

ORDINANCES  
OF THE  
**YUKON TERRITORY**

PASSED BY THE  
YUKON COUNCIL

IN THE YEAR  
**1909**

---

ALEXANDER HENDERSON, K. C.,  
COMMISSIONER



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Printed and Published for the Government of the Yukon Territory Under Authority of  
Chapter 4 of the Ordinances of 1904.

C. B. BURNS, King's Printer



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## CHAPTER I.

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

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[Assented to 5th August, 1909.]

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

1. Section 4 of Chapter 6 of the Ordinances of 1908 is hereby amended by striking out the words "and birds" in the third line of said section. Exemption of bird hunters.



## CHAPTER 2.

### An Ordinance to Amend the Ordinance Respecting the Office of Public Administrator.

[Assented to 5th August, 1909.]

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

1. Chapter 21 of the Consolidated Ordinances of the Yukon Territory is amended by adding thereto the following section:

10. The fees of the Public Administrator on all estates coming into his hands for administration on and after the 1st day of May, A. D. 1909, shall be in accordance with the schedule to this Ordinance.

New scale  
of fees

#### SCHEDULE.

1. Minimum charge on each estate, \$10.00.
2. Upon an estate of an aggregate value of \$5,000.00 or less, 10 per cent of the value of the estate.

3. Upon an estate of an aggregate value of over \$5,000.00 10 per cent up to \$5,000.00 and 5 per cent up to \$25,000.00 and 2½ per cent of the remainder.



## CHAPTER 3.

An Ordinance to Amend The Companies Ordinance.

[Assented to 5th August, 1909.]

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

**Joint  
stock  
companies.**

1. Chapter 57 of the Consolidated Ordinances entitled "An Ordinance Respecting the Incorporation of Joint Stock Companies" is hereby amended by adding thereto the following section:

**Surrender  
of charter.**

85A. Upon petition to the Commissioner, the Charter of a Company incorporated by Letters Patent may be surrendered if the Company proves to the satisfaction of the Commissioner:

**Conditions:**

(a) That it has no debts existing, or other rights in question, or

(b) That it has parted with its property, divided its assets rateably amongst its shareholders, and has no debts or liabilities, or



(c) That the debts and obligations of the company have been duly provided for or protected, or that the creditors of the Company or other persons holding them consent,

and that the company has given notice of the application for acceptance of surrender by publication of an advertisement thereof in two issues of a newspaper published at, or as near as may be to, the place at which the head office of the Company is situated; and the Commissioner upon a due compliance with the provisions of this section, may accept and direct the cancellation of the charter and may, by his order, fix a date upon and from which the company shall be deemed to be dissolved, and the Company shall thereby and thereupon become dissolved accordingly.

Notice in  
newspaper.



## CHAPTER 4.

An Ordinance to Amend the Assessment Ordinance.

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[Assented to 5th August, 1909.]

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

1. Section 3 of Chapter 5 of the Ordinances of 1906 is amended by adding thereto the following sub-section:

(1) The provisions of this section shall not be enforced against the Klondike Mines Railway Company for a period of two years from the passage of this Ordinance.

Exemption  
of K. M.  
By.



## CHAPTER 5.

### An Ordinance Respecting Standard Time in the Yukon Territory.

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[Assented to 5th August, 1909.]

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

1. The Commissioner shall appoint an official time-keeper, whose duties it shall be to calculate the Standard Time of the Yukon Territory and to display the same to the public at all times. <sup>Standard</sup>  
timekeeper.



## CHAPTER 6.

### An Ordinance Respecting Personal Judgments in Lien Actions.

[Assented to 5th August, 1909.]

