

ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL

IN THE YEAR
1938

GEORGE ALLEN JEKELL
CONTROLLER



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

BY

PIERCY POWELL, King's Printer

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CHAPTER 1

THE YUKON GAME ORDINANCE.

(Assented to May 2nd, 1938.)

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

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

INTERPRETATION

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

"*Ordinance*" means the Yukon Game Ordinance.

"*Controller*" means the Controller of the Yukon Territory.

"*Game*" means all wild mammals and wild birds and the heads, skins, and every part of such mammals and birds.

"*Close Season*" means the period during which the hunting, killing, destroying, injuring, trapping, taking, capturing, selling, trading in or molesting of game is prohibited or restricted by the Ordinance or by any Regulation. Close Season.

- Open Season.** "*Open Season*" means the period during which such game may be hunted, killed, destroyed, trapped, taken, captured or possessed.
- Trading Post.** "*Trading Post*" means a trading establishment in which the business of trading or trafficking in game is carried on under authority of a trading post permit.
- Outpost.** "*Outpost*" means a trading establishment in which the business of trading or trafficking in game is carried on by the holder of a "Trading Post" permit and under the authority of an "Outpost" permit.
- Trading or trafficking.** "*Trading or Trafficking in Game*" means the sale or exchange of the skins or pelts of game for money, merchandise or any other commodity whatsoever.
- Preserve.** "*Preserve*" means an area set aside for the protection of game for the benefit of native Indians.
- Game Guardian.** "*Game Guardian*" or "*Guardian*" means and includes a game guardian constituted by or appointed under this Ordinance.
- Fur-bearing animals.** "*Fur bearing animals*" means and includes beaver, fox, lynx, marten, mink, muskrat, otter, fisher and weasel, but shall not include any bear, coyote, or wolf, wolverine, squirrel, or rabbit.
- Resident.** "*Resident*" means any British subject who has resided in the Yukon Territory for not less than two years, or any person not a British subject who has resided in the Territory not less than three years.
- Guide.** "*Guide*" and "*Chief Guide*" wherever used herein shall have the same meaning and shall mean and include any person duly licensed as such and the person who, being a Chief Guide, is in charge of and guiding and conducting any non-resident big game hunter duly licensed as such under the provisions of this Ordinance.

“Assistant Guide” shall mean any person duly licensed as such and any person so licensed acting as assistant guide under the direction of any such chief guide in guiding and conducting any such licensed hunter.

Assistant Guide.

GAME GUARDIANS

3. (1) All members of the Royal Canadian Mounted Police and all guides shall be ex-officio “Game Guardians” under this Ordinance, and the Controller may from time to time appoint other game guardians.

Members of R.C.M.P. and Guides to be ex-officio guardians.

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

Oath by Game Guardian.

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

CLOSE SEASON

4. (1) Except as hereinafter provided, the following shall not be hunted, trapped, taken, killed, shot at, wounded, injured or molested in any way during the following times of the year, respectively:

“Close Seasons.”

(a) Any buffalo or bison at any time.

No buffalo or bison.

(b) Beaver—Between the thirty-first day of May and first day of March.

Beaver.

(c) Fox—Between the thirty-first day of January and the first day of November south of the Arctic Circle; and between the fifteenth day of March and the first day of November north of the Arctic Circle.

Fox.

Lynx: (d) *Lynx*—Between the thirty-first day of March and the fifteenth day of November.

Mink and marten. (e) *Mink* and *Marten*—Between the first day of March and the fifteenth day of November.

Fisher and otter. (f) *Fisher* and *Otter*—Between the fifteenth day of May and the thirty-first day of December.

Muskrat. (g) *Muskrat*—Between the thirty-first day of May and the first day of March in the District to the south of the Arctic Circle, and between the fifteenth day of June and the first day of March in the District to the north of the Arctic Circle.

Partridge, ptarmigan, pheasant, prairie chicken, grouse. (h) *Partridge*, *Ptarmigan*, *Pheasant*, *Prairie Chicken* and other *Species of Grouse*—Between the first day of February and the first day of September.

