.

Public servants.

**18.** No licence shall be granted to or for the benefit of a person who is appointed under the provisions of section 4 and no licence shall be granted in respect of any premises the owner or part owner of which, or of any interest therein, is such an appointee; and every inspector who knowingly recommends the issue, or is a party to the issue, of a licence in any such case is guilty of an offence.

**PRELIMINARIES TO GRANTING OF LICENCES.**

Conditions precedent to granting of licences.

**19. (1)** No beer or liquor licence in respect of a tavern, cocktail lounge or club shall be granted to any person unless

- (a) he is, in the opinion of the Commissioner, a fit person to keep and operate the kind of premises in respect of which a licence is sought;
- (b) he is the true owner, or a lessee having a written lease for not less than one year, of the business carried on by him in the premises;
- (c) the premises in respect of which he applies for a licence conform to the requirements of the Ordinance relating thereto, are so constructed as to be sanitary and otherwise suitable for the carrying on of the business in a reputable way and have been inspected and approved as such by an inspector; and
- (d) subject to subsection (2), public notice of the making of an application has been given by the applicant by publication for three successive weeks in the *Yukon Gazette* in the prescribed form at or about the time of the making of the application but prior to the hearing of the application.

Renewal of licences.

(2) Where application is made for renewal of a licence, it is not necessary for the applicant to give notice of his application by publication in the *Yukon Gazette*.

Application for licence.

**20. (1)** Every applicant for a licence in respect of a tavern, cocktail lounge or club shall make his application to the Commissioner on the prescribed form and shall provide

- (a) an affidavit in the prescribed form;

- (b) a detailed sketch of the premises showing the rooms, services, buildings, construction material and other pertinent information;
- (c) such other requirements as the Commissioner may prescribe; and
- (d) the fee set out in the Schedule hereto.

(2) For the purpose of considering an application for a licence under subsection (1), the Commissioner may cause an inspection to be made of the premises and any other investigation the Commissioner thinks necessary.

**21.** (1) Where an objection to the issuance of a licence is stated in the manner hereinafter provided the Commissioner may set a date for the hearing of the application for the licence.

Hearing of application.

(2) Upon the hearing of an application for a licence no objection to the granting of such licence shall be heard unless

- (a) the objection and reasons therefor are stated in writing signed by the person objecting;
- (b) the objection and reasons therefor are deposited with the Commissioner; and
- (c) a copy of such objections and reasons therefor are served upon the applicant at least seven clear days before the date of the hearing.

(3) At the time and place so fixed for the hearing, the Commissioner may conduct the hearing in such manner as he deems fit and for that purpose may subpoena, call and pay witnesses and take evidence on oath.

(4) The hearing of an application for a licence shall be open to the public.

(5) Every applicant shall be personally present at the hearing of his application, unless he is absent for a reason satisfactory to the Commissioner.

**22.** (1) On every application for a licence, and whether any objection has been filed or not and whether a formal hearing has been necessary or not, the Commissioner shall satisfy himself that there has been compliance with the requirements of this Ordinance preliminary to the granting of a licence.

Issue of licences.

(2) Where the requirements of this Ordinance have been complied with, but not otherwise, the Commissioner shall proceed to consider the application and the objections thereto, if any, and all matters concerning it, and to ascertain whether all the requirements of this Ordinance have been complied with, and to take notice of any defect therein, whether objection respecting it is filed or not, and whether any person has raised it or not, and to take evidence of witnesses on oath in respect thereof if he deems the evidence necessary or proper.

(3) Upon receipt of the fee set forth in the Schedule and upon being satisfied that all the requirements of this Ordinance have been complied with and that the premises are suitable and in accordance with this Ordinance to become a licensed premises and that the applicant is a fit and proper person to be licensed, the Commissioner may grant the licence for which application has been made.

(4) Notwithstanding anything herein, the Commissioner may grant an interim licence pending the completion of his requirements respecting alterations in an hotel, or during his final consideration for an application for a licence by any person for the first time, but the term of the licence shall not exceed sixty days.

Serving of  
beer with  
meals.

**23.** (1) Where a restaurant is maintained under the same roof in licensed premises situate beyond the boundaries of any municipality, the Commissioner may, upon application therefor, give permission to the licensee and the licensee may serve not more than two bottles of beer in the restaurant with dinner to any person consuming such dinner between the hours of eleven o'clock in the forenoon and twelve o'clock midnight except on the days set out in paragraph (b) of subsection (2) of section 31.

(2) An application for permission to serve beer with meals shall be in writing signed by the licensee and accompanied by the fee therefor set out in the Schedule and, if granted, an endorsement to this effect shall be made upon the licence.

Cocktail  
lounge liquor  
licences.

**24.** No liquor licence in respect of a cocktail lounge shall be granted except to an hotel that has at least fifteen rooms that are furnished and maintained as sleeping quarters for the accommodation of the travelling public in

a manner approved by the Commissioner and that is deemed by the Commissioner to be otherwise adequately equipped for such accommodation.

**25.** (1) No beer licence in respect of a tavern shall be granted except to an hotel that has both before and after licensing not less than five bedrooms in a municipality or settlement having a population of less than five hundred persons, and ten bedrooms in a municipality or settlement having a population of more than five hundred persons.

Tavern beer licences.

(2) Subject to subsection (1), the Commissioner may grant a licence in respect of a tavern having two rooms, one of which shall be for the exclusive use of ladies and ladies accompanied by male escorts.

**26.** No liquor licence shall be granted in respect of a steamship operating in the Territory unless it has, in the opinion of the Commissioner, adequate cabin and dining room accommodation for not less than twenty-five passengers.

Steamship liquor licences.

**27.** (1) No licence shall be granted in respect of an hotel where the applicant for a licence in respect of the hotel is under an agreement with a manufacturer or his agent to sell or promote the sale of liquor of the manufacturer.

Agreements and arrangements.

(2) The discovery of the existence and observance of an agreement or arrangement, written or oral, whereby a licensee is required or is under compulsion to sell liquor made by any manufacturer, renders the licence of the licensee concerned liable to suspension or cancellation by the Commissioner.

(3) There shall be maintained upon every licensed premises an adequate stock of liquor, when available, of the brands and types and in the form or containers which are commonly in demand in the locale where the premises are situate.

### CLUBS.

**28.** (1) No licence shall be granted under this Ordinance to a club

Club licences.

(a) that is proprietary club or operated for pecuniary gain;

- (b) unless the club premises are constructed, equipped, conducted, managed, and operated to the satisfaction of the Commissioner and in accordance with the Ordinance and regulations;
- (c) unless the club has a permanent local membership of not less than thirty members; or
- (d) unless the application for the licence is approved by two-thirds of the club members who are present at a general or special meeting called to consider the application and it is further certified that not less than fifty per cent of the club members attended such meeting.

(2) No person shall sell liquor to any person in a club licensed under this Ordinance unless the purchaser is of the full age of twenty-one years and the liquor is of a kind that is authorized to be sold under a club licence held by the club.

(3) A member of a club may purchase liquor for consumption on the club premises for guests of the member who are of the full age of twenty-one years and not otherwise disqualified under this Ordinance from purchasing and consuming liquor.

(4) Every club licensee shall post and keep posted in a prominent position on the club premises its licence and the names and addresses of the members of the club.

(5) Every club licensee shall keep a visitors' register in which shall be entered the name and address of each guest on the club premises, the name of the member by whom the guest was introduced and the time and date of admission.

Unauthorized persons.

**29.** (1) No person not a member or employee of the club or a guest of a member whose name as a guest is registered in the visitors' register of the club shall be permitted to be or remain in any part of the club in which liquor is being sold, served or consumed.

(2) The failure of any person, being in any room in which liquor is had, kept or consumed in licensed club premises, to produce to an inspector or peace officer in the premises evidence that he is a member of the club, or that



he is otherwise lawfully present, shall be admissible in any prosecution or proceedings under this Ordinance against the club or person as evidence that the person was not then a member of such club.

(3) No liquor shall be sold, served or consumed on the premises of any club or other organization, whether incorporated or not, unless such club or organization is the holder of a licence or banquet permit issued under this Ordinance.

### CANTEENS AND MESSES.

30. (1) Upon application therefor made to the Commissioner in the prescribed form and upon payment of the fee set forth in the Schedule hereto, a beer or liquor licence may, subject to this Ordinance, be granted by the Commissioner to officers commanding units of the Active or Reserve Forces of Canada in the Territory.

Canteen  
licences.

(2) Upon application therefor in the prescribed form by the proper authority and upon payment of the fee set forth in the Schedule hereto, a beer licence in respect of a canteen may, subject to this Ordinance, be granted to

- (a) a mining, construction or other corporation, or
- (b) a department of the Government of Canada.

(3) A licence issued under subsections (1) and (2) shall designate the canteen premises in respect of which the licence was granted and no liquor shall be sold or consumed under the authority of the licence at a place other than such premises and no liquor shall be sold or consumed in such premises except on the days and within the hours during which it is not forbidden to sell liquor.

### SALE OF LIQUOR IN LICENSED PREMISES.

31. (1) Subject to subsection (2), licensed premises shall not be open for the sale of liquor except during the following hours:

Hours of  
sale, etc.

- (a) cocktail lounges and taverns shall be open weekly from Monday to Saturday inclusive, from the hours of 9:00 o'clock in the forenoon to 6:30 o'clock in the afternoon, and from 7:30 o'clock in the afternoon to 12:00 o'clock midnight;

- (b) clubs having a liquor licence or beer licence may be open weekly from Monday to Saturday inclusive, from the hours of 12:00 o'clock noon to 12:00 o'clock midnight; and
- (c) canteens may be open in compliance with the hours endorsed on the licence.

(2) No liquor shall be sold or served in licenced premises

- (a) during hours other than the hours set out in paragraph (a) of subsection (1);
- (b) on Good Friday, Christmas Day, or at any hours when polling takes place for any election or plebescite held in the electoral district in which the licensed premises are situate; or
- (c) during such other periods and on such other days as the Commissioner may order.

(3) Except during the hours mentioned in paragraph (a) of subsection (1) and for a period of thirty minutes thereafter, the licensee of a cocktail lounge or tavern shall ensure that such cocktail lounge or tavern is closed to and cleared of all persons except the licensee, his wife or any employee of the licensee; but nothing herein prevents a peace officer or an inspector from entering any cocktail lounge or tavern in the performance of his duties.

(4) A cocktail lounge shall remain lighted until all persons other than those authorized by subsection (3) to remain have left the premises.

(5) Notwithstanding paragraph (a) of subsection (1), no steamship in respect of which a liquor licence has been granted shall be open for the sale of liquor unless the steamship is under way and on a trip, the main purpose of which is transporting passengers from one point to another and only for such hours as the master of the steamship may permit between nine o'clock in the forenoon and twelve o'clock midnight of each day.

**Prohibition.** **32.** (1) No liquor may be kept for sale, sold or served in any licensed premises, except such liquor as may be prescribed in the licence.

**Premises of which sale confined.**

(2) The Commissioner shall in every licence granted specify the part of the establishment to which the sale, serving and consumption of liquor is restricted and confined.

**33.** No person who is not entitled to purchase liquor from a liquor store shall enter or be found in any cocktail lounge.

Persons prohibited from entering cocktail lounges.

**34.** (1) No liquor shall be sold or served in or at any licensed premises to any person who is under the age of twenty-one years.

Sale of liquor to minors.

(2) No person under the age of twenty-one years shall have, purchase or consume liquor in any licensed premises.

(3) No person under the age of twenty-one years shall enter or be found upon any part of any licensed premises except a restaurant where liquor is sold or kept for sale.

(4) No liquor shall be sold to a person who is apparently under the age of twenty-one years, and in any prosecution for a violation of this subsection the justice shall determine from the appearance of any such person and other relevant circumstances whether he is apparently under the age of twenty-one years.

(5) Before serving in licensed premises any person who appears to be under twenty-one years of age, a licensee, his servant or agent may demand evidence that the person being served is twenty-one years of age, and if the person refuses to furnish the evidence he shall not be served, and on demand of the licensee, his servant or agent, he shall leave the licensed premises and if he fails to do so, he shall be guilty of an offence against this Ordinance and may be ejected from the licensed premises.

**35.** (1) No person shall sell or serve liquor to any person in or at any licensed premises, knowing or having reason to believe such person to be an interdicted person.

Sale of liquor to interdicted persons.

(2) No interdicted person shall have, purchase or consume liquor in any licensed premises.

(3) No interdicted person shall enter or be found upon any part of any licensed premises except a restaurant where liquor is sold or kept for sale.

**36.** No person shall sell liquor on or at any licensed premises to or for any person who is apparently in an intoxicated condition.

Sale of liquor to intoxicated persons.

**37.** (1) No licensee or person employed in any licensed premises shall permit

Conduct of licensed premises.

- (a) any gambling, drunkenness or riotous, quarrelsome, violent or disorderly conduct to take place therein, or
- (b) any slot machine or any device used for gambling to be placed, kept or maintained therein.

(2) No licensee of a tavern or cocktail lounge shall permit any performance, show, dance or other form of entertainment in his tavern or cocktail lounge, except music provided free of charge and under the control of the licensee.

(3) The licensee of a tavern or cocktail lounge

- (a) shall have available at all times an adequate supply of fresh water for drinking and an assortment of soft drinks, fruit juices and vegetable juices, and
- (b) may have available sandwiches and other light food refreshments.

Sale of liquor in licenced premises.

**38.** No liquor may be sold or served to any person or consumed by him in any licenced premises, except as authorized by this Ordinance and the regulations.

Stamping of packages for public sale.

**39.** No person licenced to sell wine or spirits shall have upon that part of the licenced premises where liquor is permitted to be sold any wine or spirits unless the package containing the wine or spirits has been stamped with the words "for public sale" by a vendor.

Signs and public notices.

**40.** Every licensee shall post and keep posted his licence in a prominent position in a part of his licenced premises where liquor is permitted to be sold and shall post in the licenced premises or at the entrance thereto such extracts from this Ordinance, signs and notices as the Commissioner may require or permit but shall not post any other signs or notices.

Sale of beer for consumption off premises.

**41.** A licensee of a tavern or a cocktail lounge may sell, during the periods when liquor is permitted to be sold, beer for consumption off the premises to any person entitled to purchase liquor at a liquor store.

Consumption of liquor off premises.

**42.** (1) Except as provided in section 41, liquor purchased from any licensee shall not be consumed elsewhere than in

that part of the licensed premises where liquor is permitted to be sold.

(2) Proof of the removal of any liquor from that part of the licensed premises where liquor is permitted to be sold is *prima facie* proof of the sale of liquor by the licensee contrary to this Ordinance.

### CONVICTIONS.

43. (1) Where a licensee is convicted of a first offence against the provisions of this Ordinance in or in respect of his licensed premises, the Commissioner may in his discretion suspend or cancel his licence. Suspension or cancellation upon conviction.

(2) Where a licensee is convicted of two successive offences against the provisions of this Ordinance in or in respect of his licensed premises, the Commissioner may suspend his licence for not more than three months, or may cancel such licence.

(3) Where a licensee is convicted of three successive offences against the provisions of this Ordinance in or in respect of his licensed premises, the licence may thereupon be cancelled and the person convicted disqualified from again obtaining any licence under this Ordinance.

(4) Where the licensee is convicted of two or more offences occurring at the same time and in relation to the same person or persons such convictions shall be deemed to be one conviction for the purposes of this section.

(5) Notwithstanding subsections (1), (2) and (3), where the licensee has not been convicted for a period of five years from the date of his last conviction any subsequent conviction shall be deemed to be a first conviction for the purposes of this section.

### PROHIBITONS AND PENALTIES.

44. Except as authorized 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 pretense, or upon any device, sell or offer to sell, liquor or, in consideration for the purchase or transfer of any property or for any other consideration, or at any time of the transfer of any property, give liquor to any other person. Sale of liquor contrary to Ordinance.

Unlawful possession of liquor.

45. Except as authorized by this Ordinance, no person within the Territory, by himself, or his clerk, servant, or agent shall:

- (a) have or keep or give liquor purchased from a liquor store in a place other than the residence in which he resides or in a motor vehicle in the manner authorized by section 48, or
- (b) have or keep liquor not purchased from a liquor store.

Sale by authorized persons.

46. No person authorized by this Ordinance to sell liquor shall sell liquor in any other place or at any other time or in any other quantities or otherwise than as authorized by this Ordinance.

Sale or delivery of liquor for resale.

47. (1) Except as authorized by this Ordinance, no person shall by himself or his partner, servant, clerk, agent or otherwise, sell or deliver any liquor to any person who buys liquor for the purpose of reselling it.

(2) No person shall take or carry, or employ or suffer any other person to take or carry, any liquor out of any premises where the liquor is lawfully kept for sale for the purpose of being sold in the Territory by any person not authorized by this Ordinance to sell liquor.

(3) Except as authorized by this Ordinance, no person shall by himself, his clerk, employee, servant or agent, send or cause to be sent or bring or carry, or cause to be brought or carried any package containing liquor from any person or place in the Territory to

- (a) any person who may not lawfully purchase and consume liquor, or
- (b) any place where liquor may not be lawfully kept.

Transportation of liquor in motor vehicles.

48. No person shall transport or carry liquor in a motor vehicle unless

- (a) the package containing the liquor has not been opened since it was purchased; or
- (b) if the package containing the liquor has been opened since it was purchased, it is
  - (i) in the trunk or space of the vehicle designated or designed for the carriage of baggage and parcels; or

- (ii) in some other receptacle on the exterior of the vehicle; and not, in any case, in that part of the vehicle intended for the accommodation of the driver and other persons being carried therein.