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

**Enforcement  
of wood-  
men's and  
miners'  
liens.**

1. In all actions in the Territorial Court for the enforcement of liens in favour of woodmen under Chapter 8 of 1905, or in actions under the Miners' Lien Ordinance passed on the 26th May, 1906, by His Excellency the Governor-General-in-Council, or in any other action for the enforcement of liens of any kind created either by ordinance of the Governor-General-in-Council or by an ordinance of this Territory, the Territorial Court may in disposing of the said actions, whether by originating summons or otherwise, give judgment for the amount found to be due to the party claiming, where the same attaches by virtue of either of the said ordinances as a lien, or whether a valid lien attaches or not, and whenever any such

action is brought under the provisions of either of the said ordinances or any other ordinance of like kind and any claimant or claimants shall fail for any reason to establish a valid lien he or they may nevertheless recover therein a personal judgment against any party or parties to the action for such sum or sums as may appear to be due to him or them and which he or they may recover in an action on contract against such party or parties.

2. And all judgments which may be given in favour of such lien holders shall adjudge that the person or persons personally liable for the amount of the judgment shall pay any deficiency which may remain after sale of the property adjudged to be sold, and whenever on a sale of any property to satisfy a lien under either of the said ordinances sufficient to satisfy the judgment and costs is not realized therefrom the deficiency may be recovered by execution against the property of such person or persons.

Lien holders  
to recover  
deficiency  
on judg-  
ment.

3. In an action by way of originating summons to enforce any such liens as aforesaid the defendants therein may appear and raise such defences, counterclaims and set-off as might be raised in any action in the Territorial Court and may upon such actions pay into court any money alleged by them to be due, and the court or judge in determining any such actions for lien as aforesaid may, whether defences are raised by the defendants or not, dispose of all matters arising upon the evidence as if such defences had been raised in answer.

Defences  
and set-offs.

4. The owner or owners of any pay dump or dumps, pay gravel, ore, mine or mines or claim or of any wood, machinery or chattel property affected by such judgment as aforesaid, or any contractor affected by the same, may pay or satisfy such judgment and shall thereupon be entitled to have assigned to him or them or a trustee for him or them such judgment, and such owner or owners shall be entitled to stand in the place of such judgment creditor or creditors or lien holders and to use in his or

Party inter-  
ested may  
pay  
judgment.

their own name or names all the remedies of the judgment creditor or creditors for the recovery of the said debt.

Party interested may obtain assignment.

5. Upon the sale of any such pay dump or dumps, pay gravel, ore, mine or mines or claim, or of any wood, machinery or chattel property, the owner or owners thereof, or any contractor affected thereby, shall be entitled to an assignment of such judgment as aforesaid on payment of the balance not realized on such sale with all costs of sale, and such owner or owners or contractor shall be entitled to stand in the place of such judgment creditor or creditors or lien holder or lien holders and to use in his or their own name all the remedies of the said judgment creditor or creditors for the recovery of the said debt.

Rules of Territorial Court to govern.

6. The rules of the Territorial Court shall govern when applicable in such actions.



## CHAPTER 7.

### An Ordinance to Amend the Yukon Territory Public Service Ordinance.

[Assented to 5th August, 1909.]

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

1. Section 13 of Chapter 5 of the Consolidated Ordinances of the Yukon Territory is amended by striking out the words "30th day of June" wherever they occur in said section and inserting in lieu thereof the words "31st day of March."

Fiscal year  
to end  
March 31st.

2. Section 16 of said Ordinance is amended by striking out the last four words in said section and inserting in lieu thereof the words "persons appointed by them."

3. Section 18 of said Ordinance is amended by adding thereto the following sub-section:—

Ter. Sec'y  
to be also  
King's  
Printer.

(d.) He shall be King's Printer.

4. Section 22 of said Ordinance is repealed and the following substituted therefor:—

Treasurer  
to be Supt.  
of Public  
Works.

22. The Treasurer of the Yukon Territory shall be Superintendent of Public Works and may employ such assistance as he may require.

S. S. (E)  
amended.

5. Sub-section (E) of section 23 of said Ordinance is amended by inserting after the word "report" therein, the words "in writing."

6. Said Ordinance is further amended by adding after section 28 the following section:—

Treas. to be  
Chief  
License  
Inspector.

28a. The Treasurer of the Yukon Territory shall be Chief Inspector of Licenses and Inspector of Licenses for the City of Dawson.