Waterfowl. (i) *Waterfowl* (except species not permitted to be taken under the Migratory Birds Treaty Regulations) and *Wilson Snipe* or *Jacksnipe*—Between the first day of November and the first day of September.

Moose, caribou, etc. (j) *Moose*, *Caribou*, *Deer*, *Mountain Sheep*, *Mountain Goat*—Between the first day of March and the first day of August.

No eggs to be taken. (2) Except as hereinafter provided, no eggs in the nest of any of the birds above mentioned, or in the nest of any other species of wild fowl, shall be taken, destroyed, injured or molested at any time of the year.

BAG LIMITS ON CERTAIN GAME ANIMALS AND BIRDS.

Bag limits: Moose, deer, caribou. 5. (1) No one person shall have the right to kill during the "open season," except as hereinafter provided, more than two moose, six deer, six caribou, two mountain sheep and two mountain goats, and no females of such beasts, and no animal of any species under the age of one year shall be killed at any time except as herein provided.

(2) No one person shall have the right to kill in any one day during the "open season" more than fifteen in the aggregate of each of the following: Partridge, pheasant, prairie chicken or other species of grouse, and not more than twenty-five on the aggregate of ptarmigan.

Bag limits:
Partridge,
prairie
chicken. etc.

(3) The bag limit for ducks, geese and such other migratory game birds as can legally be taken shall not exceed a greater number than is permitted to be taken and possessed under the Migratory Bird Treaty Act and Regulations.

Bag limits:
Ducks,
geese. etc.

HUNTING AND TRAPPING LICENSES

6. No person except a native born Indian, or an Eskimo of Yukon Territory or the North West Territories, shall engage in hunting or trapping any game protected under Section 4 of this Ordinance, without being the holder of a valid and subsisting License or permit issued pursuant to this Ordinance, bearing his signature written in ink on the face thereof.

Hunting and
Trapping
Licenses.

LICENSE FEES

7. The names of the several Licenses and the fees for same shall be as follows:

License Fees.

For a Resident of the Yukon Territory there shall be

- (1) A Resident Hunting License.....\$ 1.00
- (2) A Resident Trapping License..... 2.00

And for a Non-resident there shall be—

- (1) A Non-resident Big Game Hunting License—for a British Subject..... 75.00
And for an Alien 100.00
- (2) A Non-resident Trapping License for a British Subject 250.00
And for an Alien 300.00
- (3) A Non-resident Bird License..... 5.00

PRIVILEGES UNDER LICENSE

8. (1) A Resident Hunting License shall permit the taking of game mentioned in Sub-sections (h), (i) and (j) of Section 4 of this Ordinance, and such game as is not protected by this Ordinance.

Privileges
under
License.
Resident
Hunting
License.

**Trapping
License.**

(2) A Resident or a Non-resident Trapping License shall permit the taking of fur bearing animals and to export the pelts and skins thereof upon compliance with the provisions of "The Fur Export Tax Ordinance," and such license shall further entitle the holder thereof to kill for his own use, and only to the extent necessary for such purpose during the "open season," the animals and birds mentioned in Sub-sections (h), (i) and (j) of Section 4 of this Ordinance and such game as is not protected by this Ordinance but shall not entitle him to ship out of the Territory the head, hide or hoofs of any such animals or birds killed by him.

**Non-resident
Bird
License.**

(3) A Non-resident Bird License shall permit the taking of such birds as are mentioned in Sub-sections (h) and (i) of Section 4 of this Ordinance, and such game as is not protected by this Ordinance.

**Non-resident
Big Game
Hunting
License.**

(4) The following provisions shall apply in the case of a Non-resident Big Game Hunting License:

**Privileges of
License-
holder.**

(a) Such license shall entitle the holder thereof to kill during the "open season" one moose, two caribou, two deer, one mountain sheep and one mountain goat, and no more. Provided, that each such license holder may, under his license, during the "open season," in addition to the number of animals above specified, kill one moose, two deer, two caribou, one mountain sheep and one mountain goat. Provided, however, that such license holder shall, in addition to the original license fee, pay the following further or additional fees for each additional animal so killed, that is to say: \$25.00 for each moose, caribou, deer, sheep or goat. Such further fees shall be paid forthwith after the making of the sworn statement required to be made by such license holder under Sub-section (c) hereof, to the Territorial Treasurer, or his agent, who shall, upon such payment, issue and deliver to the license holder a receipt for the same, enumerating the animals for the killing of which such additional fees have been paid.