**49.** (1) No person shall purchase liquor from a person who is not authorized under this Ordinance to sell such liquor. Unlawful purchase of liquor.

(2) No person who purchases liquor shall drink liquor or cause anyone to drink or allow liquor to be drunk upon the premises where it is purchased except in the case of liquor lawfully purchased for consumption in premises wherein the consumption of liquor is permitted.

(3) No person shall use or consume liquor purchased from any person within the Territory unless it is lawfully purchased and lawfully received from some person authorized under this Ordinance to sell such liquor.

(4) Subsection (3) does not apply to a person who within a private dwelling house innocently uses or consumes liquor not so purchased.

**50.** (1) No person shall consume liquor in a public place. Consumption of liquor in public place.

(2) Subsection (1) does not apply to the consumption of liquor lawfully purchased under a banquet permit authorizing its use for consumption in a public place, or to the lawful consumption of liquor in licensed premises.

(3) No person shall be in an intoxicated condition in a public place.

(4) The possession by a person in a restaurant of liquor in any container other than a package on which the seal is unbroken or other than a beer bottle from which the cap has not been removed is *prima facie* proof that such person is consuming liquor in such restaurant.

**51.** (1) No person shall give or supply liquor to a person under the age of twenty-one years. Supplying of liquor to minors, interdicted persons.

(2) Subsection (1) does not apply to the supplying of liquor to a person under the age of twenty-one years by a parent or guardian in a private dwelling house for consumption therein for beverage or medicinal purposes, or to any such person by his physician or dentist for medicinal purposes or under prescription.

(3) No person shall give or supply or assist directly or indirectly in giving or supplying liquor for or to any person who has been interdicted, but this subsection does not apply to a physician or dentist who administers liquor for medicinal purposes or to a person who innocently gives liquor to such a person within a private dwelling house.

(4) Except as authorized by this Ordinance, no person who

(a) is under the age of twenty-one years, or

(b) is an interdicted person.

shall purchase, have in possession or consume any liquor.

Possession of liquor in hotel room.

**52.** No person shall have or keep liquor in a room in an hotel unless he is a *bona fide* guest of the hotel and is duly registered in the office of the hotel as the occupant of that room.

Public servants.

**53.** (1) No person appointed under the provisions of section 4 shall be directly or indirectly interested or engaged in any other business or undertaking, dealing in liquor, whether as owner, part owner, partner, member of syndicate, agent or employee, and whether for his own benefit or in a fiduciary capacity for any other person.

(2) No such appointee shall solicit or receive, directly or indirectly, any commission, remuneration or gift from any person or corporation that has sold, sells or offers for sale liquor to, or purchased from, a liquor store pursuant to this Ordinance.

(3) No person selling or offering for sale liquor to, or purchasing liquor from, a liquor store, shall either directly or indirectly offer to pay any commission, profit or remuneration, or make any gift to any such appointee or to anyone on behalf of any such appointee

Obstruction of inspectors.

**54.** No person shall obstruct an inspector in the execution of his duties under this Ordinance, or refuse to comply with an order of an inspector to aid him in the execution of his duties.

Unlawful soliciting and display.

**55.** Except as permitted by this Ordinance or the regulations, no person within the Territory shall

(a) exhibit or display or permit to be exhibited or displayed without the approval of the Commissioner any sign or poster containing the



words "bar", "barroom", "saloon", "tavern", "cocktail lounge", "beer", "spirits" or "liquors" or words of like import; or

- (b) exhibit or display or permit to be exhibited or displayed any advertisement or notice of or concerning liquor by an electric or illuminated sign, contrivance or device, or on any boarding, signboard, billboard or other place in public view or by any of the means aforesaid, advertise any liquor.

### INTERDICTION.

**56.** (1) Where it appears to the satisfaction of a justice that any person who resides or sojourns in the Territory, by excessive drinking of liquor, misspends, wastes or lessens his estate, injures his health, or interrupts the peace and happiness of his family, the justice may make an order of interdiction prohibiting the sale of liquor to such person; and the justice shall cause the order to be forthwith filed with the Commissioner. Interdiction orders.

(2) A justice acting under subsection (1) has the power to compel the attendance of witnesses, the production of documents, or other evidence and to take such other steps as he deems necessary for a full and proper hearing, and he may punish anyone for contempt of court who refuses to obey any order, summons or direction under this section.

(3) Upon receipt of the order of interdiction under subsection (1), 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; and 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.

**57.** Upon an order of interdiction being made, the interdicted person shall forthwith deliver to the Commissioner all liquor then in his possession or under his control, to be purchased by the Territory in its discretion at a price to be fixed by the Commissioner, if lawfully in the possession of the interdicted person; and if the person receiving the notice does not deliver up the liquor then in Delivery up of liquor in possession.

his possession, the Commissioner or person authorized by him may seize the said liquor and dispose of it as the Commissioner directs.

Idem.

**58.** Every person against whom an order of interdiction has been made who keeps or has any liquor in his possession or under his control is guilty of an offence against this Ordinance and, on convicting him thereof, and in addition to any other penalty that he may impose hereunder, the justice making the conviction may, in and by the conviction, declare the liquor and all packages in which the liquor is contained to be forfeited to the Territory to be disposed of as the Commissioner shall direct.

Setting aside of order.

**59.** (1) Upon an application to a judge, police magistrate or the justice who made the order of interdiction by an interdicted person who satisfies the judge, police magistrate or justice

(a) that the circumstances of the case did not warrant the making of an order of interdiction against him, or

(b) that the interdicted person has refrained from doing the things that caused his interdiction for at least twelve months immediately preceding the application,

the judge, police magistrate or justice may, by order, set aside the order of interdiction and thereupon any disability created by the order of interdiction is removed.

(2) A copy of the order shall be filed with the Commissioner.

(3) The applicant shall, at least ten clear days before the hearing of the application, give notice thereof in writing to the Commissioner and to any other person the judge, police magistrate or justice directs.

### EXEMPTIONS.

Saving provisions and exemptions.

**60.** (1) Notwithstanding anything in this Ordinance, any person may, for medicinal or sacramental purposes, consume liquor or supply or administer it to any person.

(2) The burden of proof that the consumption, supplying and administering of liquor was for medicinal purposes, is upon the person who consumed, supplied or administered

it, and a justice who tries a case may draw inferences of fact from the frequency with which the liquor is consumed, supplied or administered, and from the amount of liquor so used, and from the circumstances under which it is used.

**61.** Notwithstanding anything in this Ordinance, any person may sell, purchase, have in possession or consume Idem.

- (a) any pharmaceutical preparation containing liquor that is prepared by a druggist according to a formula of the British Pharmacopoeia, the Codex Medicamentarius of France, the Pharmacopoeia of the United States, or the Canadian Formulary; or
- (b) any proprietary or patent medicine within the meaning of the *Proprietary or Patent Medicine Act*;

or may purchase, have in possession or consume any alcohol for any *bona fide* industrial or scientific purpose.

**62.** Where a toilet or culinary product, perfume, lotion or flavouring extract or essence contains alcohol and also contains an ingredient or medication that makes it unsuitable as a beverage, a druggist or other person who manufactures or deals in the product may purchase or sell the product and any other person may purchase or use it for any purpose other than as a beverage, but where the justice hearing a complaint respecting selling, buying or consuming such product is of the opinion that an unreasonable quantity of any such product, having regard to the purposes for which the same was legitimately manufactured, was sold or otherwise disposed of to any person or persons either at one time or at intervals and proof is also given that the product so sold or disposed of was used for beverage purposes by any person, the person selling or otherwise disposing of the same may be convicted of selling liquor contrary to this Ordinance and any person who obtains or consumes for beverage purposes any of the products mentioned in this section is guilty of an offence. Idem.

### ARREST, SEARCHES AND SEIZURES.

**63.** Any peace officer may arrest without warrant any person whom he finds committing, or whom he on reasonable grounds suspects of committing any offence against this Ordinance or the regulations. Arrest.

**Search and seizure.**

**64.** Any peace officer, if satisfied that there are reasonable grounds for believing that a person unlawfully possesses or possesses for an unlawful purpose liquor contained in a vehicle, may without warrant, stop such vehicle by any necessary means, and search for liquor therein wherever he suspects it to be, and if need be by force, and may in addition search any person in or in charge of the vehicle and seize any liquor he finds and any package in which it is contained.

**Warrant.**

**65. (1)** Where a justice is satisfied by the oath of a peace officer that there is reasonable grounds for believing that liquor is unlawfully possessed, or possessed for an unlawful purpose, he may issue a warrant under his hand authorizing the peace officer therein named, at any time within ten days from the date thereof, to enter, if need be by force, the place named in the warrant and any premises connected therewith, and search for liquor thereon wherever he suspects it to be; and the peace officer may in addition, search any person found in the place at the time he enters it, and seize any liquor that he finds and any package in which it is contained.

(2) For the purposes of making a search of the place under this section a peace officer may, if necessary, with such assistance as he deems expedient, break down any door, lock or fastening of such place, or any closet, cupboard, box or other article in the place suspected of containing liquor.

**Entry and search.**

**66. (1)** Any peace officer who is authorized in writing for the purpose by the Commissioner, if he believes or suspects upon reasonable grounds that liquor is unlawfully sold or kept for sale in any residence, building or premises, may, without warrant, either alone or accompanied by other officers, at any time in the day or night, enter and search the residence, building or premises and every part thereof, and for that purpose may break open any door, lock or fastening of the residence, building or premises or any part thereof, or any closet, cupboard, box or other receptacle thereon which might contain liquor and seize such liquor if found.

(2) Any authorization given by the Commissioner under subsection (1) may be given generally or specially, and is effective, according to its terms, until revoked by

the Commissioner; and any authorization so given in writing shall be received in evidence as proof of the authority of the peace officer to or in respect of whom it is given without proof of the authenticity of any signature thereto.

**67.** (1) Where liquor is found by any peace officer on any premises or in any place or in any vehicle and in such quantities as to satisfy the peace officer that the liquor is being had or kept contrary to this Ordinance or the regulations, the peace officer may forthwith seize and remove by force, if necessary, any liquor so found and the packages in which the liquor was had or kept.

Seizure  
and removal  
of liquor.

(2) Where liquor has been seized by a peace officer under this Ordinance, under such circumstances that the peace officer is satisfied that the liquor was had or kept contrary to this Ordinance or the regulations, he shall retain the liquor and packages in which the liquor 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 owner of the liquor, the liquor and all packages containing the liquor are forfeited to the Territory and shall forthwith be delivered to the Commissioner.

(4) If, within thirty days from the date of the seizure any claimant appears, it is 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 this Ordinance and the regulations to the possession of the liquor and packages to the satisfaction of any justice, and on failure within that time to prove and establish his claim and right, the liquor and packages are forfeited to the Territory and shall forthwith be delivered to the Commissioner.

(5) In every case in which any claimant to the liquor under this section fails to establish his claim and right thereto, the liquor in question and the packages in which the liquor is kept shall forthwith be delivered to the Commissioner.

**68.** Where a female is suspected of an offence under this Ordinance or the regulations, a peace officer shall, if he thinks it advisable to search such female, employ a

Search of  
females.

woman to make such search, and the woman so employed has all the powers, privileges and immunities of a peace officer for that purpose.

**EVIDENCE.**

Proof of right to possess.

**69.** The burden of proving the right to possess, sell, give, purchase or consume liquor is on the person accused of improperly or unlawfully possessing, selling, giving, purchasing or consuming liquor.

Certificate of analyst.

**70.** 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, is *prima facie* proof of the percentage of alcohol contained therein, without proof of signature or official position of the analyst by whom the certificate is made.

Inference.

**71.** A 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 describes it as intoxicating or describes it by a name that is commonly applied to an intoxicating liquor.

Transactions in nature of sale.

**72.** (1) In proving the purchase, sale or gratuitous or other disposal or consumption of liquor for the purpose of any proceeding relative to an offence under this Ordinance, it is not necessary to show that money passed or the liquor was consumed, if the justice hearing the case is satisfied that a transaction in the nature of a sale or other disposal took place or that any consumption of liquor was about to take place.

(2) In any prosecution for the sale or other disposal of liquor in contravention thereof, it is not necessary that any witness depose directly to the precise description of the liquor sold or disposed of or the precise consideration therefor.

Sufficiency of description of offence.

**73.** In describing offences respecting the sale or other disposal of liquor or the keeping or the consumption of liquor in any information, summons, conviction, warrant or proceeding under this Ordinance, it is sufficient to state the sale, disposal, keeping or consumption of liquor simply,

without stating the name of liquor or the price thereof or the name of any person to whom it was sold or disposed of or by whom it was consumed; and it is not necessary to state the quantity of liquor sold, disposed of, kept or consumed, except in the case of offences where the quantity is essential, and then it is sufficient to allege the sale or disposal of more or less than such quantity as the case requires.

**74.** (1) In any proceeding under this Ordinance against a corporation it is not necessary for the prosecutor to prove the fact of incorporation. **Proceedings  
against  
corporations.**

(2) In a prosecution against a corporation, every summons, writ, warrant or order or other proceedings may, in addition to any other manner of service that may be proved, provided or authorized by law, be served on a corporation by delivering it to an officer, attorney, agent or representative in the Territory of the corporation by whatever names the representative may be known, or by leaving it at any place where it carries on business; but service in any other way may be deemed sufficient if the justice or judge, by or before whom the summons, writ, warrant, order or other proceedings was issued or is returnable, or by or before whom any proceeding is to be had or taken, is of the opinion that the service has been such as to bring the summons, warrant, writ, order or other proceeding to the notice of the corporation.

**75.** In any proceeding under this Ordinance proof of one unlawful sale of liquor is sufficient to establish the intent or purpose of unlawfully keeping liquor for sale in violation of this Ordinance, and where the sale is by an agent or employee, it shall be deemed, unless the contrary is proved, that such agent or employee was acting within the scope of his authority or employment. **Proof of  
intent.**

#### OFFENCES AND PENALTIES.

**76.** (1) Every person, other than a corporation, who violates section 44, 47 or 51 is guilty of an offence and is liable upon summary conviction, **Offences.**

- (a) subject to paragraphs (b) and (c), to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

- (b) for a second offence, to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding four months, or to both such fine and imprisonment; and
- (c) for a subsequent offence, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(2) Every corporation that violates section 44, 47 or 51 is guilty of an offence and is liable upon summary conviction,

- (a) subject to paragraph (b), to a fine not exceeding one thousand dollars, and
- (b) for a second or subsequent offence, to a fine not exceeding three thousand dollars.

Offences for which no other penalty specifically provided.

**77.** (1) Every person, other than a corporation, who violates any provision of this Ordinance or the regulations for which no other penalty is provided in this Ordinance is guilty of an offence and liable upon summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment.

(2) Every corporation that violates any provision of this Ordinance or the regulations for which no other penalty is provided in this Ordinance is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars.

Offence by corporation.

**78.** Where an offence against this Ordinance is committed by a corporation, the officer or agent of the corporation in charge, or apparently in charge, of the premises in which the offence is committed shall, unless the contrary is established, be deemed to be a party to the offence so committed, and is personally liable to the penalties prescribed for the offence as a principal offender; but nothing in this section relieves the corporation, or the person who actually committed the offence, from liability therefor; and in the case of any such offence, the corporation, the officer or agent and the person who actually committed the offence, may all or each be found guilty of the offence.



**79.** Upon proof that an offence against this Ordinance has been committed by a person in the employ of the occupant of any house, shop, hotel, restaurant, 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 the house, shop, hotel, restaurant, room, or premises, or to act in any way for the occupant, the occupant shall, unless the contrary is established, be deemed to be a party to the offence so committed, and on conviction is 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 relieves the person actually committing the offence from liability therefor; and in the case of any such offence, the occupant and the person who actually committed the offence may be each or both found guilty of the offence.

Offence by  
employee.

**80.** Upon proof that an offence against this Ordinance has been committed by a person in the employ of a licensee or permittee, the licensee or permittee shall, unless the contrary is established, be deemed to be a party to the offence so committed, and on summary conviction is liable to the penalties prescribed for the offence as a principal offender; but nothing in this section relieves the person actually committing the offence from liability therefor, and both the person committing the offence and the licensee or permittee may each or both be found guilty of the offence.

Offence by  
employee of  
licensee.

### FORFEITURE.

**81. (1)** Upon conviction of a person for an offence under this Ordinance or the regulations, the justice before whom the case was heard may declare the forfeiture to the Territory of any liquor that has been seized under this Ordinance in connection with the conviction and any package in which it was contained.

Forfeiture  
of liquor  
seized.

(2) Any liquor that becomes forfeited to the Territory, under any of the provisions of this Ordinance, if found to be unsuitable for sale at a liquor store and so declared by the Commissioner, shall be destroyed under the direction of the Commissioner.

**GENERAL.**

Liquor  
account.

**82.** The whole amount of all moneys derived from the sale of liquor by vendors shall, as directed by the Commissioner, be deposited to the credit of the Yukon Consolidated Revenue Fund in a special account designated as the "Liquor Account".

Expenses of  
administration.

**83. (1)** From and out of the Liquor Account there may be paid all expenses incurred in the administration of this Ordinance, including, without limiting the generality of the foregoing,

- (a) the cost of all liquor purchased pursuant to this Ordinance;
- (b) the cost of transporting, storing and insuring such liquor;
- (c) the rental of lands, buildings or equipment required for storing liquor, liquor stores, offices and the cost of maintaining such lands, buildings or equipment, including insurance thereon;
- (d) the costs of administering offices and liquor stores, including the rental of equipment, furniture and supplies;
- (e) the remuneration of persons appointed under this Ordinance for the administration of this Ordinance and the payment of their necessary travelling and removal expenses;
- (f) the employer's share of unemployment insurance, workmen's compensation and other assessments in respect of the persons referred to in paragraph (e);
- (g) the printing of licences, permits, listings, notices and other stationery required for the purposes of this Ordinance; and
- (h) the payment of such expenses as the Commissioner deems necessary concerning any hearing held pursuant to this Ordinance.