7. Section 29 of said Ordinance is repealed and the following substituted therefor:—

Chief  
Inspector of  
Licenses  
to issue all  
licenses.

29. The Chief Inspector of Licenses, in addition to performing the duties required of him by the Liquor License Ordinance and by the By-Laws of the City of Dawson shall have charge of, and issue all licenses which may be issued under any Ordinance of the Territory or under said By-Laws, upon receipt of the necessary fee for the same. He shall also report to the Commissioner upon all matters affecting applications for licenses and make a recommendation on the same whenever required to do so by Ordinance or by direction of the Commissioner. He shall also see that all decisions of the Commissioner affecting his branch of the License Department are enforced and prosecute all infractions of the Law.

8. Said Ordinance is further amended by adding thereto the following sections:—

Treas. to be  
Assessor  
and Collec-  
tor for  
Dawson.

42. The Treasurer shall be Assessor and Tax Collector for the City of Dawson, and may employ such assistants as may be required.



43. In case of any conflict or inconsistency between the next preceding section and any Ordinance or By-Law, the next preceding section shall prevail.

Conflict of  
Sections.



## CHAPTER 8.

An Ordinance to Amend the Judicature Ordinance.

[Assented to 5th August, 1909.]

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

1. The rules of the Court under Chapter 17 of the Consolidated Ordinances of the Yukon Territory entitled "*An Ordinance Respecting Administration of Civil Justice*," are hereby amended by inserting the following Rule between Rules 19 and 20:

Form of writ.

19a. A Writ of Summons for service outside the Jurisdiction shall be in form AA in the Schedule hereto.

AA.

WRIT OF SUMMONS  
IN THE TERRITORIAL COURT OF THE YUKON  
TERRITORY.

Between:

Plaintiff,

And,

Defendant,

Edward VII: (or name of the reigning Sovereign as the

*case may be*) by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, King, Defender of the Faith; etc., etc.; etc.

To the above named defendant:

You are notified that the plaintiff has entered an action against you in the above named court for the recovery of the claim or demand a statement of which is filed in court and annexed to this summons; and you are commanded that if you dispute the said claim either in whole or in part you do within \_\_\_\_\_ days from the service of this writ on you, exclusive of the day of such service, cause to be entered for you in the office of the clerk of this court an appearance and within six days thereafter file with the clerk a statement of the grounds on which such dispute is based.

Notice to defendant.

And take notice that in default of your so doing the plaintiff may proceed in his said action and judgment may be given in your absence and without further notice to you.

Issued at \_\_\_\_\_ the \_\_\_\_\_ day  
of \_\_\_\_\_ A. D. 190 \_\_\_\_\_  
L. S. \_\_\_\_\_ I. J.  
Clerk of the Court.

Memoranda TO BE INDORSED ON WRIT

N. B.—This writ is to be served within twelve months from the date thereof; or if renewed within six months from the day of the last renewal including the day of such date and not afterwards.

2. Said rules are further amended by adding after Section 358 the following section:

358a. The Sheriff having the execution of any writ of execution against goods or goods and chattels Sheriff to seize gold dust.

may seize any gold or gold dust belonging to the execution debtor and may sell the same to any chartered bank doing business in the Yukon Territory for the best price obtainable from such bank and shall pay the amount realized on such sale to the execution creditor or his solicitor as provided by rule 361 of this Ordinance.

Reason of belief not necessary.

3. Rule 382 is amended by adding to sub-section (b) thereof the words "It shall not be necessary to state the reason for such belief."

Rule 385 amended.

4. Rule 385 of the Judicature Ordinance is hereby amended by striking out all of the same after the word "disbursements" in the second line thereof.

5. Section 4 of chapter 10 of the Ordinances of 1904 is hereby repealed and the following substituted therefor:—

Ter. Government employee may be garnisheed.

386. The Government of the Yukon Territory may be garnisheed under the provisions of this Ordinance with regard to moneys due or accruing due to persons employed by the Government of the Territory.

Ter. Sec'y to be served.

(2) Such garnishee process may be served upon the Territorial Secretary in his office.

When debt does not exceed \$200.