**Right to
ship
trophies.**

(b) A holder of a Non-resident Big Game Hunting License shall be entitled to take with him or to ship out of the Territory as trophies, the head, hide and hoofs of any big game lawfully killed by him.

(c) Provided, that every such license holder shall, before leaving the Territory, be required to make and subscribe before a Game Guardian a statement under oath that he has not violated any of the provisions of this Ordinance, giving such particulars in relation thereto as may be required by the Game Guardian. And upon such statement being made the Game Guardian shall give to such license holder a certificate that such game, describing it, has been lawfully killed or taken, and that such license holder is entitled hereunder to export the same from the Territory subject to any customs regulations existing in regard thereto.

Statement
under oath
to be filed.

(d) Every such license holder shall be entitled to receive from the Territorial Secretary, or the Territorial Agent at Whitehorse, a certificate enumerating the game killed by him under the authority of his license, in such form and manner as may be prescribed by the Territorial Secretary. Such certificate shall set forth a description of the game killed, together with the measurements of the trophy produced therefrom, the number of the license, the locality where such game was killed, and the name of the Chief Guide accompanying the Licensee. The Territorial Secretary and the Territorial Agent at Whitehorse shall keep a record book of all certificates issued, and such record book shall contain all the official record of all game killed and exported as trophies by licensed non-resident hunters.

Certificate by
Territorial
Secretary, or
Territorial
Agent at
Whitehorse.

(e) Except as herein otherwise provided, no holder of any such license shall engage in hunting moose, caribou, deer, mountain sheep, mountain goat or bear, or exercise his license for that purpose without having with him and in his employ a licensed Chief Guide. Provided, that where it is made to appear to the satisfaction of the Controller that no Chief Guide is available and in other exceptional cases, the Controller may, in his discretion, grant by memorandum in writing to any such non-resident holder of any such license permission to hunt under his license without having with him, or in his employ, a Chief Guide.

Holder of
Big Game
Hunter's
License
must employ
Guide.

License holder may kill birds mentioned in sub-sections (h) and (i) of Sec. 4.

(f) Such License shall further entitle the holder thereof to kill for his own use and only to the extent necessary for such purposes during the "open season," the birds mentioned in Sub-sections (h) and (i) of Section 4 of this Ordinance.

LICENSED CHIEF GUIDE AND ASSISTANT GUIDE

License of Chief Guides and Assistant Guides.

9. (1) The Controller may (subject to such rules and regulations as he may deem necessary from time to time) issue to any resident of the Territory who is qualified to act as such, a license to act as Chief Guide or Assistant Guide to persons holding license under Section 7 of this Ordinance for the purpose of hunting in the Territory. The Controller may issue, at his discretion, to any Indian whom he may deem qualified to carry out the duties of a Chief Guide, a license to act as a Chief Guide.

Person acting as Guide without License guilty of offence.

(2) Any person who acts as Chief Guide or Assistant Guide to any Non-Resident Big Game Hunter, without first having procured a license as required by this Ordinance, shall be guilty of an offence against this Ordinance. No Indian shall act as Assistant Guide, without having first procured a license to so act, and any Indian so acting without a license shall be guilty of an offence against this Ordinance.

License fees for Guides.

(3) Fees for such licenses, respectively, shall be as follows:

License for Chief Guide	\$ 20.00
License for Assistant Guide	10.00

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

USE OF AIRCRAFT IN TRAPPING

10. Aircraft shall not be used in trapping operations except as a means of transportation between the settlement where a trapper is outfitted and his principal base camp. Before making use of aircraft as above every trapper shall notify the nearest Game Guardian in writing stating the location and name of the settlement in the Yukon Territory where he will be outfitted, and also giving the location of his principal base camp and the location of that portion of the Territory where he will trap. The owner or operator of the aircraft used to transport a trapper shall also be required to report to the Controller immediately after transporting a trapper to his base camp stating in writing the name of the trapper, date and number of trapper's license, name of settlement where trapper is outfitted, location of his principal base camp and also when removing trapper from his base camp furnish a report in writing giving name of trapper, number and date of license and date and destination where trapper is taken by plane. Every Game Guardian shall report immediately to the Controller all information received under this Section. Any operator or owner of an aircraft, who uses aircraft in transporting a trapper who is not licensed under this Ordinance, or any such operator or owner who fails to furnish the information as required by this Ordinance shall be guilty of an offence against this Ordinance.