(2) All payments made under this section shall be by cheque drawn on the Liquor Account signed by

- (a) the Territorial Treasurer, or in lieu thereof, by an officer appointed by the Commissioner; and

- (b) the Commissioner, or an officer appointed by him other than the officer appointed to act in lieu of the Territorial Treasurer.

**84.** The premises, stocks and records under the control of the Superintendent shall be inspected monthly by an inspector designated by the Commissioner and they shall be at all times subject to examination by the Comptroller of the Treasury of Canada and the Auditor General of Canada.

Inspection  
of records.

**85.** (1) The Territorial Treasurer shall, at the beginning of each quarter of the fiscal year commencing with the first day in July, transfer one-quarter of the estimated net annual revenue of the operation of liquor control from the Liquor Account to the General Account in the Yukon Consolidated Revenue Fund; but the total amount so transferred shall not exceed the net revenue of the fiscal year established by audit and the amount so established shall be adjusted to the amount to be transferred in the transfer covering the final quarter of each fiscal year.

Transfer of  
moneys to  
Yukon  
Consolidated  
Revenue  
Fund.

(2) The Territorial Treasurer shall, forthwith after then end of each fiscal year, prepare a statement of operations of all liquor stores showing the profit or loss resulting therefrom and the net profit on the total operation of liquor control during the fiscal year.

(3) All transfers of funds from the Liquor Account to the General Account in the Yukon Consolidated Revenue Fund shall be at the disposal of the Commissioner-in-Council.

### LIQUOR SURCHARGE.

**86.** (1) There shall be levied on all liquor purchased at a liquor store, a surcharge as follows:

Surcharge.

- (a) on each dozen bottles of beer, a surcharge of ten cents;
- (b) on each bottle of wine, a surcharge of ten cents;
- (c) on each flask of spirits, a surcharge of ten cents; and
- (d) on each bottle of spirits, a surcharge of twenty-five cents.

(2) Once each month the Superintendent shall give to the Territorial Treasurer a statement showing the types

and number of bottles of liquor upon which surcharge was collected in respect of each liquor store during the next preceding month, and the Territorial Treasurer shall deposit the surcharge so collected to the credit of the Yukon Consolidated Revenue Fund.

**MISCELLANEOUS.**

Powers of justice.

**87.** Where by any provision of this Ordinance, power is given to a justice respecting any matter, thing or person and by the same or any other provision, further or other power is given the Commissioner respecting the same matter, thing or person, the latter power shall be in addition to and not in substitution for the former.

**REGULATIONS.**

Regulations.

**88.** (1) The Commissioner may make regulations or orders

- (a) for controlling and conducting the liquor stores, including the duties and bonding of the employees at the liquor stores, the manner in which and under what restrictions as to quantity, or otherwise, liquor may be sold and delivered at such stores;
- (b) respecting the terms and conditions and the form of licences and permits and applications therefor, and the nature of the proof required to be furnished for replacing licences and permits in place of licences and permits lost or destroyed;
- (c) respecting the operation of licensed premises;
- (d) respecting the number of licences that may be granted in the Territory;
- (e) respecting the disposal of liquor and packages that have been forfeited under this Ordinance; and
- (f) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Ordinance.

(2) Every regulation or order made by the Commissioner under the authority of this Ordinance shall be tabled at the first meeting of the Territorial Council following the making of such regulation or order.

**REPEAL.**

- 89.** The following Ordinances are repealed:
- (a) the *Government Liquor Ordinance*, chapter 14, 1952 (1st session) ;
  - (b) *An Ordinance to Amend the Government Liquor Ordinance*, chapter 2, 1952 (2nd session) ;
  - (c) *An Ordinance to Amend the Government Liquor Ordinance*, chapter 2, 1953 (1st session) ;
  - (d) *An Ordinance to Amend the Government Liquor Ordinance*, chapter 44, 1954 (3rd session) ;
  - (e) *An Ordinance to Amend the Government Liquor Ordinance*, chapter 32, 1955 (1st session) ;
  - (f) *An Ordinance to Amend the Government Liquor Ordinance*, chapter 24, 1955 (3rd session) ;
  - (g) *The Liquor Importation Ordinance*, chapter 57, 1914.

**SCHEDULE****ANNUAL FEES FOR LICENCES AND PERMITS.**

- 1.** Licences
- (a) Beer Licence
    - (i) to a tavern ..... \$100.00
    - (ii) to a club ..... 100.00
    - (iii) to a canteen or mess ..... 5.00
  - (b) Liquor Licence
    - (i) to a cocktail lounge ..... 250.00
    - (ii) to a club ..... 250.00
    - (iii) to a mess ..... 5.00
  - (c) for endorsing a licence with permission to sell beer in a restaurant .... 10.00
  - (d) for granting an interim licence ..... 10.00
- 2.** Permits
- (a) Banquet permit ..... 2.00

CHAPTER 6

ORDINANCES OF YUKON TERRITORY

1958 (First Session)

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

(Assented to May 5th, 1958)

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 *Annuity Plan Ordinance*.

**INTERPRETATION.**

- Definitions.** 2. In this Ordinance,
- "Annuity."** (a) "Annuity" means a life annuity with a ten-year guarantee purchased from the Government Annuities Branch of the Department of Labour, Canada;
- "Earnings."** (b) "earnings" means the total compensation received from the Territory excluding bonuses, overtime pay or special payments; and
- "Employee."** (c) "employee" means any person employed in the public service of the Territory who is
- (i) resident or domiciled in Canada; and
  - (ii) required during the time of his active employment to devote his constant attention to the performance of the duties of his position, and the conditions of whose employment for the time over which such employment extends precludes his engaging in any other substantially gainful occupation.

**ANNUITY PLAN.**

- 3. (1)** Where an employee has Territorial  
contribution.
- (a) completed six months but not more than eighteen months of continuous service in the public service of the Territory; and
  - (b) authorized the Territory to deduct an amount equal to five percent of his earnings from the commencement of his employment as a contribution for the purchase of an annuity;
- the Territory shall contribute an equal amount for the purchase of an annuity.

(2) Where an employee has completed more than Idem. eighteen months of continuous service in the public service of the Territory, he may at any time authorize the Territory to deduct an amount equal to five per cent of his earnings commencing from the date of such authorization, and the Territory shall contribute from that date an equal amount for the purchase of an annuity.

**4.** All moneys collected and contributed under this Ordinance shall be deposited in a special account of the Yukon Consolidated Revenue Fund and shall be paid under the authority of the Commissioner to the Government Annuities Branch of the Department of Labour, by cheque drawn in favour of the Receiver General of Canada, at such times as the contracts for employees' annuities require. Deposit.

**5.** The Commissioner may make such regulations as are necessary to give effect to this Ordinance. Regulations.

**REPEAL.**

- 6.** The following Ordinances are repealed: Repeal.
- (a) The *Annuity Plan Ordinance*, chapter 4 of the Ordinances of 1950 (1st session); and
  - (b) *An Ordinance to Amend the Annuity Plan Ordinance*, chapter 41 of the Ordinances of 1954 (3rd session).

## CHAPTER 7

## ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE RESPECTING THE HANDLING AND  
USE OF EXPLOSIVES IN THE YUKON*(Assented to May 5th, 1958)*

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

**SHORT TITLE.**

- Short title. **1.** This Ordinance may be cited as the *Blasting Ordinance*.

**INTERPRETATION.**

- Definitions. **2.** In this Ordinance,
- "Blaster." (a) "blaster" means a person who is the holder of a permit;
- "Explosive." (b) "explosive" means gunpowder, blasting powder, nitroglycerine, gun-cotton, dynamite, blasting gelatine, gelignite, fulminates of mercury or of other metals, and every other substance made, manufactured or used with a view to producing a violent explosion, and includes detonators;
- "Inspector." (c) "inspector" means a person appointed or authorized to act as such by the Commissioner under section 4; and
- "Permit." (d) "permit" means a blaster's permit issued under section 5 or a temporary permit issued under section 9.

**APPLICATION.**

- Application. **3.** This Ordinance applies to any operation in the Territory in which explosives are used for blasting.



**APPOINTMENT OF INSPECTORS.**

**4.** The Commissioner may appoint or authorize to act as an inspector one or more duly qualified persons to carry out the provisions of this Ordinance. Appointment of inspectors.

**BLASTER'S PERMITS.**

**5.** (1) Subject to section 7, an inspector may issue a blaster's permit, in Form 1 of the Schedule, to any person authorizing such person to conduct blasting operations. Issuance of blaster's permit.

(2) A blaster's permit issued under this section shall be subject to such restrictions and conditions as are endorsed thereon. Restrictions.

**6.** Every applicant for a blaster's permit shall make and transmit to an inspector an application, in Form 2 of the Schedule, accompanied by a written testimonial from an employer or blaster certifying that the applicant has had at least six months experience in connection with blasting operations, or as an assistant to a blaster, and that in the opinion of such employer or blaster the applicant's character, knowledge and experience qualify him to handle explosives. Application for permit.

**7.** No person is qualified to be the holder of a blaster's permit unless Qualifications.

(a) he has a satisfactory knowledge of the English language; and

(b) he has achieved a satisfactory result in an examination given by an inspector pursuant to section 8.

**EXAMINATIONS.**

**8.** (1) An inspector shall examine every applicant for a blaster's permit as to the applicant's knowledge of the following: Substance of examination.

(a) drilling for blasting purposes;

(b) commercial explosives;

(c) blasting accessories;

(d) the use of safety fuses;

- (e) electrical blasting;
- (f) transportation and storage of explosives and blasting accessories; and
- (g) the safe use of explosives for general purposes.

Type of examination.

(2) An examination under this section may be written or oral or may be given in such other manner as the inspector requires for the purpose of satisfying himself as to the qualifications of the applicant.

**TEMPORARY PERMITS.**

Temporary permit.

9. (1) An inspector or any person authorized by him in that behalf may issue a temporary permit, in Form 3 of the Schedule, to any person to handle and use explosives.

Idem.

(2) No permit shall be issued under this section unless the inspector or person authorized by him in that behalf is satisfied that the applicant for such permit has an adequate knowledge of the handling and use of explosives.

Duration, etc.

(3) A permit issued under this section shall be valid for such period not exceeding ninety days as is specified therein and shall be subject to such restrictions and conditions as are endorsed thereon by the inspector or person authorized by him in that behalf.

Notification.

(4) Where a permit is issued under this section by any person authorized by an inspector in that behalf, such person shall forthwith notify the inspector of the issue of such permit.

**PROHIBITIONS.**

Blasting operations.

10. (1) Subject to subsection (2) no person other than a blaster shall conduct a blasting operation.

Assistants.

(2) A blaster may be assisted by reliable persons who are not blasters, but the blaster shall assume full authority over such persons and shall be responsible for the conduct of their work.

"Blasting operation" defined.

(3) In this section "blasting operations" means any blasting operation requiring the use of explosives, and includes the preparing and firing of charges and the handling of misfires.

- 11.** No person in charge of any operation in respect of which it is necessary to use explosives shall allow a person other than a blaster to carry on blasting operations in connection therewith. Unauthorized persons.
- 12.** No person shall refuse to produce for inspection any permit of which he is the holder, when requested to do so by any inspector or a member of the Royal Canadian Mounted Police. Production of permit.
- 13.** No person may make or assist in making any false representation for the purpose of procuring a permit for himself or any other person. False representation.
- 14.** (1) Where a blasting accident occurs in which any personal injury is sustained or where there is any unusual occurrence in which explosives are involved, the person in charge of the blasting operation shall be suspended by his employer or an inspector, pending investigation of the accident or occurrence. Suspension of permit.
- (2) The person in charge of the blasting operation or his employer shall immediately forward a report of the accident or occurrence to an inspector and shall enclose with the report the permit, if any, of such person. Report to inspector.
- (3) The inspector shall forthwith investigate the accident or occurrence and submit the results of his investigation to the Commissioner. Inspector to investigate.

**PENALTIES.**

- 15.** Where, in the opinion of the employer or his agent, a blaster is guilty of a violation of this Ordinance or of any rule made pursuant to this Ordinance, the employer or his agent shall immediately suspend such blaster from performing any duty in connection with the handling of explosives and shall forthwith report the suspension to an inspector for such action as the inspector deems advisable. Suspension of blaster.
- 16.** An inspector may suspend or revoke a permit for whatever reason he deems sufficient. Revocation of permit.
- 17.** Every person who violates any provision of this Ordinance or any rule made thereunder is guilty of an offence and liable upon summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment. Penalty.

Civil action for damages.

18. Nothing in this Ordinance shall be construed as limiting or interfering with the rights of any person to bring and maintain a civil action for damages occasioned by an explosion.

**RULES.**

Rules.

- 19. The Commissioner may make rules
  - (a) prescribing forms and notices for carrying out this Ordinance;
  - (b) prescribing the nature of examinations for permits; and
  - (c) generally for the purpose of ensuring the proper care, use and handling of explosives.

**SCHEDULE.**

Form 1  
(section 5(1))  
Yukon Territory  
Blaster's Permit

Permit Number.....

It is hereby certified that Mr. ....

Address.....

is authorized to work as a blaster under the provisions of the Blasting Ordinance.

Date of issue..... Inspector.....

Subject to the following conditions: .....

.....

NOTE: The above permit should be printed on heavy linen paper.

**Form 2  
(Section 6)**

**Application for Blaster's Permit  
Yukon Territory**

- 1. Name ..... Age.....
- 2. Address .....
- 3. Occupation .....
- 4. Qualifications .....
- 5. Experience in handling and firing explosives (give name of employer and period of employment)  
.....  
.....  
.....
- 6. Does your present employer require you to handle and fire explosives?  
.....
- 7. If so, kindly give details of this work :  
.....
- 8. Is firing of explosives done with safety fuse of electricity?  
.....

.....  
**Applicant's Signature**

**We herewith recommend the above named applicant as a person who, in our opinion, is qualified to handle explosives.**

.....  
**Present Employer**

.....  
**Signature of Employer or Blaster making recommendation.**

**Form 3  
(section 9)**

**Temporary Blaster's Permit**

Permit Number.....

It is hereby certified that Mr.....

Address.....

.....

is authorized to handle explosives under the provisions of  
the Blasting Ordinance for a period of time not exceeding

.....

(ninety days maximum)

Date of issue.....

Inspector or person authorized  
by Inspector

Subject to the following conditions: .....

.....

\_\_\_\_\_

## CHAPTER 8

## ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE GOVERNING THE SAFE  
OPERATION OF MINES IN THE YUKON  
TERRITORY*(Assented to May 5th, 1958)*

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 *Mining Safety Ordinance*. Short title.

**INTERPRETATION.**

2. In this Ordinance, Definitions.
- (a) "agent" means a person having, on behalf of the owner, the charge and control of a mine, and includes the general manager; "Agent."
- (b) "dust exposure occupation" means "Dust exposure occupation."
- (i) any underground occupation or employment in a mine,
- (ii) any occupation or employment at the surface of a mine in ore or rock crushing operations in which the ore or rock being crushed is not constantly kept in a moistened or wet condition by the use of water or chemical solutions, or
- (iii) any occupation or employment at the surface of a mine that is designated by an inspector of mines as a dust exposure occupation;
- (c) "inspector" means a duly qualified person appointed or authorized to act as such by the Commissioner under this Ordinance; "Inspector."

- "Manager." (d) "manager" means the superintendent or other person in immediate charge of a mine;
- "Medical." (e) "medical officer" means a duly qualified medical practitioner appointed or authorized to act as a medical officer by the Commissioner under this Ordinance;
- "Mine." (f) "mine" includes an 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 other 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 any roastery, smelting furnace, mill, work or place used for or in connection with crushing, reducing, smelting, refining or treating any mineral-bearing or other substances described in this paragraph;
- "Miner's certificate." (g) "miner's certificate" means a valid and subsisting certificate or card issued by a medical officer, under this Ordinance, to a person respecting employment in dust exposure occupation.
- "Mining." (h) "mining" includes any mode or method of working whereby any soil, earth, rock, stone, quartz, clay, sand or gravel may be disturbed, removed, carted, carried, washed, sifted, crushed, roasted, smelted, refined or dealt with for the purpose of obtaining any minerals or metal therefrom, whether the same may have been previously disturbed or not, and all operations and workings in a mine;
- "Owner." (i) "owner" means a person, mining partnership or corporation, being the immediate proprietor, lessee or occupier of a mine or any part thereof or any land located or leased as mining lands, and includes his or its agent, but



does not include a person, mining partnership or corporation merely receiving a royalty, rent or fine from a mine or mining lands;

- (j) "rules" means rules made by the Commissioner under this Ordinance; and "Rules."
- (k) "shaft" means a vertical or inclined excavation in a mine extending downward from the surface or from some interior point through which men or materials are transported, and includes a pit or winze. "Shaft."