6. Rule 609 is amended by inserting after the figures \$100 where the same last occur in said section the following words: "And in all claims and demands for debt where the amount claimed does not exceed \$200 and the claim is liquidated by the signature of the defendant," and by adding to the end of said section the following words: "But in all cases where the claim exceeds \$100 and in the opinion of the trial judge difficult or important questions of law or fact are involved which in his judgment are proper for trial under the general jurisdiction, he may order the case to be transferred to the Court to be tried under its general jurisdiction and thereafter the action shall be continued in all respects with

Where claim exceeds \$100.

respect to practice and procedure as if the action had been originally commenced under the general jurisdiction. This amendment shall in no wise affect any action pending at the time of the coming into force of this Ordinance.



## CHAPTER 9.

An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Yukon Territory for the nine months from June 30th, 1909, to March 31st, 1910, and for purposes relating thereto.

---

[Assented to 5th August, 1909.]

WHEREAS it appears by message from Alexander Henderson, Esquire, K. C., the Commissioner of the Yukon Territory, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedule to this Ordinance are required to defray certain expenses of the public service of the Yukon Territory and for other purposes relating thereto for the nine months ending March 31st, 1910.

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

From and out of the sums at the disposal of the Yukon

Council there shall and may be paid and applied a sum not exceeding in the whole Three Hundred and Three Thousand Dollars for defraying the several charges and expenses of the public service for the nine months ending March 31st, 1910, as set forth in the schedule to this Ordinance.

The application of all moneys expended under this Ordinance shall be duly accounted for.

*SCHEDULE A.*

Sums granted to the Commissioner by this Ordinance for the nine months ending March 31st, 1910, and for the purposes for which they are granted. Supplies to  
Commis-  
sioner.

To defray the expenses of the Government of the Yukon Territory for the nine months ending March 31st, 1910, as follows:—

GROUP I.

SALARIES AND TRAVELLING EXPENSES.

Treasurer's Department—

Territorial Treasurer .....	\$ 1,500.00	
Book-keeper .....	675.00	
Stenographer .....	675.00	\$ 2,850.00
Territorial Secretary .....		750.00
2 months' salary and three months' bonus to retiring Superintendent of Works and Buildings .....	791.65	
Assistance to Superintendent of Works and Buildings .....	2,700.00	\$ 3,491.65
2 months' salary and three months' retiring allowance to Chief Li-		

cense Inspector .....	1,500.00
Correspondence Clerk .....	450.00
King's Printer, 2 months' salary, retiring allowance and special bonus for services to Council...	450.00
Sanitary Inspector (Proportion charged to Territory) .....	675.00
Boiler Inspector, 2 months' salary and three months' retiring allow- ance .....	1,250.00
Mining Engineer .....	450.00
Messenger .....	360.00
Travelling Expenses .....	1,500.00
	<hr/>
	13,726.65

Schools .....	\$ 38,510.00
Contingencies .....	3,000.00
Dawson Free Library .....	3,625.00
Election Ten Members Yukon Council .....	5,000.00
Indemnity and Travelling Ex- penses Members Yukon Council.	14,000.00
Preventive Service .....	650.00
Printing and Stationery .....	2,500.00
Printing and Stationery—Adver- tising in and Special Edition of the Dawson Daily News .....	2,000.00
Whitehorse Reading Room .....	675.00

#### HOSPITALS, CHARITIES AND PUBLIC HEALTH—

Grants to Hospitals .....	\$20,700.00
2 months' salary and one month's bonus to Medical Health Officer .....	300.00
To provide for care, transporta- tion, burial of indigents, rent of morgue, services in connec- tion with public health .....	5,400.00
	\$ 26,400.00



Assay Office, Whitehorse ..... 3,000.00

MISCELLANEOUS EXPENDITURE—

To provide for purchase of chemical engine for Carcross .....	400.00	
Grant to Free Reading Room, Carcross .....	200.00	
Grant to Free Reading Room, Quartz Creek .....	200.00	
Grant to Yukon Rifle Association .....	200.00	
Purchase of Books, Dawson Law Library .....	1,000.00	
Purchase of Law Books for Whitehorse .....	200.00	
Copying law reports .....	1,000.00	\$ 3,200.00
<hr/>		
Town of Whitehorse .....	8,500.00	
Keystone Drills .....	3,500.00	
Expenses of Governor General's Reception .....	4,000.00	
Roads, Bridges and Public Works .....	118,393.35	
<hr/>		
		\$250,680.00

GROUP II.