Restriction on use of aircraft in trapping.

RETURN OF LICENSE

11. Every holder of a hunting or a trapping license shall, before leaving the Yukon Territory, or as soon as practicable after the expiration of the license, whichever first occurs, return the license to the nearest game officer with the affidavit on the back of the license duly completed.

Return of Hunting or Trapping License.

NATIVES TO REPORT GAME KILLED

12. Every Indian, or Eskimo, shall, before leaving the Yukon Territory, or as soon as practicable after June 30th in each year, whichever first occurs, report to the nearest game officer the number and description of the game killed or taken by him during the previous license year.

Natives to report game killed.

RETURN TO BE MADE BY GAME GUARDIAN

Returns by
Game
Guardians:

13. Every game guardian shall immediately after the last day of each month make and file with the Territorial Secretary a return stating the number and description of all beasts and game, and the name and address of the person or persons taking the same, which have been so reported to him during the previous month.

TRADING AND TRAFFICKING IN GAME

Trading
posts and
outposts
not to be
established
without
authority.

14. No "trading post" or "outpost" shall be established or maintained in any part of the Territory except under the authority of a permit from the Controller or an officer authorized by him. Such permits may, in the discretion of the Controller, be cancelled if the trading post or outpost for which the permit is issued is not operated for at least eight months in the case of a trading post, and at least three months in the case of an outpost in each license year, or for any infraction of the Ordinance or Regulations. The permits shall not be transferable. A fee of One (\$1.00) Dollar shall be charged for each permit.

FUR TRADING LICENSES

No person
to trade in
furs without
obtaining
license.

15. Except those persons authorized by the Ordinance, no person shall engage in the business of trading and trafficking in the pelts and skins of fur bearing animals and those wild animals not protected by this Ordinance in the Territory, without first securing a license to do so. The holder of such license shall at all times have the right to trade and traffic in the pelts and skins of game legally killed or taken under this Ordinance. The license shall authorize the person to whom it is issued to trade and traffic only at the trading post or outpost described in the license. No person shall in any license year acquire from anyone other than the holder of a Fur Trader's License, skins or pelts of game for his own use or otherwise, to a value exceeding One Hundred (\$100.00) Dollars.

(a) Every person trading and trafficking in the skins and pelts of animals mentioned in Section 15 shall furnish each customer with a record of each sale and purchase, setting out the number and kind of pelts traded, and the kind and value of goods exchanged therefor, and when required by the customer, Indian Agent or Police Officer, an itemized statement showing the standing of the customer's account.

Record to be furnished customers by persons trading in skins.

16. Every person trading or trafficking in the skins and pelts of animals mentioned in Section 15 must obtain a separate license for each trading post or outpost for which he has secured a permit under Section 14 of this Ordinance.

License to be obtained for each trading post or outpost.

LICENSE FEES

17. The fees for Fur Trading Licenses shall be as follows, for each trading post or outpost:

Fees for fur-trading License.

For a Resident Fur Trading License.....	\$ 25.00
For a Non-resident British Subject.....	150.00
For a Non-resident Alien.....	300.00

TRANSFER OF LICENSE

18. A fur trading license may be transferred, upon written request being made by the licensee to a game officer. Provided, that if the status as to residence and citizenship of the person who is to conduct the business is different to that of his predecessor, the proper pro rata amount of the license fee for the balance of the license year shall be collected.

Transfer of License.

LICENSEE TO MAKE RETURN

19. Every holder of a trading and trafficking license shall, before leaving the Yukon Territory, or as soon as practicable after the expiration of the license, whichever first occurs, return the license to the nearest game officer with the affidavit on the back of the same duly completed.

Return by Licensee.