**ADMINISTRATION.**

- 3. The Commissioner may Appointment of officers, inspectors.
  - (a) appoint duly qualified persons as inspectors or authorize other duly qualified persons to act as such for the purpose of this Ordinance; and
  - (b) appoint duly qualified medical practitioners as medical officers or authorize other duly qualified medical practitioners employed by the owner of a mine, to act as medical officers for the purposes of this Ordinance. Medical officers.
- 4. The duties and powers of an inspector and of a medical officer are those hereinafter described in this Ordinance. Powers and duties.
- 5. (1) An inspector shall Powers and duties of inspector
  - (a) make such examinations and inquiries as he deems necessary to ascertain whether this Ordinance and any rules and regulations made thereunder are being complied with;
  - (b) give notice, in writing, to the manager of the particulars of any matter, thing or practice in, about or concerning a mine or mining that, in the opinion of the inspector, is dangerous, defective or contrary to this Ordinance or the rules and regulations made thereunder, and require the matter, thing or practice to be remedied within the time named in the notice;
  - (c) enter, inspect and examine any mine or portion thereof by day or night in any manner

- that will not unreasonably or unnecessarily impede or obstruct the working of the mine;
- (d) order the immediate cessation of work in and removal of persons from a mine or portion thereof that he considers unsafe or require such precautions as he deems necessary to be taken before persons are allowed to return to or continue working therein;
- (e) exercise such other powers as he may deem necessary for ensuring the health and safety of persons employed in or about a mine;
- (f) do all other acts or things that may be otherwise prescribed for him in this Ordinance or in any rules made hereunder.

Power to  
summon  
witnesses,  
etc.

(2) An inspector has power to compel the attendance of witnesses, require the production of any document, book, paper, article or thing relevant to an examination or inquiry, administer oaths and examine any person upon oath, affirmation or otherwise and do all other necessary acts or things for the purposes of conducting an examination or inquiry under this Ordinance.

Reports to  
Commissioner.

(3) An inspector shall

- (a) immediately upon the completion of an examination or inquiry made by him, submit a report thereof to the Commissioner; and
- (b) make such monthly reports of his activities as he may be directed to make by the Commissioner.

Special  
reports.

(4) The Commissioner may direct an inspector to make a special report concerning

- (a) an accident that resulted in the death or injury of any person; or
- (b) the condition of a mine.

Powers of  
Commissioner.

6. (1) The Commissioner may

- (a) prescribe such forms and notices as he deems necessary for the carrying out of this Ordinance;
- (b) prescribe the nature of examinations to be made by medical officers in connection with the issuance of miners' certificates;

- (c) make rules for the purpose of ensuring the safe operation of mines to be complied with by all persons in or around a mine;
- (d) make rules respecting any particular mine therein named;
- (e) suspend on the written recommendation of an inspector, either with respect to any period of time or with respect to any particular mine;
- (f) approve, alter, suspend or cancel any rule made by an inspector or a manager; and
- (g) make rules for the carrying out of this Ordinance.

(2) Every rule or order made by the Commissioner under the authority of this Ordinance shall be tabled at the first meeting of the Territorial Council following the making of such rule or order.

7. (1) An inspector may suspend or vary the operation of any rule made under this Ordinance and upon being satisfied that it is advisable to do so, where he has received an application, in writing, from the owner or manager of a mine for that purpose giving reasons therefor.

Suspension of rules by inspector.

(2) Suspension or variation of a rule by an inspector under sub-section (1) shall cease to have effect after two months have elapsed from the date of such suspension or variation, unless sooner cancelled or confirmed by the Commissioner.

Lapse of suspension.

(3) An inspector who suspends or varies a rule under this section shall forthwith report the particulars thereof to the Commissioner.

Report.

(4) Where, in the opinion of an inspector, further expert advice or assistance is required, he may procure such advice or assistance at the expense of the owner concerned, except that in no such case shall the liability of the owner concerned to pay such expense exceed five hundred dollars.

Where advice and assistance required.

8. Subject to the approval of the Commissioner and an inspector, the manager of a mine may make rules, not inconsistent with this Ordinance, or any rule made under

Rule making powers of manager.

it, for the safe operation of a mine under his management and for the maintenance of order and discipline in the mine.

Duty of manager, foreman, etc., to enforce Ordinance.

9. The manager of a mine and every foreman, shift boss, mine captain and department head thereof shall take all reasonable measures to enforce this Ordinance and the rules made thereunder and to ensure their observance by all employees of the mine or those under his charge, as the case may be, and all employees in a mine shall take all necessary and reasonable measures to carry out their duties in accordance with those provisions of this Ordinance and the rules that are applicable to the work on which they are engaged.

**EMPLOYMENT IN AND ABOUT MINES.**

Restrictions as to age.

10. (1) No male person under the age of eighteen years shall be employed underground or at the working face of any open cut workings, pit or quarry.

Blasting operations.

(2) Except as provided in the *Blasting Ordinance*, no person shall conduct any blasting operation requiring the use of explosives unless he is the holder of a permit issued under that Ordinance.

Hours of work.

11. (1) Except as otherwise provided in this section, no person shall

- (a) remain or be permitted to remain underground in any mine; or
- (b) operate or be permitted to operate, either on the surface or underground, any hoisting engine in a shaft,

for more than eight hours in any twenty-four hours, which eight hours shall be computed from the time he enters the mine to the time he leaves the mine.

Exemption for emergency, etc.

(2) Subsection (1) does not apply

- (a) to a foreman, pumpman, cagetender or any person engaged solely in surveying or measuring;
- (b) in cases of emergency where life or property is in danger; or
- (c) in cases where repair work is necessary.

(3) Where one of the regular hoistmen is absent from duty and no competent substitute is available, the remaining hoistman or hoistmen may work extra time, not exceeding four hours each in any consecutive twenty-four hours for a period not exceeding ten consecutive days.

Exemption for hoistmen where one absent.

(4) Where work at a mine or in any particular shaft is not carried out continuously on a three shift daily basis, a hoistman may work the extra time necessary for hoisting or lowering, at the beginning and end of each shift, the workmen employed on the shift.

Exemption for hoistmen where non-continuous shifts.

**HOISTMEN.**

12. (1) No person under the age of twenty-one years shall operate or be permitted to operate any hoisting engine at a mine when persons are being carried.

Age.

(2) No person shall operate or be permitted to operate any hoisting engine in a mine during any time that his ability is impaired by an intoxicant or drug.

Prohibition where ability impaired.

(3) No person who has not had adequate experience on a reversing hoisting engine shall operate or be permitted to operate any hoisting engine at a mine when persons are being carried.

Experience required.

(4) Where a hoisting engine is operated at a mine when persons are being carried or for a purpose designated by an inspector to be within this section, no person shall operate or be permitted to operate it unless he is the holder of a valid and subsisting medical certificate issued by a medical officer, certifying that such person has been examined and is not suffering from defective sight, hearing or other physical or mental infirmity or illness in any degree that would interfere with the effective discharge of his duties.

To hold medical certificate.

(5) Medical certificates are valid only for six months after their dates of issue, unless sooner cancelled by a medical officer.

Duration of certificates.

(6) Medical certificates shall be kept on file by the manager of the mine in which the workmen concerned are employed and shall be made available to an inspector upon request and a record of the medical certificates of hoistmen

Record of certificates.

operating in a hoist room shall be kept posted up therein showing the name of each hoistman and the date of his certificate.

**DUST EXPOSURE OCCUPATIONS.**

Miner's certificate required.

**13.** No person shall engage in or be permitted to engage in a dust exposure occupation unless he is the holder of a miner's certificate stating that he is fit for employment in a dust exposure occupation.

Application.

**14. (1)** Every person who does not hold a miner's certificate and who intends to work in a dust exposure occupation shall apply to a medical officer for a miner's certificate and be medically examined by him.

X-rays.

**(2)** An examination by a medical officer for the issuance or renewal of a miner's certificate shall include the taking of chest X-ray photographs and the medical officer shall duly examine such photographs before issuing the certificate, and may, before issuing the certificate, send the photographs for examination and report to a specialist or clinic approved by the Commissioner.

Issue and contents of certificate.

**(3)** A medical officer shall issue a miner's certificate to an applicant therefor showing its date of issue, the facts disclosed by the examination and clearly stating whether the holder is fit or unfit for employment in a dust exposure occupation.

Duration of certificate.

**15. (1)** A miner's certificate is valid only for a period not exceeding twelve months from its date of issue unless sooner cancelled by a medical officer.

Medical Officer may order examination.

**(2)** A medical officer may at any time require any person who is employed in a dust exposure occupation to present himself for examination and may endorse the results of such examination on the miner's certificate issued to such person.

Renewal of certificate.

**(3)** A holder of a miner's certificate who desires or intends to continue or resume work in a dust exposure occupation shall, within thirty days prior to the date of expiry of the certificate, apply to a medical officer for examination and renewal of the certificate and renewal shall be granted where the medical officer finds upon

examination that the applicant is free from tuberculosis or silicosis and is otherwise fit to work in a dust exposure occupation.

(4) Where the holder of a miner's certificate has for any reason ceased to be employed in a dust exposure occupation and has allowed such certificate to expire, he may, before resuming work in a dust exposure occupation, apply to a medical officer for examination and renewal and such renewal shall be granted where the medical officer finds upon examination that the applicant is free from tuberculosis or silicosis and is otherwise fit to work in a dust exposure occupation.

Renewal after expiry.

(5) The date of renewal and facts found upon an examination for renewal and a clear statement as to whether or not the person to whom it is issued is fit to work in a dust exposure occupation shall be endorsed on a renewal of a miner's certificate.

Contents of renewal.

**16.** An employee shall deliver and the manager shall require him to deliver his miner's certificate to the manager of the mine concerned before he commences work in a dust exposure occupation and the manager shall retain such certificate, except for delivery up for renewals, during the period such employee continues to work at the mine and shall return it to the employee when his employment terminates.

Delivery and custody of certificate.

**OTHER HEALTH MEASURES.**

**17.** An owner of a mine at which radio-active materials are mined, concentrated or treated shall supply and install such equipment and ensure that such medical tests are carried out as the Commissioner may, from time to time, direct for the protection of the health of employees at the mine and shall otherwise take suitable precautions to protect the employees engaged in mining, milling or treating such materials.

Radio-active materials.

**18.** The owner of a mine shall dispose of arsenic sludge or any other by products of his mine that are dangerous to people, domestic animals, wild-animals, fish or property in such a manner that they will not cause injury to any person, animal, fish or property.

Disposal of harmful by-products.

Underground  
operation of  
diesel  
locomotive.

**19.** No person shall operate or be permitted to operate a diesel locomotive underground unless its operation is in accordance with the rules, and has been authorized by an inspector.

**FENCING.**

**20.** (1) Where a mine has been abandoned or work therein has been discontinued, the owner shall, to the satisfaction of an inspector, cause the top of the shaft, and all surface entrances, pits and openings to be securely fenced.

Fencing of  
tailings, etc.

(2) An inspector shall, where he is of the opinion that a fence should be erected around a mine or part thereof or any tailings or arsenic sludge to prevent injury to people, domestic animals, wild animals, fish or property, whether the mine is in operation or not, order the owner to erect a suitable fence for that purpose.

Where owner  
fails to  
comply.

(4) Where an owner who is required by, or ordered under this section to do so fails to erect suitable fencing within such time as an inspector may order, the inspector may cause suitable fences to be erected and all costs arising therefrom constitute a debt due to Her Majesty and are recoverable in any court of competent jurisdiction.

**NOTICES OF INSTALLATION,  
OPENING AND CLOSING.**

Notices.

**21.** (1) The owner of a mine shall give or cause the manager to give written notice, within fourteen days prior to the Commencement or resumption thereof, to an inspector, of

Installation  
of hoisting  
and power  
equipment.

(a) the installation of a mine hoisting plant or power plant, including the name and address of the person in charge of the operation, the lot and group numbers or grant numbers of the land involved and the specifications and layout of the head frame, buildings, hoist, power plant and equipment;

Electrical  
installation.

(b) the connection or reconnection of any electrical mining equipment with any source of electrical energy controlled by a person other than the owner;



- (c) the commencement of mining operations or the resumption of mining operations after an interruption of one month or more; and Mining operations.
- (d) the closing down of a mine together with information as to the compliance with the provisions of this Ordinance and any rules or regulations made thereunder in that connection. Closing of a mine.

(2) The owner or manager of a mine shall, in addition to the notice referred to in subsection (1), furnish an inspector with any other information respecting the mine that he may require. Other information.

**PLANS.**

22. (1) The owner of a mine shall cause plans, on a scale acceptable to the Commissioner, to be kept up to date not more than six months last past, as follows, namely: Plans.

- (a) a surface plan showing the boundaries of mining property and all lakes, streams, roads, railways, power transmission lines, buildings, shaft openings adits, open surface workings, diamond-drill holes, out-croppings of rock, dumps and tailings disposal sites therein; Of surface.
- (b) an underground plan showing all underground workings, including shafts, tunnels, diamond-drill holes, dams and bulkheads; Of underground.
- (c) vertical mine sections at suitable intervals and suitable azimuths, showing all shafts, tunnels, drifts, stopes and other mine workings in relation to the surface including the location at the top of the bedrock, surface of the overburden and bottom and surface of any known body of water or watercourse; and Of vertical sections.
- (d) adequate ventilation plans showing the direction and velocity of the main air currents and the location of permanent fans, ventilation doors, stoppings and connections with adjacent mines. Of ventilation.

(2) The owner of a mine in which electricity is used underground shall cause to be kept up to date not more than six months last past an adequate plan or diagram, on a suitable scale, showing Electrical power.

- (a) the position of all fixed electrical apparatus in the mine;
- (b) the routes of all fixed power feeders and fixed branch feeders, properly noted and referenced; and
- (c) the rating of all electrical feeder control apparatus and equipment.

Copies to be furnished.

(3) The owner or manager of a mine shall produce all plans, sections and diagrams to an inspector at an examination of a mine and shall render them available to him at any time and supply him with copies upon request.

**PARTY WALLS.**

Width.

**23.** (1) Except as otherwise provided in this Ordinance or unless the owners of adjoining mines, with the approval of the mining recorder, and an inspector, dispense therewith, a party wall at least fifteen feet thick, seven and one-half feet on each side of the boundary line, shall be left between adjoining underground mines.

Use of surface.

(2) Adjoining owners of two mines are entitled to use the party wall in common on the surface as a roadway and no person shall obstruct the surface of the party wall in any manner.

Application where suspected breach.

**24.** (1) Where the owner of a mine or mining property has reason to believe that a breach has been made in the party wall between his own and an adjoining property or that a trespass has been committed thereto, he may apply to the Commissioner for an investigation.

Investigation.

(2) The Commissioner may, upon an application therefor, authorize a competent and disinterested person to investigate the complaint and for such purpose to enter the mine or mining property with such assistants as the Commissioner and the investigator deem necessary, use any workings and appliances thereof and examine the party wall and otherwise conduct a full investigation.

Report and Costs.

(3) The person appointed under subsection (2) to investigate shall report, in writing, his findings to the Commissioner as soon as possible after completing the investigation and the costs of the examination and report shall be borne as directed by the Commissioner.

(4) The Commissioner may, following an investigation under this section or upon application of an owner without such investigation,

Powers of Commissioner.

- (a) direct the owner of an adjoining mine to permanently close a breach made in a party wall or correct any trespass committed in connection therewith;
- (b) direct the owner of an adjoining property to do such things as the Commissioner deems necessary to prevent or stop the flow of water from his property to another property;
- (c) authorize an applicant to enter an adjoining mine and erect bulkheads or do such other things as the Commissioner deems necessary to protect the applicant's mine and employees from damage or danger from accumulations of water in the adjoining mine.

25. (1) Where the inspector deems it necessary or advisable for the protection of workmen employed underground, he may recommend, in writing, to the Commissioner that a connection between adjoining mines be established at such place as he deems advisable and that, if necessary, the connection be made and equipped as a refuge station.

Recommendations to Commissioner.

(2) A copy of the recommendation shall be mailed by registered mail or served personally upon the owner or his agent of each of the mines affected.

Service of copies.

(3) Upon receipt of the recommendation, the Commissioner may, by order, appoint a committee of three persons to determine

Committee.

- (a) the design, specifications and locations of the connecting passage, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected;
- (b) the work to be done by each of the mines affected and the proportion in which the cost of that work and of the future maintenance shall be borne by the owners of the mines affected;

- (c) the time at which the work referred to in paragraph (b) shall be commenced and completed;
- (d) the proportion in which the costs and expenses of the committee shall be borne by the owners of the mines affected; and
- (e) such other provisions and requirements as the committee may deem necessary.

Report.

(4) The committee shall submit a report in writing to the Commissioner of its findings and a report of the majority of the committee shall be deemed to be its findings.

Carrying into effect.

(5) The Commissioner may order the findings of the committee to be carried out upon such terms and conditions as he deems advisable.

### ACCIDENTS, SPECIAL OCCURRENCES AND RESCUE WORK.

Notification of accident.

**26.** (1) Where an accident that causes any loss of life occurs in a mine, the manager of the mine shall forthwith notify a coroner and an inspector or the Commissioner.

Scene of accident.

(2) Subject to subsection (3), no person shall, except for the purpose of saving life or relieving suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with an accident until an inspector has completed an investigation of all circumstances surrounding the accident.

Permission to alter scene.

(3) Where it is not possible to make an immediate investigation under subsection (2), an inspector may permit the wreckage, articles or things at the scene of or connected with an accident to be removed to such an extent as may be necessary to permit the work of the mine to be continued, but photographs or drawings showing the details of the scene of the accident shall be made prior to such removal.

Notice of special occurrences.