Brought forward ..... \$250,680.00

CITY OF DAWSON.

Street Lighting .....	\$ 3,500.00
Printing and Stationery .....	500.00
Dawson Free Library .....	1,575.00
Fire Department .....	28,145.00
Maintenance of Streets and Sidewalks .....	15,000.00
Contingencies .....	500.00

**SALARIES—**

Assessor and Tax Collector, three months and two months' retiring allowance .....	\$1,625	
Proportion Health Inspector's salary charged to City .....	225	1,850.00
		<hr/>
Maintenance of Dog Pound .....	1,250.00	52,320.00
		<hr/>
		<b>\$303,000.00</b>



## CHAPTER 10.

An Ordinance to Amend the Bills of Sale Ordinance.

[Assented to 5th August, 1909.]

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

1. The Bills of Sale Ordinance being Chapter 39 of the Consolidated Ordinances of the Yukon Territory, 1902, is amended by adding immediately after section 9 thereof the following section:

Addition to  
Section 9.

9a In the case of a mortgage or conveyance of goods and chattels of any company incorporated by or under any Imperial Act or Charter or by or under any Act or Charter of the Dominion of Canada or by or under any Ordinance or Charter of the Yukon Territory made to a bondholder or bondholders, or to a trustee or trustees for the purpose of securing the bonds or debentures of such company, instead of the affidavit of *bona fides* required by sections 6, 8 and 9 of this Ordinance it shall be sufficient for the purposes of this ordinance if an affidavit be filed

Affidavit to  
be filed.

as thereby required, made by the mortgagee or one of the mortgagees, to the effect that the said mortgage or conveyance was executed in good faith and for the express purpose of securing the payment of the bonds or debentures referred to therein, and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgagors, or of preventing the creditors of such mortgagors from obtaining payment of any claim against them.

Mortgage  
may be  
renewed.

(2.) Any such mortgage may be renewed in the manner and with the effect provided by section 16 and subsequent sections of this Ordinance upon the filing of a statement by the mortgagee or one of the mortgagees exhibiting the interest of the mortgagee or mortgagees in the property claimed by virtue of the said mortgage, and showing the amount of the bond or debenture debt which the same was made to secure, and showing all payments on account thereof which, to the best of the information and belief of the person making such statement, have been made or of which he is aware or has been informed, together with an affidavit of the person making such statement, that the statement is true to the best of his knowledge, information and belief, and that the mortgage has not been kept on foot for any fraudulent purpose and such statement shall be filed instead of the statement required by said section 16 of this Ordinance.

President,  
Vice Pres.,  
etc., etc.,  
may make  
affidavits.

(3.) If any mortgage as aforesaid be made to an incorporated company, the several affidavits and statements herein mentioned may be made by the president, vice-president, manager or assistant manager of such mortgage company, or any other officer of the company authorized for such purpose.

(4.) Where such mortgage or conveyance is made as a security for debentures and the by-law authorizing the issue of the debentures as a security for which the mortgage or conveyance was made, or a copy thereof, certified

under the hand of the president or vice-president and secretary of the company and verified by an affidavit of the secretary thereto attached or indorsed thereon, and having the corporate seal attached thereto, is registered with the mortgage or conveyance, it shall not be necessary to renew the said mortgage or conveyance, but the same shall in such case continue to be as valid as if the same had been duly renewed as in this Act provided.

Not necessary to renew mortgage under certain conditions.

(5.) The preceding sub-section shall apply to every such mortgage or conveyance made and registered after the 5th day of August, 1909, but nothing herein contained shall affect any accrued rights or any litigation pending on the 5th day of August, 1909.

Accrued rights not affected.

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