RETURNS REQUIRED IF LICENSE LOST

20. If a licensee is unable to produce his license on the date specified for its return he must appear before the

Return if License lost.

nearest game officer and make an affidavit setting out the game hunted, killed, trapped, taken or traded and trafficked in by him during the period covered by such license.

TRADING POST ASSISTANTS

Authorized
trader may
have
assistants.

21. Notwithstanding the provisions of Section 15, any person who is authorized to engage in the business of trading and trafficking in game under this Ordinance may have other persons to assist him at the trading post or outpost described in the license.

SPECIAL LICENSE TO HUNT MALE MOOSE AND CARIBOU FOR FOOD

Licensed
Hunters.

22. (1) The Controller may from time to time issue to such and so many suitable persons who are British subjects and residents of the Territory, as he deems expedient, to be known as licensed hunters, a special license to hunt moose and caribou. The license shall be in such form as the Controller may prescribe and the fee therefor shall be \$25.00.

Licensed
hunters may
kill male
moose or
caribou over
age of 1
year at any
time of year.

(2) Notwithstanding anything herein to the contrary, it shall be lawful for any such licensed hunter, during the term of his license, to hunt and kill male moose and male caribou over the age of one year at any time of the year for the purpose of food supply in the Territory, and for such purpose to sell the meat of any such animal at any time of the year.

Return to be
made by
Licensed
hunter.

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

Failure to
make return
is offence.

(4) Failure or neglect by any such licensed hunter for a period of thirty days after the expiry of his license to make the return provided by the preceding sub-section shall

be a violation of the provisions of this Ordinance, and no licensed hunter so in default shall be granted another license until such return is made.

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

Licensed hunter to show license to Guardian.

SPECIAL GAME DEALER'S LICENSE

23. (1) No person shall buy, sell, deal or traffic in the flesh of any moose or caribou without having first obtained a license in that behalf. Every such license shall be issued by the Controller, or a person appointed by him for the purpose, and shall be known as a Special Game Dealer's License, the fee for which shall be Ten (\$10.00) Dollars.

Game Dealer's License to deal in flesh of moose or caribou.

(2) Every holder of a Special Game Dealer's License shall immediately after the end of the license year return his license for the previous year to the Territorial Secretary, with a statement showing the number of such animals bought and sold by him, and from whom procured, during such previous year, and such statement shall be sworn to by such dealer, or his duly authorized agent having knowledge of the facts. The licensee shall keep a register showing the name of the person from whom the game was purchased, the kind and quantity purchased, and the date of purchase.

Return by Game Dealer.

GENERAL PROVISIONS

ISSUE OF LICENSES

24. All licenses shall be issued by the Controller or persons specially designated by him for that purpose, and no license shall be valid unless the signature of the person named in the license is endorsed thereon.

Issue of Licenses.

LICENSES MAY BE CANCELLED

License
may be
cancelled if
holder
convicted of
violation of
Ordinance.

25. Any license issued under this Ordinance may, in the discretion of the Controller, be cancelled or suspended, if the holder thereof is convicted of violation of the provisions of the Ordinance or Regulations made pursuant to the provisions of said Ordinance.

EXPIRY DATE OF LICENSES

Licenses
expire
June 30th.

26. All licenses shall expire on the thirtieth day of June in each year. Upon the request of a game guardian, game warden, or any game officer, the holder of a license shall submit his license for inspection.

PENALTIES FOR FALSE REPORTS

Penalties
for false
reports.

27. Any person who makes a false report as to the number of game hunted, killed, trapped, taken or traded and trafficked in, or who fails or neglects to return his license within the time specified in the Ordinance, or Regulations, may, in addition to any other penalty provided in the Act or Regulations, be refused a license in any subsequent year.

ILLEGAL POSSESSION OF GAME

Illegal
possession
of game.

28. It shall be unlawful for any person to have in his possession any game taken in violation of the provisions of the Ordinance or Regulations.

POWERS OF GAME GUARDIAN TO SEARCH

Game
Guardian
may search.