**27.** (1) Where in or about any mine

- (a) an accident involving the hoist, sheaves, hoisting rope, shaft conveyance or shaft timbering,
- (b) an inrush of water from old workings or otherwise,
- (c) a failure of an underground dam or bulkhead,

- (d) any outbreak of fire below ground or an outbreak of fire above ground that endangers any structure at a mine entrance or the health and safety of any person,
- (e) a premature or unexpected explosion or ignition of explosives,
- (f) asphyxiation effecting a partial or total loss of physical control,
- (g) inflammable gas in the mine workings, or
- (h) unexpected and non-controlled extensive subsidence or caving of mine workings,

occurs, whether or not loss of life or injury is caused thereby, the owner, manager or agent of a mine shall forthwith send written notice to an inspector of such occurrence and shall also furnish the inspector with such particulars as he may require.

(2) Where in or about any mine an outbreak of fire occurs that endangers the health or safety of any person, the owner or manager shall forthwith notify an inspector. Notice of fire.

(3) Where a rockburst, whether or not personal injury or death is caused thereby, is determined to have occurred within the working of any mine, the owner or manager shall forthwith send a written notice to an inspector or, in his absence, to the Commissioner, notifying him thereof and shall furnish such particulars as he may require. Rock-bursts.

(4) Records of rockbursts shall be kept at every mine showing as far as possible their times, locations and extent, the injuries caused to persons and any other relevant information and such records shall be made available to an inspector whenever he so requests. Record of rock-bursta.

(5) Where any person suffers injury or disability in a mine that in the opinion of the attending medical officer may result in incapacitation for work for seven or more days, the owner or manager shall, within a reasonable time, but not exceeding one month after the occurrence of the injury or disability, send notice thereof to an inspector on a form prescribed by the Commissioner. Injuries.

**28.** (1) This section applies only to a mine that in the opinion of an inspector conducts operations that may require the use of mine rescue apparatus. Application.

Mine rescue apparatus.

(2) The owner of every mine shall provide self-contained oxygen breathing mine rescue apparatus, which, in the opinion of an inspector, is adequate, and such apparatus shall be kept in good condition and ready for use at all times.

Training to use apparatus.

(3) The owner of every mine shall cause a sufficient number of workmen to be trained in the use and maintenance of mine rescue apparatus.

Noxious gases.

(4) Notwithstanding anything in this section, where noxious gases may be encountered, not less than three sets of one-half hour self-contained breathing apparatuses shall be provided by the owner.

Mine rescue training.

**29.** (1) The manager of a mine shall cause sufficient personnel at the mine to be trained.

(a) as mine rescue officers, in such numbers as may be directed by an inspector; and

(b) as mine rescue crews trained in the use and maintenance of mine rescue apparatus by the mine rescue officers, in such manner as may be directed by an inspector.

Supervision of crews.

(2) The manager of a mine or a responsible mine rescue officer designated by him, subject to any directions that may be received from an inspector, shall supervise mine rescue crews in all mine rescue work and recovery operations conducted at a mine.

Supervision of rescue work.

(3) An inspector shall have general supervision and control of all mine rescue work and has full authority for that purpose to requisition any labour, machinery, materials or other things he deems necessary to carry out such operations.

Returns.

(4) The owner or manager of a mine shall submit to an inspector such returns or other information respecting safety at a mine or mine rescue training or operations as the Commissioner may prescribe.

Committee to recommend safety rules.

(5) At every mine a safety committee shall be established having representation of labour and management, and such safety committee may assist in making recommendations to the Commissioner with respect to rules establishing reasonable standards of safety at such mine.

**OFFENCES AND PENALTIES.**

**30.** (1) No prosecution shall be commenced for an offence against this Ordinance, unless it is commenced by Commencement of prosecution.

- (a) an inspector;
- (b) a member of the Royal Canadian Mounted Police; or
- (c) any other person authorized in writing by the Commissioner to do so.

(2) No prosecution for an offence against this Ordinance shall be commenced after the expiration of one year from the date of the commission of the offence. Limitation.

**31.** (1) Every person who violates a provision of this Ordinance or any rule made thereunder or who neglects or refuses to obey an order or direction issued or given under any of them by the Commissioner or an inspector is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars. Offence and penalty.

(2) Where written notice has been given by the Commissioner or an inspector to an owner or manager or other person who has committed an offence against this Ordinance that such offence has been committed and such person continues to commit the offence after receiving such notice, he is, on summary conviction, liable in addition to the fine prescribed in subsection (1), to a fine not exceeding one hundred dollars for each day on which the offence continues to be so committed. Where offence continues.

(3) Where an offence is one that might have endangered the safety of persons employed in or about a mine or caused serious personal injury or a dangerous accident and was wilfully committed by the act, default or negligence of the person guilty thereof, that person is, upon summary conviction, liable either in substitution for or in addition to any pecuniary penalty that may be imposed, to imprisonment for a term not exceeding three months. Additional penalty where offence dangerous.

(4) A prosecution for an offence under this Ordinance may be heard before a judge or a justice. Prosecution before judge or justice.

**REPEAL.**

Repeal.

**32.** The following Ordinances are repealed

- (a) The *Mining Safety Ordinance*, chapter 2 of the Ordinances of 1946;
  - (b) *An Ordinance to Amend the Mining Safety Ordinance*, chapter 15 of the Ordinances of 1950 (1st session); and
  - (c) *An Ordinance to Amend the Mining Safety Ordinance*, chapter 4 of the Ordinances of 1950 (2nd session).
-



CHAPTER 9

ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE RESPECTING THE MAINTENANCE OF PARENTS, DESERTED WIVES AND CHILDREN

(Assented to May 5th, 1958)

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 *Maintenance Ordinance*. Short title.

**INTERPRETATION.**

2. (1) In this Ordinance, Definitions.
- (a) "child" includes an illegitimate child, a step-child and adopted child (*de facto* or *de jure*), but does not include any person eighteen years of age or over; "Child."
  - (b) "Justice" means a police magistrate or any two justices of the peace or any person having the authority and jurisdiction of two justices of the peace; and "Justice."
  - (c) "parent" or words referring to or denoting the parent of a person includes an individual whose child that person is. "Parent."
- (2) For purposes of this Ordinance, a wife shall be deemed deserted where Deserted Wife.
- (a) her husband has, without sufficient cause, refused or neglected to supply her or her children with adequate food, clothing and other necessities; or
  - (b) she is living apart from her husband because of his assaults or other acts of cruelty towards her or her children.

Dependent parent.

(3) For purposes of this Ordinance, a parent shall be deemed dependent where by reason of age, disability or infirmity he is unable to maintain himself.

**LIABILITY FOR MAINTENANCE.**

Maintenance of child.

**3.** (1) The father and mother of a child shall provide maintenance including adequate food, clothing, medical aid and lodging for such child.

Father and mother defined.

(2) For purposes of this section, father includes a grandfather and mother includes a grandmother.

Maintenance of parent.

**4.** (1) The son or daughter of a dependent parent shall provide maintenance including adequate food, clothing, medical aid and lodging for such parent.

Son and daughter defined.

(2) For purposes of this section, son includes a grandson and daughter includes a granddaughter.

Maintenance of wife.

**5.** The husband of a deserted wife shall provide maintenance including adequate food, clothing, medical aid and lodging for such wife.

Liability for maintenance of spouse.

**6.** Subject to this Ordinance, a husband is primarily liable for the maintenance of his wife and the wife is primarily liable for the maintenance of her husband.

Priority of liability for maintenance of child.

**7.** (1) Subject to this Ordinance, where liability is imposed for the maintenance of a child under section 3, no liability under this Ordinance arises

(a) in the case of a mother, unless the father is unable and the mother is able to maintain the child in respect of whom the order is sought,

(b) In the case of a grandfather, unless  
 (i) both the father and mother are deceased, and  
 (ii) the grandfather is able to maintain the child in respect of whom the order is sought, and

(c) in the case of a grandmother, unless  
 (i) the father, mother and grandfather are all deceased, and  
 (ii) the grandmother is able to provide maintenance for such child.

(2) Subject to this Ordinance, where liability is imposed under section 4 for the maintenance of a dependent parent, no liability under this Ordinance arises

Priority of liability for maintenance of parent.

- (a) in the case of a daughter unless the son is unable and the daughter is able to maintain the parent in respect of whom the order is sought,
- (b) in the case of a grandson, unless
  - (i) both the son and daughter are deceased, and
  - (ii) the grandson is able to provide such maintenance, and
- (c) in the case of a granddaughter, unless
  - (i) the son, daughter and grandson are all deceased, and
  - (ii) the granddaughter is able to provide such maintenance

(3) Section 4 does not impose liability on a person to provide maintenance for another if he is unable to do so out of his own property or by means of his own labour.

Exemption.

**MAINTENANCE ORDERS.**

8. (1) Where liability to provide maintenance is imposed upon any person by sections 3, 4, 5 or 6 of this Ordinance and such person fails to provide the required maintenance, then such person may be summoned before a justice by any person having knowledge of the fact.

Application for maintenance order.

(2) Upon proof of service of the summons, and whether or not the person so summoned appears, the justice having regard to all of the circumstances of the case may make an order for maintenance.

Power to make order.

9. An order for maintenance may provide

Contents of order.

- (a) that the person in respect of whose maintenance the order is made shall be cared for by any person or in a home, shelter, hospital or other institution;
- (b) for the period or periods during which the maintenance granted thereunder is to be paid;

- (c) for the instalments in which the maintenance is to be paid and the amounts of the instalment;
- (d) to what person or institution such instalments are to be paid; and
- (e) that any one or more of the persons herein rendered liable to the maintenance of another, whether they are named in the proceedings taken under this Ordinance or not, shall pay such maintenance or contribute thereto where it seems to the justice harsh or unfair that the person primarily liable should bear the whole or any part of the burden thereof.

Parent under care.

**10.** In the case of a dependent parent, an order may be made whether or not the dependent parent is being cared for in a sanatorium, home, mental hospital, or charitable institution.

Wife guilty of adultery or desertion.

**11.** Where it is proved that the wife has

- (a) committed adultery which the husband has not condoned or connived at or by his wilful misconduct conducted to; or
- (b) deserted her husband without lawful excuse,

no order shall be made under section 8 for the maintenance of the wife unless in the discretion of the justice, having regard to all the circumstances, the justice otherwise orders.

No order made where separation agreement exists.

**21. (1)** Where the husband and wife have separated by mutual agreement and the wife has agreed in writing to release her husband from liability for her maintenance, no order shall be made under this Ordinance for her maintenance.

Exceptions.

**(2)** This section does not apply

- (a) where in a separation agreement the husband has agreed to contribute to the maintenance of his wife and is in default therein under the agreement;
- (b) where in a separation agreement the husband has not provided suitably therein according to his circumstances for the maintenance of his wife; and

(c) where the wife has become or is likely to become a public charge or in need of public assistance.

**13.** (1) On application before the justice who made the order, any order made under this Ordinance may be varied or rescinded by said justice upon proof that the circumstances of any of the parties have changed since the making of the original order or any subsequent order varying the original order.

Power to vary or rescind order.

(2) The application may be made by or on behalf of any person named in the order.

Application.

(3) A reference in subsection (1) to this Ordinance includes reference to *The Deserted Wives Maintenance Ordinance*, Chapter 7 of the Ordinances of 1938.

*The Deserted Wives Maintenance Ordinance.*

**ENFORCEMENT OF ORDERS.**

**14.** In the case of non-payment of any sum ordered to be paid by an order for maintenance granted under section 8, together with costs, for thirty days after the order has been made, or for such less time as the order may provide and when and so often as the payment so ordered is in arrears, the person on whose behalf the order has been obtained or any person acting on his behalf may procure from the justice who made the order a summons against the person in default returnable on the fourteenth day after service.

Summons upon default.

**15.** A summons may be served on the person named therein either personally or in such other manner as the justice may in writing direct and shall require the person so served to attend at the time and place mentioned therein to show cause why the order should not be enforced as hereinafter provided.

Service of summons.

**16.** If the person so summoned does not attend as required by the summons, or show a just and sufficient reason for non-attendance, or does not satisfy the justice that he is unable to pay the sum ordered to be paid, the justice may enforce the order by like proceedings including imprisonment, as are applicable in the case of a fine or penalty imposed by a justice of the peace in proceedings under the provisions of the *Criminal Code* relating to summary convictions.

Enforcement of order by fine or imprisonment.

APPEALS.

Appeal to  
Territorial  
Court.

**17.** (1) Any party aggrieved by an order for maintenance under this Ordinance, or a refusal or failure to make such an order, may appeal the decision of a justice to the Court.

Trial  
*de novo*.

(2) The Court shall hear and determine an appeal taken in accordance with this section by holding a trial *de novo*.

Costs in  
appeal.

(3) All costs in an appeal under this section are within the discretion of the Court.

Stay of  
proceedings.

(4) Where an appeal is taken under this section from an order made under section 8, it shall not operate as a stay of proceedings unless the justice who made the order otherwise directs.

MISCELLANEOUS.

Application to  
*Criminal  
Code*

**18.** The costs of proceedings under this Ordinance shall be the same as in proceedings under the *Criminal Code* relating to summary convictions.

Idem.

**19.** The provisions of the *Criminal Code* as to appeals in the Territory from summary convictions and the proceedings thereunder and incidental thereto shall apply to any order made under this Ordinance.

Parties  
competent  
compellable  
witnesses.

**20.** In proceedings under this Ordinance the parties are competent and compellable witnesses against each other.

Hearing in  
private.

**21.** Any case arising under this Ordinance may in the discretion of the justice be heard in private.

Where justice  
absent or  
dead.

**22.** Where any act is required to be performed under this Ordinance by a justice who made a particular order and such justice is absent or dead, the act may be performed by any other justice.

Repeal.

**23.** *The Deserted Wives Maintenance Ordinance*, chapter 7 of the Ordinances of 1938, is repealed.

## CHAPTER 10

## ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO REPEAL CERTAIN  
ORDINANCES*(Assented to May 5th, 1958)*

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 following Ordinances are repealed:
  - (a) *An Ordinance respecting Preferential Assignments*, chapter 73 of the Consolidated Ordinances of the Yukon Territory, 1914;
  - (b) *An Ordinance for the Prevention of Fires*, chapter 36 of the Consolidated Ordinances of the Yukon Territory, 1914;
  - (c) *An Ordinance respecting Assignments for the Benefit of Creditors*, chapter 1 of the Ordinances of 1916;
  - (d) *An Ordinance to provide for the Creation of Liens against Estates of Indigent Persons*, chapter 9 of the Ordinances of 1951 (second session); and
  - (e) *An Ordinance to amend The Indigent Persons' Estates Lien Ordinance*, chapter 22 of the Ordinances of 1952 (first session).

CHAPTER 11

ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO AUTHORIZE THE  
 COMMISSIONER OF THE YUKON TERRITORY  
 TO ENTER INTO AN AGREEMENT WITH THE  
 MINISTER OF CITIZENSHIP AND IMMIGRATION  
 OF CANADA RESPECTING THE EDUCATION OF  
 INDIAN CHILDREN IN THE CITY OF DAWSON

(Assented to May 5th, 1958)

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.                        | <b>1.</b> This Ordinance may be cited as the <i>Dawson School Agreement Ordinance</i> .   |
| Definitions.                        | <b>2.</b> In this Ordinance,  |
| "Agreement."                        | (a) "Agreement" means the Agreement entered into under section 3 and includes any amending Agreement entered into under section 5;  |
| "Commissioner."                     | (b) "Commissioner" means the Commissioner of the Yukon Territory;   |
| "Minister."                         | (c) "Minister" means the Minister of Citizenship and Immigration; and   |
| "Total cost of construction."       | (d) "total cost of construction" of the school referred to in section 3 includes the cost of acquisition of the land to be used as a site for the school and the cost of furnishing for the school. |
| Commissioner may execute Agreement. | <b>3.</b> The Commissioner may, on behalf of the Yukon Territory, enter into an Agreement with the Minister, to the effect that   |
|                                     | (a) the Commissioner will   |
|                                     | (i) arrange for the construction of a public school in the City of Dawson according to plans approved by the Minister, and  |



- for the letting of all contracts therefor, the supervision of construction and the payment of all costs of construction ;
- (ii) make provision for all equipment, supplies and staff necessary for the operation of the school, and for the payment of all accounts and salaries necessary for its administration ;
  - (iii) submit at regular intervals to the Minister, during the construction of the school, engineering progress reports on its construction and estimates of the costs of such construction ;
  - (iv) accept for enrolment in the school all Indian children residing in the Dawson City area ;
  - (v) ensure that there will be no segregation of children in the school on account of race, color or creed ;
  - (vi) permit the Minister or a person designated by him to visit and inspect the school at any reasonable time ; and
  - (vii) pay to the Minister, on completion of construction of the school, any money paid to the Commissioner by the Minister pursuant to subparagraph (i) of paragraph (b) in excess of fifteen per cent of the total cost of construction of the school ; and
- (b) the Minister will
- (i) pay to the Commissioner immediately upon the commencement of construction of the school, out of the moneys appropriated for that purpose by the Parliament of Canada, fifty-two thousand five hundred dollars, being fifteen per cent of the total cost of construction of the school as estimated by the Commissioner ;
  - (ii) on completion of the construction of the school, pay to the Commissioner out of

the moneys appropriated for that purpose by the Parliament of Canada the remainder, if any, obtained by subtracting from an amount equal to fifteen per cent of the total cost of construction of the school, the sum of fifty-two thousand five hundred dollars; and

- (iii) pay to the Commissioner annually a school fee determined by multiplying the average cost per pupil of operating the school during the year by the total number of Indian children in attendance at the school during the year.

Additional provisions of Agreement.

**4.** The Agreement shall also provide,

- (a) that on completion of the construction of the school, title thereto will vest solely in the Commissioner, and that the Minister shall have no proprietary interest in it whatsoever;
- (b) that the payment by the Minister of any of the moneys mentioned in this Ordinance does not entitle him to any part of the management of the school; and
- (c) for such other terms as may be agreed upon for the purpose of giving effect to the provisions of this Ordinance.

Terms or conditions be amended.

**5.** The Commissioner may, on behalf of the Yukon Territory, enter into an Agreement, not inconsistent with the provisions of this Ordinance, amending the terms or conditions of the Agreement.

Powers of Commissioner.

**6.** The Commissioner is empowered to do every act and exercise every power for the purpose of implementing any obligation assumed by the Yukon Territory under the Agreement.

## CHAPTER 12

## ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE RESPECTING A CITIZENSHIP  
INSTRUCTION AGREEMENT BETWEEN THE  
YUKON TERRITORY AND THE  
GOVERNMENT OF CANADA*(Assented to May 5th, 1958)*

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 *Citizenship Instruction Agreement Ordinance*. Short title.
2. In this Ordinance, Definitions.
  - (a) "citizenship instruction" means the teaching of the English or French language and of the elementary facts about Canadian institutions and ways of life to newcomers for the purpose of facilitating their adjustment and integration into the Canadian community and of qualifying them for Canadian citizenship; "Citizenship instruction."
  - (b) "newcomers" means persons, exclusive of young persons in regular attendance at schools, who have been granted permanent admission into Canada but who have not yet acquired Canadian citizenship; and "Newcomers."
  - (c) "teaching costs" means the salaries and remuneration paid to teachers, instructors and principals for their contribution to the immediate carrying out of citizenship instruction. "Teaching costs."
3. Subject to this Ordinance, the Commissioner may enter into and execute on behalf of the Territory an agreement with the Government of Canada, covering such period from the date of the coming into force of this Ordinance as may be agreed upon, providing for the Commissioner may execute agreement.

payment by the Government of Canada for each fiscal year during the term of such agreement to the Government of the Territory for assistance in carrying out citizenship instruction, a contribution towards the teaching costs of citizenship instruction, whether these costs have been borne directly by the Government of the Territory or indirectly through grants to local school boards.

**Variation of  
amendment.**

**4.** An agreement made under this Ordinance may be varied or amended from time to time by agreement between the Government of Canada and the Commissioner.

**Powers of  
Commissioner.**

**5.** The Commissioner is hereby authorized to do all lawful acts and exercise all lawful powers necessary for the purpose of implementing the obligations assumed by the Government of the Territory under the agreement entered into pursuant to this Ordinance.

## CHAPTER 13

## ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO AUTHORIZE THE  
 COMMISSIONER TO GRANT A FRANCHISE TO  
 THE YUKON ELECTRICAL COMPANY LIMITED  
 FOR THE DISTRIBUTION OF ELECTRICAL POWER  
 IN THE AREA OF HAINES JUNCTION, IN THE  
 YUKON TERRITORY

*(Assented to May 5th, 1958)*

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 is hereby authorized to grant a franchise to The Yukon Electrical Company Limited for the distribution of electrical power in the area of Haines Junction, in the Yukon Territory, upon such terms and conditions as the Commissioner considers satisfactory. Commissioner may grant franchise.
2. The Commissioner shall cause a franchise granted pursuant to section 1 to be tabled at the first session of the Territorial Council following such grant. Tabling.

## CHAPTER 14

## ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO AMEND THE OLD AGE  
ASSISTANCE AND BLIND PERSONS  
ALLOWANCE ORDINANCE*(Assented to May 5th, 1958)*

1952 (1),  
c.12;  
1952 (2),  
c.10;  
1955 (3),  
c.23;  
1957 (2),  
c.10.

Agreement  
respecting  
assistance.

Agreement  
respecting  
allowances.

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

1. Subsections (1) and (2) of section 3 of the *Old Age Assistance and Blind Persons Allowance Ordinance* are repealed and the following substituted therefor:

“3 (1) The Commissioner may, on behalf 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 to provide a general scheme of assistance in accordance with this Ordinance and the Federal Act to persons who have attained the age of sixty-five years, 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 fifty per cent of fifty-five dollars monthly or the amount of the assistance paid out monthly for assistance, whichever is the lesser.

(2) The Commissioner may, on behalf 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 to provide a general scheme of allowances in accordance with this Ordinance and the Federal Act to blind persons who have attained the age of eighteen years, 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 seventy-five percent of fifty-five dollars monthly or of the amount paid out monthly for allowances whichever is the lesser.”

**2.** Paragraphs (a) and (b) of section 4 of the said Ordinance are repealed and the following substituted therefor:

“(a) to a recipient whose application has been approved, assistance not exceeding fifty-five dollars monthly under the conditions specified in this Ordinance and the regulations and the Federal Act;

(b) to a recipient whose application has been approved, an allowance not exceeding fifty-five dollars monthly under the conditions specified in this Ordinance and the regulations and the Federal Act; and”

**3.** This Ordinance shall be deemed to have come into force on the 1st day of November, 1957. Coming into force.

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CHAPTER 15

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ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO AMEND THE  
DISABLED PERSONS ALLOWANCE ORDINANCE

(Assented to May 5th, 1958)

1955 (1),  
c.15;  
1956 (2),  
c.7;  
1957 (2),  
c.11.

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

**1.** Subsection (1) of section 3 of the *Disabled Persons Allowance Ordinance* is repealed and the following substituted therefor:

Agreement  
respecting  
allowances.

“3. (1) The Commissioner may on behalf of the Yukon Territory enter into an agreement with the Minister of National Health and Welfare on behalf of the Government of Canada to provide a general scheme of allowances to disabled persons in accordance with this Ordinance and the Federal Act and for payment by the Government of Canada to the Yukon Territory in respect of any recipient of an amount equal to not less than fifty per cent of fifty-five dollars monthly or of the amount of the allowance paid monthly to the recipient, whichever is the lesser.”

**2.** Paragraph (a) of section 4 of the said Ordinance is repealed and the following substituted therefor:

“(a) to a recipient whose application has been approved an allowance not exceeding fifty-five dollars monthly under the conditions specified in this Ordinance and the regulations and the Federal Act and any agreement made under section 3; and”

Coming into  
force.

**3.** This Ordinance shall be deemed to have come into force on the 1st day of November, 1957.

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## CHAPTER 16

## ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO AMEND THE BUSINESS  
LICENCE ORDINANCE*(Assented to May 5th, 1958)*

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

1952 (1),  
c.21;  
1957 (1),  
c.6.

1. Section 3 of the *Business Licence Ordinance* is amended by adding thereto the following subsection:

“(2) Notwithstanding anything in this Ordinance, no licence is required by this Ordinance to be obtained by any person for the purpose of carrying on within the Territory the business of publishing a newspaper.”

Saving  
provision:  
newspaper  
publisher.

2. Section 8 of the said Ordinance is repealed and the following substituted therefor:

“8. Where a person is required pursuant to any other Ordinance to obtain a licence for the purpose of carrying on within the Territory any business, calling, trade or occupation, no licence is required to be obtained by him for that purpose pursuant to this Ordinance.”

Other  
Ordinances.

3. Items 15 and 28 of the Schedule of Licences and Fees to the said Ordinance are repealed.

Repeal.

4. Item 30 of the Schedule of Licences and Fees to the said Ordinance is amended by deleting the words “Newspaper Proprietor”.

5. Item 39 of the Schedule of Licences and Fees to the said Ordinance is amended by deleting the words “or the section next following”.

ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO AMEND THE STEAM  
BOILERS ORDINANCE

(Assented to May 5th, 1958)

1955 (3),  
c.12.      The Commissioner of the Yukon Territory, by and with  
the advice and consent of the Council of the said Territory,  
enacts as follows:

"Boiler".      **1.** Paragraph (a) of section 2 of the *Steam Boilers Ordinance* is repealed and the following substituted therefor:

"(a) 'boiler' means a vessel in which steam is generated or contained under pressure and includes all engines, apparatus and appliances connected therewith, but does not include any such vessel that is capable of developing,

(i) in respect of a school, hospital, church, theatre, hall, auditorium or building where the public assembles, not more than two horsepower, or

(ii) in respect of any place except those places mentioned in subparagraph (i), not more than five horsepower,

and that is less than three cubic feet in capacity."

**2.** Section 3 of the said Ordinance is amended by adding thereto the following subsection:

Idem.      "(2) This Ordinance does not apply to any portable boiler while used for thawing purposes by a person who is the owner and operator of such boiler."

**3.** Subsection (2) of section 15 of the said Ordinance is repealed and the following substituted therefor:

Owner may operate.      "(2) Notwithstanding subsection (1), an owner who has attained the age of twenty-one years may

operate his own steam plant where the pressure in any part thereof does not exceed fifteen pounds per square inch."

4. Subsections (2) and (3) of section 16 of the said Ordinance are repealed and the following substituted therefor:

"(2) Where an owner of a steam plant is unable to obtain the services of an engineer who holds an engineer's certificate entitling him to operate steam plants of that type, the Territorial Secretary may, upon receiving from the owner an application in the prescribed form and the prescribed fee, issue a provisional engineer's certificate for a period not exceeding one year to a person recommended by the owner.

Provisional  
engineer's  
certificate.

(3) A provisional certificate issued pursuant to subsection (2) shall be subject to such terms and conditions as the Territorial Secretary shall, upon recommendation of an inspector, prescribe."

Issued  
subject to  
conditions.

5. Subsection (1) of section 19 of the said Ordinance is repealed and the following substituted therefor:

"(1) An engineer's certificate other than a provisional engineer's certificate expires on the 31st day of March following the day upon which it came into effect but, subject to subsection (2), may be renewed in any year thereafter on payment of the prescribed fee in respect of the certificate."

Expiry date  
of engineer's  
certificate.

CHAPTER 18

ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO AMEND THE  
INSURANCE ORDINANCE

(Assented to May 5th, 1958)

1956 (1),  
c.1;  
1957 (1),  
c.3.

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

1. Part VI of the *Insurance Ordinance* is repealed and the following substituted therefor:

"PART VI

ACCIDENT AND SICKNESS INSURANCE.

INTERPRETATION.

Definitions.

141. In this Part,

"Contract."

(a) "contract" means a contract of accident insurance or of sickness insurance or of both;

"Creditor's group accident insurance" and "creditor's group sickness insurance."

(b) "creditor's group accident insurance" and "creditor's group sickness insurance" mean, respectively, accident insurance and sickness insurance effected by a creditor whereby the lives or well-being or the lives and well-being of a number of his debtors are insured severally under a single contract;

"Group accident insurance" and "group sickness insurance."

(c) "group accident insurance" and "group sickness insurance" mean, respectively, accident insurance and sickness insurance, other than creditor's group accident insurance and creditor's group sickness insurance, whereby the lives or well-being or the lives and well-being of a number of persons are insured severally under a single contract between an insurer and an employer or other person contracting with the insurer;

(d) "insured" means a person who makes a contract with an insurer;

- (e) "person" includes a firm partnership or corporation, an unincorporated society or association, and a trade union; and "Person."
- (f) "person insured" means a person in respect of an accident to whom, or in respect of whose sickness, benefits are payable under a contract. "Person insured."

### APPLICATION OF PART.

**142.** (1) This Part applies to accident insurance and to sickness insurance and to an insurer carrying on the business of accident insurance or sickness insurance or both. Application.

- (2) This Part does not apply to Exceptions.
- (a) creditor's group accident insurance,
  - (b) creditor's group sickness insurance,
  - (c) disability insurance,
  - (d) double indemnity insurance, or
  - (e) insurance provided under section 134.

(3) This Part, except sections 143, 150, 151, 154C, 154E, 154F, 154G and 154J, does not apply to group accident insurance or group sickness insurance. Group insurance.

### CONTRACTS OF INSURANCE.

**143.** A contract shall be evidenced by an instrument in writing called, in this Part, a policy. Policy to evidence contract.

- 144.** Every Policy shall contain Contents of policy.
- (a) the name and address of the insurer,
  - (b) the name of the insured,
  - (b) the name of the person to whom the insurance money is payable,
  - (d) the premium for the insurance,
  - (e) the indemnity for which the insurer may become liable,
  - (f) the event on the happening of which such liability is to accrue, and
  - (g) the term of the insurance.

Exceptions or reductions.

**145.** (1) Subject to subsections (2), (3) and (4) of this section, to the statutory conditions prescribed under section 146 and to section 154D, the insurer shall set forth in the policy every exception or reduction affecting the amount payable under the contract, either in the provision affected by the exception or reduction or under a heading such as "Exceptions" or "Reductions".

(2) Where the exception or reduction affects only one provision in the policy it shall be set forth in that provision.

(3) Where the exception or reduction is contained in an endorsement, insertion or rider, the endorsement, insertion or rider shall, unless it affects all amounts payable under the contract, make reference to the provisions in the policy affected by the exception or reduction.

(4) This section does not apply to a policy issued by a fraternal society.

Statutory conditions.

**146.** Subject to section 147, the conditions set forth in Part III of the Schedule shall be deemed to be part of every contract and shall be printed on every policy under the heading "Statutory Conditions".

Omission or variation of conditions.

**147.** (1) Where a statutory condition is not applicable to the benefits provided by the contract it may be omitted from the policy or varied so that it will be applicable.

(2) Statutory conditions 3, 4 and 9 may be omitted from the policy if the contract does not contain any provisions respecting the matters dealt with therein.

(3) Statutory conditions 5 and 6 maybe omitted from the policy if the contract does not provide that it may be terminated by the insurer.

(4) Statutory conditions 3, 4, 5, 6 and 9, and statutory condition 7 except, in policies providing benefits for loss of time, subparagraphs (a) and (b) of subsection (1) thereof, may be varied but if by reason of the variation the contract is less favourable to the insured, person insured or beneficiary than it would be if the condition had not been varied, the condition shall be deemed to be included in the policy in the form in which it appears in Part III of the Schedule.

(5) Statutory conditions 10 and 11 may be varied by shortening the periods of time prescribed therein and

statutory condition 12 may be varied by lengthening the period of time prescribed therein.

(6) The title of a statutory condition shall be reproduced in the policy along with the statutory condition but the number of a statutory condition may be omitted.

(7) In the case of a contract made by a fraternal society,

- (a) the following provision shall be printed on every policy in substitution for subsection (1) of statutory condition 1 in Part III of the Schedule

“1. (1) This policy, the Act or instrument of incorporation of the insurer, its constitution, by-laws and rules, and the amendments made from time to time to its constitution, by-laws or rules, the application for the contract and the medical statement of the applicant constitute the entire contract and no agent has authority to change the contract or waive any of its provisions.”, and

- (b) statutory condition 5 in Part III of the Schedule shall not be printed on the policy.

**148.** (1) Where a policy is delivered, the contract is as binding on the insurer as if the premium had been paid, although it has not in fact been paid, and although delivered by an officer or agent of the insurer who did not have authority to deliver it. Delivery of policy.

(2) The insurer may deduct the unpaid premium from the amount for which it may become liable under the contract or may sue the insured therefor. Right where premium unpaid.

(3) Where the premium or a part thereof is paid by a cheque or a promissory note and the cheque is not paid on presentation or the promissory note is not paid at maturity the contract is voidable at the option of the insurer. Where cheque or note premium not paid.

(4) This section does not apply to a contract made by a fraternal society. Fraternal contracts.

### INSURABLE INTEREST.

**149.** Every person has an insurable interest in his own life and well-being. Insurable interest in own life and well-being.

Insurable interest in lives and well-being of others.

**150.** Without restricting the meaning that “insurable interest” now has in law, each of the following persons has an insurable interest:

- (a) a parent in the life and well-being of his child under twenty-five years of age;
- (b) a husband in the life and well-being of his wife;
- (c) a wife in the life and well-being of her husband;
- (d) one person in the life and well-being of another upon whom he is wholly or in part dependent for support or education, or from whom he is receiving support or education;
- (e) a corporation or other person in the life and well-being of its or his officer or employee; and
- (f) a person who has a pecuniary interest in the duration of the life and continued well-being of another person, in the life and well-being of that person.

Contract void without insurance interest.

**151.** (1) A contract is void, if, at the time at which it would otherwise take effect and be binding, the insured has no insurable interest in the person insured.

Group contracts.

(2) Notwithstanding subsection (1), a contract of group accident insurance or of group sickness insurance or of both is valid if it provides benefits solely for the persons insured under the contract.

When insurable interest unnecessary.

**152.** Where the insured has at the time at which the contract takes effect an insurable interest in the person insured, it is not necessary for the validity of the contract or an assignment thereof that a beneficiary, or a person claiming under an assignment, or by will or by succession, have an insurable interest.

### POLICIES ON THE LIVES OF MINORS.

Capacity of minors.

**153.** A minor, after attaining the age of fifteen years has the capacity of a person of full age

- (a) to effect a contract on his own life or well-being and to deal with the contract,



- (b) to deal with a contract on his own life or well-being effected by him before attaining the age of fifteen years,
- (c) to deal with his interest in a contract effected on his life or well-being by another, whether effected before or after the minor attained the age of fifteen years, and
- (d) if married, to effect a contract on the life or well-being of his spouse or of his children, or of both, and to deal with the contract.

### MISREPRESENTATION AND NON-DISCLOSURE.

**154.** The statements made by the insured in his application for the contract are, in the absence of fraud, representations and not warranties. Statements in applications.

**154A.** (1) Except as provided in subsection (2), after a contract, including renewals thereof, has been in force for two years with respect to a person insured, every statement made in the written application in respect of that person, other than a fraudulent statement or a statement erroneous as to age, shall be deemed to be true and is incontestable. Incontestability.