29. Any game guardian may call upon any person at any time found in possession of game or the pelt of any fur bearing animal to state when, where and from whom such game or pelt was obtained, and whenever he has reason to suspect that any person is illegally in the possession of any such game or pelt, he shall have the right to inspect any bag or other receptacle, vehicle or other conveyance in which he supposes any such game or pelt to be, and any person refus-

ing, molesting, or obstructing any game guardian in the accomplishment of such duties shall be liable, upon summary conviction, to a penalty not exceeding Two Hundred (\$200.00) Dollars and costs, and, in default of payment, to imprisonment for not exceeding three (3) months.

SEIZURE AND CONFISCATION OF GAME

30. Any guardian who has reasonable grounds for believing that an offence has been committed under this Ordinance may enter upon the premises of any person where he has reason to believe any game, animal or pelt may be, and make search therefor in every part thereof, and seize any game or fur bearing animal or pelt in respect to which he believes such offence has been committed, and upon any such seizure shall notify the person in whose custody such game, animal or pelt was found to appear before the nearest convenient Justice, naming him, at a time and place to be named to such person by said guardian, to establish the rightfulness of his possession of such game, animal or pelt, and, where practicable, shall take the said game, animal or pelt before said Justice, and in the event of such person failing to establish such right of possession the Justice may declare such game, animal or pelt confiscated and the same may be dealt with in the manner provided by Section 39 of this Ordinance in regard to property confiscated.

Seizure and
confiscation
of game by
Guardian.

GAME OFFICERS MAY APPOINT CONSTABLES

31. (1) Any game officer, when he considers it necessary to do so, may appoint a constable or constables to apprehend any person who has done, or who he has reason to believe has done, anything in contravention of any of the provisions of this Ordinance or the Regulations.

Guardians
may appoint
Constables.

(2) Such constable shall upon apprehending such person, arrest him and bring him for trial before the nearest Justice of the Peace, together with any game, eggs or nests, or parts thereof, protected by this Ordinance or a Regulation, found in the possession of such person at the time of his apprehension.

POSSESSION OF GAME

"Possession"
defined.

32. Possession shall be constituted as follows, namely:

Buffalo or
bison.

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

Eggs.

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

Birds or
mammals.

(3) Possession during the "close season" of any other mammal protected by this Ordinance, or of any part of such mammal, or of any birds mentioned in Section 4, shall be deemed prima facie evidence of the killing or taking of the mammal, bird, or eggs, as the case may be, contrary to the provisions of this Ordinance. Provided, however, that this section shall not be construed to prevent the exposure and offering for sale of the carcasses, or any part of them, of mammals killed during the "open season," for a period of sixty (60) days after the beginning of the "close season."

(4) No person, other than a person licensed under Section 22 hereof, shall sell to any licensed dealer any such mammals or any part thereof after the expiration of twenty (20) days from the commencement of the "close season."

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

SEARCH WARRANT MAY ISSUE IN CERTAIN CASES

Justice of
Peace may
Issue
Search
Warrant.

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

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

FEMALES WITH YOUNG PROTECTED

34. No person (including Indians and Eskimos) shall at any time, take, kill or molest any female moose, caribou, deer, mountain sheep or mountain goat with young at foot, or any of the young at foot of these mammals.

Females with young not to be taken.

WHEN IN DIRE NEED OF GAME FOR FOOD

35. Notwithstanding anything in Section 4 of this Ordinance, any Indian, Eskimo or any explorer, surveyor or prospector who is engaged in any exploration, survey or mining operations or other examination of the Yukon Territory if in dire need of game for food, may at any time of year take or kill any of the game mentioned in Sub-sections (h) and (j) of Section 4 of this Ordinance, or any game not protected by this Ordinance. Every person (including Indians or Eskimos) who kills game under this section shall report as soon as practicable to a game officer the number and kind of game taken and furnish such other information relating to the killing as may be required by such game officer.

Game may be taken by certain persons when in dire need of food.

MEAT OF ANIMALS KILLED MUST BE USED FOR FOOD

36. The meat of mammals mentioned in Sub-section (j) of Section 4 lawfully killed in the "open season" must be used for food purposes and the person taking the same who does not use the meat thereof for food himself or cause the same to be used for food or does not offer the same for sale in some market within the Yukon Territory during the period as otherwise provided in this Ordinance, shall be guilty of an offence and liable to a penalty not exceeding Five Hundred (\$500.00) Dollars, and, in default of payment, to imprisonment for a period not exceeding three (3)

Meat of animals killed must be used for food.

months. This section shall also apply to those licensed to hunt under the provisions of Section 22 of this Ordinance.