(2) Where a claim arises from a loss incurred or a disability beginning before a contract, including renewals thereof, has been in force for two years with respect to the person in respect of whom the claim is made, subsection (1) does not apply to that claim. Exception.

**154B.** Where a person insured suffers or has suffered from a disease or physical condition that existed prior to the date the contract came into force with respect to that person and the disease or physical condition is not specifically excluded from the insurance, Pre-existing conditions.

- (a) the prior existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability, in whole or in part, for a loss incurred or a disability beginning after the contract, including renewals thereof, has been in force for two years with respect to that person, and

- (b) the existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability, in whole or in part, if the disease or physical condition was disclosed in the written application for the contract.

**BENEFICIARIES.**

Designation of beneficiary.

**154C.** (1) Where insurance money is payable upon death by accident, the insured, or in the case of group accident insurance the person insured, may designate in writing a beneficiary to receive the insurance money or part thereof and may alter or revoke in writing any prior designation.

Death of beneficiary.

(2) If the beneficiary is not living at the time of the death of the person insured, the insurance money is payable to the insured or his estate or in the case of group accident insurance the estate of the person insured, unless the instrument by which the beneficiary is designated otherwise provides.

Right to sue.

(3) A beneficiary designated pursuant to subsection (1) may upon the death of the person insured enforce for his own benefit the payment of insurance money payable to him and payment to the beneficiary discharges the insurer, but the insurer may set up any defence that it could have set up against the insured, or the person insured in the case of group accident insurance, or the personal representatives of either of them.

**MISCELLANEOUS.**

Misstatement of age.

**154D.** (1) Subject to subsection (2), if the age of the person insured has been mis-stated the amounts payable under the contract are those that the premium paid would have purchased if the correct age had been stated.

(2) Where the age of the person insured affects the commencement or termination of the insurance, the true age governs.

Presumption of death

**154E.** Where a contract provides for the payment of moneys upon the death by accident of the person insured and the person insured and the beneficiary perish in the same disaster, it shall be prima facie presumed that the beneficiary died first.

**154F.** (1) Where the insurer admits liability for the insurance money or any part thereof, and it appears to the insurer that

Payment into court.

- (a) there are adverse claimants,
- (b) the place of abode of a person entitled is unknown, or
- (c) there is no person capable of giving and authorized to give a valid discharge, who is willing to do so,

the insurer may apply *ex parte* to the court for an order for payment of the money into court, and the court may upon such notice, if any, as it thinks necessary make an order accordingly.

(2) The court may fix and ascertain without taxation the costs incurred upon or in connection with any application or order made under subsection (1) and may order the costs to be paid out of the insurance money or by the insurer or otherwise as seems just.

Cost of proceedings.

(3) A payment made pursuant to an order under subsection (1) discharges the insurer to the extent of the payment.

Discharge of insurer.

**154G.** Where insurance money is payable to a beneficiary or to the estate of the insured or of the person insured, the insurer may, if the contract so provides, pay an amount not exceeding two thousand dollars to

Payments not exceeding \$2,000.00.

- (a) a relative by blood or connection by marriage of the insured or of the person insured, or
- (b) any person appearing to the insurer to be equitably entitled thereto by reason of having incurred expense for the maintenance, medical attendance or burial of the insured or person insured or to have a claim against the estate of the insured or of the person insured in relation thereto.

**154H.** The insurer shall not, in the policy, give undue prominence to any provision or statutory condition as compared to other provisions or statutory conditions, unless the effect of that provision or statutory condition is to increase the premium or decrease the benefits otherwise provided for in the policy.

Undue prominence.

Relief from forfeiture.

**154I.** Where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the claimant or as to any matter or thing to be done or omitted by the insured or claimant with respect to the loss insured against, and a consequent forfeiture or avoidance of the insurance in whole or in part, and a court before which a question relating thereto is tried deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it deems just.

Presumption against agency.

**154J.** No officer, agent, employee or servant of the insurer or any person soliciting accident insurance or sickness insurance or both, whether an agent of the insurer or not, shall, to the prejudice of the insured or of the person insured, be deemed to be for any purpose whatever the agent of the insured or of the person insured in respect of any question arising out of the contract.”

**2.** Part III of the Schedule to the said Ordinance is repealed and the Schedule to this Ordinance substituted therefor.

**3.** (1) Subject to subsection (2), this Ordinance applies only to contracts made on and after the day this Ordinance comes into force.

(2) Sections 154A to 154D and 154F of the *Insurance Ordinance* as enacted by this Ordinance apply to contracts in effect on the day this Ordinance comes into force.

SCHEDULE

PART III

(Section 146)

STATUTORY CONDITIONS.

ACCIDENT AND SICKNESS.

THE CONTRACT.

**1.** (1) This policy, including the endorsements, insertions or riders, if any, and the application for the contract if attached to the policy, constitutes the entire contract and no agent has authority to change the contract or waive any of its provisions.

**WAIVER.**

(2) The insurer shall be deemed not to have waived any condition of this contract, either in whole or in part, unless the waiver is clearly expressed in writing signed by the insurer.

**MATERIAL FACTS.**

2. No statement made by the insured on his application for this contract may be used in defence of a claim under, or to avoid, this contract unless it is contained in the written application for the contract and unless a copy of the application, or such part thereof as is material to the contract, is endorsed upon, inserted in or attached to the policy when issued.

**CHANGES IN OCCUPATIONS.**

3. (1) If, after this policy is issued, the person insured engages for compensation in an occupation that is classified by the insurer as more hazardous than that stated in this policy, the liability under this contract is limited to the amount that the premium paid would have purchased for the more hazardous occupation according to the limits, classification of risks and premium rates in use by the insurer at the time the person insured engaged in the more hazardous occupation.

(2) If the person insured changes his occupation from that stated in this policy to an occupation classified by the insurer as less hazardous and so advises the insurer in writing, the insurer shall either

- (a) reduce the premium rate, or
- (b) issue a policy for the unexpired term of this contract at the lower rate of premium applicable to the less hazardous occupation,

according to the limits, classification of risks and premium rates used by the insurer at the date of receipt of advice of the change in occupation, and shall refund to the insured the amount by which the unearned premium on this contract exceeds the premium at the lower rate for the unexpired term.

**RELATION OF EARNINGS TO INSURANCE.**

4. Where the benefits for loss of time payable hereunder, either alone or together with benefits for loss of time under another contract, including a contract of group accident insurance or group sickness insurance or of both and a life insurance contract providing disability insurance, exceed the money value of the time of the person insured, the insurer is liable only for that proportion of the benefits for loss of time stated in this policy that the money value of the time of the person insured bears to the aggregate of the benefits for loss of time payable under all such contracts and the excess premium, if any, paid by the insured shall be returned to him by the insurer.

**TERMINATION BY INSURED.**

5. The insured may terminate the contract at any time by giving written notice of termination to the insurer by registered mail to its head office or chief agency in the Territory or by delivery thereof to an authorized agent of the insurer and the insurer shall, upon surrender of this policy, refund the amount of premium paid in excess of the short rate premium for the expired time according to the table in use by the insurer at the time of termination.

**TERMINATION BY INSURER.**

6. (1) The insurer may terminate the contract at any time by giving written notice of termination to the insured and by refunding concurrently with the giving of notice the amount of premium paid in excess of the pro rata premium for the expired time.

(2) The notice of termination may be delivered to the insured, or it may be sent by registered mail to the latest address of the insured on the records of the insurer.

(3) Where the notice of termination is delivered to the insured, five days notice of termination shall be given; where it is mailed to the insured, ten days notice of termination shall be given and the ten days shall begin on the day following the arrival of the notice at the post office to which it is addressed.

**NOTICE OF PROOF OF CLAIM.**

- 7.** (1) The insured or his agent, or a beneficiary entitled to make a claim or his agent, shall
- (a) give written notice of claim to the insurer
    - (i) by delivery thereof, or by sending it by registered mail to the head office or chief agency of the insurer in the Territory, or
    - (ii) by delivery thereof to an authorized agent of the insurer not later than thirty days from the date of the accident or the beginning of the disability due to sickness,
  - (b) within ninety days from the date of the accident or the beginning of the disability due to sickness for which the claim is made, furnish to the insurer such proof of claim as is reasonably possible in the circumstances of the happening of the accident or sickness and the loss occasioned thereby, and
  - (c) If so required by the insurer, furnish a certificate as to the cause and nature of the accident or sickness for which the claim is made and as to the duration of the disability caused thereby, from a medical practitioner legally qualified to practise in the Territory.

**FAILURE TO GIVE NOTICE OR PROOF.**

(2) Failure to give notice of claim or furnish proof of claim within the time prescribed in this statutory condition will not invalidate the claim if the notice or proof is given or furnished as soon as reasonably possible and in no event later than one year from the date of the accident or the beginning of the disability due to sickness and if it is shown that it was not reasonably possible to give notice or furnish proof within the time so prescribed.

**INSURER TO FURNISH FORMS FOR PROOF OF CLAIM.**

**8.** The insurer shall furnish forms for proof of claim within fifteen days after receiving notice of claim but where the claimant has not received the forms within that

time he may submit his proof of claim in the form of a written statement of the happening and character of the accident or sickness giving rise to the claim and of the extent of the loss.

**RIGHT OF EXAMINATION.**

9. The insurer has the right, and the claimant shall afford to the insurer an opportunity, to examine the person of the person insured when and as often as it may reasonably require, while the claim hereunder is pending and also, in the case of the death of the person insured to make an autopsy subject to any law of the Territory relating to autopsies.

**WHEN MONEYS PAYABLE OTHER THAN FOR  
LOSS OF TIME.**

10. All moneys payable under this contract other than benefits for loss of time shall be paid by the insurer within sixty days after it has received proof of claim.

**WHEN LOSS OF TIME BENEFITS PAYABLE.**

11. The initial benefits for loss of time shall be paid by the insurer within thirty days after it has received proof of claim, and payments shall be made thereafter within each succeeding sixty-day period while the insurer remains liable for the payments if the insured, whenever required to do so, furnished prior to payment proof of continuing disability.

**LIMITATION OF ACTIONS.**

12. An action or proceeding against the insurer for the recovery of a claim under this contract shall not be begun after one year from the date on which the cause of action arose.



CHAPTER 19

ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO AMEND THE WORKMEN'S  
COMPENSATION ORDINANCE

(Assented to May 5th, 1958)

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

O.Y.T. 1952  
(2), c.12;  
1953 (1),  
c.9;  
1953 (3),  
c.2;  
1954 (3),  
c.43;  
1955 (1),  
c.26;  
1955 (3),  
c.22;  
1965 (1),  
c.6;  
1966 (2),  
c.9.

1. Section 7 of the *Workmen's Compensation Ordinance* is repealed.
2. The said ordinance is further amended by adding thereto, immediately after section 19 thereof, the following section:

"19A. (1) Subject to subsection (2), where a workman to whom compensation is payable leaves Canada, he shall not be entitled thereafter to receive compensation until permission to reside outside of Canada is granted by the employer, if the employer is exempted from the application of section 3, the insurer or the referee.

Workman  
leaving  
Canada.

(2) Where in the opinion of the referee the disability resulting from the injury is likely to be of a permanent nature and the referee so directs, the workman is entitled to the amount of periodical payments accruing due while a resident outside of Canada if he proves in such manner as may be prescribed by the referee his identity and the continuance of the disability in respect of which the periodical payments are payable.

(3) Where a workman leaves Canada and subsequently claims compensation for a disability allegedly suffered in the course of his employment in the Yukon Territory, the employer shall not be liable to compensation unless the workman returns at his own expense to Canada for such medical examination as the employer, insurer or referee may require."

**3.** Section 20 of the said Ordinance is repealed and the following substituted therefor:

Supervision  
of payment of  
compensation.

**"20.** Where an injured workman

- (a) changes physicians without prior authorization from the employer, if the employer is exempted from the application of section 3, the insurer or the referee except when referred by the original physician to another physician.
- (b) persists in insanitary or injurious practices that tend to imperil or retard his recovery, or
- (c) refuses to submit to such medical or surgical treatment as, in the opinion of the employer or insurer based upon independent expert medical or surgical advice is reasonably essential to promote his recovery,

the employer or insurer may, with the consent in writing of the referee, reduce or suspend the compensation of that workman."

**4.** (1) The said Ordinance is further amended by adding thereto, immediately after section 21 thereof, the following section:

Occupational  
retraining  
of workman.

**"21A.** (1) Where a workman suffers a permanent disability and the referee is of the opinion that occupational retraining is desirable, the referee may

- (a) direct the type of training to be undertaken by the workman, or
- (b) order the payment by the employer or insurer of the cost of the occupational retraining including travelling and living allowances, room and board, tuition, books, tools and equipment up to an amount not exceeding five thousand dollars for any one workman of the employer.

(2) In this section "occupational retraining" means the training of a workman in an occupation other than the occupation in which he was disabled."

(2) This section shall come into force on a day to be fixed by Order of the Commissioner.

**5.** Subsection (7) of section 22 of the said Ordinance is repealed and the following substituted therefor:

"(7) If any person entitled to compensation under this Ordinance is committed to any institution, the compensation payable to or in respect of such person may, with the approval of the Commissioner, be paid to the dependent wife or other dependents of such person."

Payment of compensation where workman committed to an institution.

6. Subsection (1) of section 26 of the said Ordinance is repealed and the following substituted therefor:

- "(1) Where a dependent child of a workman who,
- (a) at the time of the death of the workman from the injury was sixteen years of age or over and under the age of eighteen years, or
  - (b) immediately before reaching sixteen years of age, was a child to whom a monthly payment was being made under paragraph (e) of subsection (1) of section 24,

Extension of compensation for dependent child attending academic, technical or vocational school.

is attending an academic, technical or vocational school and making progress satisfactory to the referee, the referee may in his discretion order payment of compensation of twenty-five dollars a month to be made or to be continued, as the case may be, to or in respect of that child until such time as the child

- (c) fails to make satisfactory progress at the school,
- (d) ceases to attend school, or
- (e) attains the age of eighteen years."

7. Section 46 of the said Ordinance is repealed and following substituted therefor:

"45A. In any prosecution of a person for failing to comply with the requirements of subsection (1) of section 3, a certificate purporting to be signed by the Commissioner alleging that such person has failed to enter into and maintain in force a contract of insurance as required by subsection (1) of section 3 shall be received in evidence as *prima facie* proof of the facts alleged therein.

Certificate as *prima facie* proof of facts alleged therein.

46. Every employer who fails to comply with or violates any provision of this Ordinance or the regulations for which failure or violation no other penalty is herein provided is guilty of an offence and liable upon summary conviction to a fine not exceeding one thousand dollars."

Penalty.

CHAPTER 20

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ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO AMEND THE RECIPROCAL  
ENFORCEMENT OF JUDGMENTS ORDINANCE

(Assented to May 5th, 1958)

1956 (2).  
c.4.

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

1. Paragraph (a) of section 2 of the *Reciprocal Enforcement of Judgments Ordinance*, is repealed and the following substituted therefor:

“(a) ‘judgment’ means a judgment or an order of a court in a civil proceeding whereby a sum of money is made payable, and includes an award in an arbitration proceeding if the award, under the law in force in the jurisdiction where it is made has become enforceable in the same manner as a judgment given by a court therein, but does not include a maintenance order within the meaning of the *Reciprocal Enforcement of Maintenance Orders Ordinance*;”

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## CHAPTER 21

## ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO AMEND THE SAW LOGS  
DRIVING ORDINANCE*(Assented to May 5th, 1958)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: <sup>1954 (3),</sup>  
<sub>c.15.</sub>

1. The *Saw Logs Driving Ordinance* is amended by adding thereto the following:

"Form A.  
(Section 12)

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

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

And, whereas, this bond is given as security for payment to the said A.B., of such sum as he

may be held entitled to by arbitration pursuant to the said Ordinance, and of any costs and expenses of the arbitration which may become payable to him.

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

Signed, sealed and delivered

C.D. (Seal)

in the presence of

X.Y.

F.G. (Seal)"

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## CHAPTER 22

## ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO AMEND THE ELECTIONS  
ORDINANCE AND TO REPEAL AN ORDINANCE  
RESPECTING THE COUNCIL OF THE YUKON  
TERRITORY*(Assented to May 5th, 1958)*

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

1957 (2).  
c.7.

1. The *Elections Ordinance* is amended by adding thereto, immediately after section 10 thereof, the following heading and sections:

**"YUKON COUNCIL**

10A. (1) A member of the Council may resign his seat as such member

Resignation  
of seat.

(a) by declaring openly in his place in Council his intention so to resign, in which case the Clerk of the Council shall record such intention in the journals of the Council and the seat of such member shall forthwith become vacant, or

(b) by causing to be delivered to the Commissioner a written statement under his hand attested by two witnesses, declaring his intention so to resign, and upon receipt thereof by the Commissioner the seat of such member shall become vacant.

(2) No person shall be deemed to be a member of the Council so as to be entitled to resign pursuant to this Ordinance until he has been declared elected as such member.

Right to  
resign.

(3) The resignation of a member shall not affect the conduct or result of any proceedings that are then pending or that may thereafter be taken under any law in force in the Territory respecting controverted elections.

Proceedings  
unaffected by  
resignations.

Notification to Commissioner of vacancy.

10B. Where a vacancy in the Council is created in any manner other than by resignation as provided in paragraph (b) of subsection (1) of section 10A, the Speaker of the Council shall notify the Commissioner of such vacancy, but where there is no Speaker or the Speaker is absent from the Territory or incapacitated, or is himself the member whose seat is vacated, any two members of the Council may notify the Commissioner of such vacancy.

Issue of warrant.

10C. (1) Where the Commissioner is notified of a vacancy in the Council in accordance with this Ordinance, he shall forthwith issue a warrant to the Chief Electoral Officer of Canada for the issue of a writ for the election of a member to fill such vacancy.

Exception.

(2) No warrant shall be issued under subsection (1) where the vacancy in the Council occurs within six months of the expiry of the time limited for the duration of the Council.

Issue of writ.

10D. (1) The Chief Electoral Officer of Canada shall issue a writ for the election of a member to fill the vacancy within two months after receiving the warrant of the Commissioner.

Writ superceded and withdrawn.

(2) Where the Council is dissolved after the issue of a writ under this section, such writ shall be deemed to have been superceded and withdrawn."

2. *An Ordinance Respecting the Council of the Yukon Territory*, chapter 23 of the Consolidated Ordinances of the Yukon Territory, 1914, is repealed.



## CHAPTER 23

## ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO AMEND THE  
EVIDENCE ORDINANCE*(Assented to May 5th, 1958)*

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

1955 (1).  
c.5;  
1955 (3).  
c.21.

1. Sections 70 to 72 of the *Evidence Ordinance* are repealed and the following substituted therefor:

"70. (1) Subject to this section, a fee of ten dollars is payable to the Commissioner for every commission issued to a notary public.

Fee for  
commission.

(2) No fee is payable for a commission issued to an officer, servant or employee of the Government of Canada."

2. Notwithstanding subsection (1) of section 70 of the said Ordinance, no fee is payable under that subsection for a commission of appointment as a notary public for the Territory issued within one year after the coming into force of this Ordinance to a person, who immediately prior to the coming into force of this Ordinance, held a commission of appointment as such notary public issued under the said Ordinance.

Exemption.

CHAPTER 24

ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO AMEND TO MOTOR  
VEHICLES ORDINANCE

(Assented to May 5th, 1958)

1957 (1),  
c.1;  
1957 (2),  
c.12.

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 7 of the *Motor Vehicles Ordinance* is amended by adding thereto, immediately after subsection (4) thereof, the following subsection:

“(4a) Subsections (11) and (12) of section 6 are applicable *mutatis mutandis* to any withdrawal from service, sale or other disposition of a motor vehicle in respect of which a subsisting liveryman’s licence has been issued under this section.”

2. Subsections (2) and (3) of section 22 of the said Ordinance are repealed and the following substituted therefor:

“(2) The fee for a permit issued pursuant to subsection (1) shall be as set forth in the Schedule.

(3) A permit issued pursuant to subsection (1) permits the operation of the motor vehicle or trailer within the Territory subject to such conditions as may be specified therein, and is not valid after thirty days from the date of its issue except as otherwise stated in such permit.”

3. (1) The Tariff of Fees contained in the Schedule to the said Ordinance is amended by adding thereto, immediately after Item 11 thereof, the following Item:

“11A. For the transfer of a public service  
vehicle licence from one vehicle to  
another .....2.00”

(2) The said Tariff of Fees is further amended by adding thereto immediately after Item 13 thereof, the following Item:

“13A. For the transfer of a liveryman’s licence from one vehicle to another ..... 2.00”

(3) The said Tariff of Fees is further amended by adding thereto the following Items:

“19. For the issuance of a permit under subsection (1) of section 22 for a purpose mentioned in paragraph (a), (b) or (c) of that subsection, the fees shall be as set forth in Table 8.

20. For the issuance of a permit under subsection (1) of section 22 for the purpose mentioned in paragraph (d) of that subsection, the fees shall be as set forth in Table 9,”

4. (1) Table 1 of the Schedule to the said Ordinance is repealed and the following substituted therefor:

“TABLE 1

Fees for Motor Vehicles  
(except trucks or truck tractors)

	Full Fee	Oct. 1 to Dec. 31	Jan. 1 Mar. 31
Wheelbase 100" or less	12.00	6.25	3.00
Wheelbase 101" to 120"	15.00	7.50	4.00
Wheelbase 121" or more	20.00	10.00	5.00
Motorcycles and pedal bicycles with motor attachment .....	3.00	1.50	1.00”

(2) Table 8 of the Schedule to the said Ordinance is repealed and the following substituted therefor:

“TABLE 8

	Single trip
10,000 lbs or less .....	5.00
10,001 lbs. to 20,000 lbs. ....	7.00
20,001 lbs. to 30,000 lbs. ....	10.00
Over 30,000 lbs. ....	15.00

"TABLE 9

	Single through trip (one way only)
10,000 lbs. or less .....	5.00
10,001 lbs. to 20,000 lbs. ....	7.00
20,001 lbs. to 30,000 lbs. ....	10.00
Over 30,000 lbs. ....	15.00"

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## CHAPTER 25

## ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE TO AMEND THE FUR  
EXPORT ORDINANCE*(Assented to May 5th, 1958)*

The Commissioner of the Yukon Territory, by and with <sup>1955 (1).</sup> the advice and consent of the Council of the said Territory, <sub>c.9.</sub> enacts as follows:

1. Schedule A to the *Fur Export Ordinance* is repealed and the following substituted therefor:

## SCHEDULE A

TAX PAYABLE ON FURS EXPORTED FROM  
THE YUKON TERRITORY

On each bear, white or polar	\$5.00
On each beaver	1.00
On each cougar	.25
On each fisher	1.50
On each fox, black	.10
On each fox, cross	.10
On each fox, red	.10
On each fox, silver	.10
On each fox, white or blue	.50
On each lynx	.25
On each marten	.50
On each mink	.50
On each muskrat (musquash)	.02
On each otter	1.00
On each squirrel	.01
On each weasel (ermine)	.05
On each wolf or coyote	.25
On each wolverine	.50

CHAPTER 26

ORDINANCES OF YUKON TERRITORY

1958 (First Session)

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 5th, 1958)

Whereas, it appears by message from Frederick Howard Collins, Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" of 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, 1959;

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

- |                             |   |
|-----------------------------|---|
| Short title.                | <b>1.</b> This ordinance may be cited as the <i>Appropriation Ordinance 1958-59</i> .   |
| Amount granted.             | <b>2.</b> From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole three million seven hundred twenty-nine thousand two hundred and thirty-five dollars and thirteen cents for defraying the several charges and expenses of the Public Service of the Yukon Territory and for the twelve months ending March 31, 1959, as set forth in Schedule "A" of this Ordinance. |
| Moneys to be accounted for. | <b>3.</b> The due application of all moneys expended shall be duly accounted for.   |

SCHEDULE "A"

Sums granted to the Commissioner by the Ordinance for the twelve months ending March 31, 1959, and the purposes for which they are granted.

APPROPRIATION

CHAP. 26

Vote  
No.

1.	<i>Yukon Council</i>		
	Salaries .....	\$	1,000.00
	Travelling and Living Expense .....		4,500.00
	Freight and Cartage ...		100.00
	Telegraph and Telephone .....		100.00
	Publication of Reports, etc. ....		1,500.00
	Advertising .....		100.00
	Office Stationery and Equipment .....		1,000.00
	Sessional Indemnities ...		10,000.00
		—————\$	18,300.00
2.	<i>Territorial Treasurer</i>		
	Salaries .....	\$	55,095.00
	Fees .....		300.00
	Travelling Expense .....		225.00
	Removal Expense .....		300.00
	Freight, Express and Cartage .....		200.00
	Postage .....		600.00
	Telephone and Telegraph .....		300.00
	Publication of Reports ..		400.00
	Office Supplies, Equipment, etc. ....		3,600.00
	Materials and Supplies		50.00
	Miscellaneous .....		150.00
	Unemployment Insurance .....		350.00
	Holiday Pay .....		2,250.00
	Superannuation .....		500.00
		—————	64,320.00
3.	<i>Education</i>		
	Salaries .....	\$	363,977.23
	Professional and Special Services .....		225.00
	Travelling Expenses ...		2,532.00

Vote No.			
3.	Removal Expenses .....	\$ 5,070.50	
	Freight, Express and Cartage .....	3,200.00	
	Postage .....	600.00	
	Telephone and Telegraph .....	1,352.00	
	Films, Displays and Advertising .....	2,115.00	
	Office Stationery and Supplies .....	7,592.00	
	Materials and Supplies ..	5,027.50	
	Public Utilities Service..	23,476.00	
	Repairs and Upkeep of Equipment .....	1,915.00	
	Rental of Buildings, etc.	1,350.00	
	Rental of Equipment ....	5,100.00	
	Sundry .....	2,731.00	
	Fuel .....	46,333.00	
	Unemployment Insurance .....	410.00	
	School Supplies .....	29,120.00	
	Holiday Pay .....	600.00	
	Grants .....	99,000.00	
	Superannuation Fund ....	692.50	
	Correspondence Courses .....	1,196.00	
	In-Service Training ....	2,700.00	
	Bursaries .....	1,000.00	
		\$ 607,314.73	
4.	<i>Territorial Secretary</i>		
	Salaries .....	\$ 22,120.00	
	Professional and Special Services .....	900.00	
	Travelling Expense .....	1,500.00	
	Freight and Express ....	600.00	
	Postage .....	1,000.00	
	Telephone and Telegraph .....	728.00	
	Advertising .....	1,000.00	
	Office Stationery and Equipment .....	5,450.00	



APPROPRIATION

CHAP. 26

Vote  
No.

4.	Unemployment		
	Insurance .....	\$	154.80
	Holiday Pay .....		300.00
	Grants .....		2,000.00
	Superannuation .....		370.00
	Consolidation of Ordinances .....		20,000.00
			<hr/>
			56,122.80
5.	<i>Health and Public Welfare</i>		
	Salaries and Wages .....	\$	22,875.00
	Professional and Special Services .....		14,000.00
	Travelling Expense .....		2,200.00
	Removal Expense .....		150.00
	Freight, Cartage and Express .....		225.00
	Postage .....		150.00
	Telephone and Telegraph .....		800.00
	Films, Displays, Advertising, etc. ....		25.00
	Office Stationery, Equipment, Supplies etc. ....		575.00
	Materials and Supplies ..		1,000.00
	Public Utility Services ..		2,290.00
	Repairs and Upkeep of Equipment .....		900.00
	Rental of Land, Buildings .....		300.00
	Miscellaneous .....		200.00
	Fuel .....		1,000.00
	Unemployment		
	Insurance .....		50.00
	Holiday Pay .....		250.00
	Grants .....		84,500.00
	Subsistance .....		125,940.00
	Clothing .....		1,600.00
	Employee's Superannuation .....		530.00
	Hospitalization .....		149,600.00

Vote No.			
5.	Transportation of Patients .....	\$ 6,500.00	
	Northern Health Services .....	47,930.00	
		<hr/>	\$ 463,590.00
	Recoverable Canada Share of Pension .....	\$ 21,360.00	442,230.00
6.	<i>Municipal and Town Administration</i>		
	Salaries .....	\$ 2,850.00	
	Freight, express and cartage .....	150.00	
	Postage .....	25.00	
	Telephone and Telegraph .....	260.00	
	Materials and Supplies ..	1,524.80	
	Public Utilities .....	1,000.00	
	Repairs and Upkeep of Equipment .....	600.00	
	Rental of Equipment ....	2,100.00	
	Sundry .....	150.00	
	Fuel .....	875.00	
	Unemployment Insurance .....	50.00	
	Grants .....	114,968.50	
		<hr/>	124,553.30
7.	<i>Game</i>		
	Salaries .....	\$ 9,110.00	
	Travelling Expense .....	1,550.00	
	Freight, Express and Cartage .....	50.00	
	Postage .....	150.00	
	Telephone and Telegraph .....	250.00	
	Films, Displays and Advertising .....	300.00	
	Office Supplies .....	540.00	
	Materials and Supplies ..	25.00	
	Repairs and Upkeep of Equipment .....	1,450.00	
	Rental of Equipment ....	50.00	

APPROPRIATION

CHAP. 26

Vote  
No.

7.	Miscellaneous .....	\$ 3,000.00	
	Unemployment		
	Insurance .....	40.00	
		<hr/>	\$ 16,515.00
8.	<i>General</i>		
	Witness Fees, etc .....	\$ 2,500.00	
	Films, Displays .....	1,000.00	
	Rental of Buildings .....	14,500.00	
	Miscellaneous .....	3,800.00	
	Insurance .....	13,005.00	
	Workmen's Compen-		
	sation .....	5,750.00	
	Frontage Tax .....	1,301.30	
		<hr/>	41,856.30
9.	<i>Roads, Bridges and Public Works</i>		
	<i>Administration</i>		
	Salaries .....	\$ 25,050.00	
	Travelling Expense .....	25,050.00	
	Removal Expense .....	500.00	
	Postage .....	100.00	
	Telephone and		
	Telegraph .....	558.00	
	Advertising .....	100.00	
	Office Supplies .....	845.00	
	Operation and Mainte-		
	nance of Equipment ...	1,550.00	
	Sundry .....	750.00	
	Unemployment		
	Insurance .....	64.00	
		<hr/>	31,417.00
	Salaries and Wages ....	\$ 254,179.60	
	Travelling Expense .....	7,200.00	
	Freight and Cartage ...	12,759.70	
	Materials and Supplies ..	88,126.00	
	Public Utilities .....	1,687.50	
	Operation and Mainte-		
	nance of Equipment ...	356,298.00	
	Rental of Equipment ...	54,286.50	
	Fuel .....	8,240.00	

Vote No.			
9.	Unemployment		
	Insurance .....	\$ 968.70	
	Holiday Pay .....	3,680.00	
	Subsistence .....	8,820.00	
	Employee's Annuity .....	600.00	
		\$ 796,846.00	
	<i>Buildings</i>		
	Wages .....	750.00	
	Freight and Cartage .....	100.00	
	Materials .....	1,600.00	
	Rental of Equipment .....	200.00	
	Unemployment		
	Insurance .....	10.00	
	Contracts .....	11,615.00	
		\$ 14,275.00	
	Total Vote-9 .....	842,536.00	
	Recoverable from		
	Canada .....	452,000.00	390,536.00
10.	<i>Capital Account</i>		
	Garage - Whitehorse .....	60,000.00	
	New School - Selkirk		
	Street .....	50,000.00	
	Furniture and Office		
	Equipment .....	8,977.00	
	Dawson School .....	150,000.00	
	New School - Elsa .....	90,000.00	
	New School - Haines		
	Junction .....	75,000.00	
	School - Watson Lake .....	30,000.00	
	Grader Station - Stewart	20,000.00	
	Grader Station		
	- Boundary Road .....	20,000.00	
	Road Equipment .....	446,049.00	
	Dawson-Stewart		
	Crossing Road .....	91,000.00	
	Mile 923 Subdivision .....	5,000.00	
	Whitehorse-Keno Road .....	180,000.00	
	Canol Road .....	135,000.00	
	New Townsite -		
	Riverdale .....	1,500.00	

APPROPRIATION

CHAP. 26

Vote  
No.

10.	Whitehorse - Keno Road- resurfacing .....	\$ 74,000.00	
	Bridge Replacement - Miles 55-183-195 .....	9,600.00	
	Bridge Replacement - Mile 131 .....	23,000.00	
	Bridge Replacement - Mile 263 .....	25,000.00	
	Survey - Radio Communications .....	1.00	
		<hr/>	
		\$ 1,494,127.00	
	Recoverable from Canada .....	651,100.00	\$ 843,027.00
		<hr/>	
	Total Expenditure from Territorial Funds .....		\$ 2,604,775.13
	Total recoverable from Canada Funds		1,124,460.00
		<hr/>	
	Total Vote		\$ 3,729,235.13
			<hr/> <hr/>

CHAPTER 27

ORDINANCES OF YUKON TERRITORY

1958 (First Session)

AN ORDINANCE FOR GRANTING TO THE COMMISSIONER CERTAIN ADDITIONAL SUMS OF MONEY TO DEFRAY THE EXPENSES OF THE PUBLIC SERVICE OF THE TERRITORY

(Assented to May 5th, 1958)

WHEREAS it appears by message from Frederick Howard Collins, Commissioner of the Yukon Territory, and in the estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" of 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, 1959;

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

- |                             |  |
|-----------------------------|--|
| Short title.                | <b>1.</b> This Ordinance may be cited as the <i>Supplementary Appropriation Ordinance 1958-59</i> .  |
| Amount granted.             | <b>2.</b> From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole forty-seven thousand and seven hundred dollars for defraying the several charges and expenses of the Public Service of the Yukon Territory and for the twelve months ending March 31st, 1959, as set forth in Schedule "A" of this Ordinance. |
| Moneys to be accounted for. | <b>3.</b> The due application of all moneys expended shall be duly accounted for.  |

SCHEDULE "A"

Additional sums granted to the Commissioner by the Ordinance for the twelve months ending March 31, 1959, and the purposes for which they are granted.

SUPPLEMENTARY APPROPRIATION

CHAP. 27

Vote  
No.

3.	<i>Education</i>		
	Salaries .....	\$ 15,850.00	
	Removal Expense .....	500.00	
	Superannuation Fund .....	8,300.00	
		<u>          </u>	\$ 24,650.00
8.	<i>General</i>		
	Miscellaneous .....	\$ 500.00	
	Grant .....	12,000.00	
		<u>          </u>	12,500.00
9.	<i>Roads, Bridges and Public Works</i>		
	<i>Roads, Bridges, etc.</i>		
	Street Construction .....	\$ 10,000.00	
		<u>          </u>	10,000.00
10.	<i>Capital Account</i>		
	Furniture and Other		
	Equipment .....	\$ 550.00	
		<u>          </u>	550.00
			<u>          </u>
	<b>Total</b>		<b>\$ 47,700.00</b>
			<u>          </u>
			<u>          </u>