PERMITS TO TAKE GAME FOR SCIENTIFIC PURPOSES

Permits to take game for scientific purposes.

37. (1) The Controller or any officer authorized by him may issue a permit to any person to take the eggs or nests of non-migratory birds for scientific purposes, or a permit to take or kill game for scientific purposes or for any public park or Zoological garden. Each permit shall set out the name, address and calling of the person to whom it is issued, the purpose for which it is issued and the number of specimens to be taken thereunder. The permit shall not be transferable.

Return of Permits.

(2) Such permits shall be returned to the Controller within sixty (60) days of the expiry date, together with a statement by the permittee setting forth the numbers and kinds of game taken under its authority.

PERMIT TO SHIP OR REMOVE GAME

Game, horns, pelts, etc., not to be shipped from Territory without permit.

38. Except under permit from the Controller or an officer authorized by him, no person shall ship or remove from the Yukon Territory the meat, horns or the raw pelt of any moose, deer, caribou, mountain sheep or mountain goat, or any mammal not protected by this Ordinance.

SEIZURE OF GUNS, TRAPS, BOATS

Seizure of guns, traps, boats, etc.

39. (1) All guns, ammunition, traps, boats, skiff, canoes, punts and vessels of every description, horses, dogs, wagons, sleighs or other conveyances and other outfits, decoys, and appliances, and materials of every kind used in violation of or for the purpose of violating this Ordinance, or any Regulations, may be seized upon view by any game officer or game guardian, or taken and removed by any person appointed for such purpose by a game officer or game guardian, for delivery to a Justice of the Peace, who may order such chattels to be held pending the payment of any penalty for any offence committed.

SEIZURE OF GAME

(2) (a) Any game taken, caught, killed or had in possession, in violation of this Ordinance, or any Regulation, and,— Seizure of game.

(b) Any poison, ammunition, explosives, traps, snares, spring-guns, firearms, and other implements, appliances and contrivances, the use of which is prohibited under the provisions of this Ordinance; Seizure of poison, ammunition, etc.
 may be seized on view by any peace officer, game officer or game guardian, and shall be forfeited to the Yukon Territory to be disposed of by the Controller by public auction, or in such public manner as he deems advisable, the proceeds thereof to form part of the General Revenue Fund of the Territory.

USE OF POISON

40. (1) No hunter or trapper, including native Indians or Eskimos, shall have in possession any poison compounds of strychnine, arsenic, phosphorus, antimony, barium, the cyanides, corrosive sublimate, or any other poison capable of being used for killing fur-bearing or game animals. Possession shall include presence of such poisons in camps, cabins, buildings or boats occupied by hunters, trappers, native Indians or Eskimos. Possession of poison prohibited.

(2) It shall be unlawful for any person to use any poison as mentioned in Sub-section 1 of this Section for the purpose of taking or killing any beasts or birds of any kind whatsoever, and the fact that a person places any poison or poisonous substance in such a position that it may be reached by any beast or bird shall be proof that it was used for such purpose and such placing of poison shall be deemed an offence against the provisions of this Ordinance. Use of poison prohibited.

(3) Any game officer, game guardian or constable or other peace officer, who has reasonable grounds to suspect that any person has used poison for the purpose of taking or killing game, or has poison in his possession, may, in Game Guardians may search for poison.

search of poison, enter any premises or tent or board any vessel or conveyance of any common carrier or search any kit, parcel, chest, box, receptacle, outfit or other belongings of such person.

INJURY TO BEAVER DAMS OR HOUSES OR MUSKRAT HOUSES

FORBIDDEN AND USE OF FIREARMS IN HUNTING

Injury to beaver dams and use of firearms in hunting beaver.

41. (1) It shall be unlawful to dig up, injure or destroy any beaver dam, beaver house or runway, or muskrat house unless such injury or destruction becomes necessary in the carrying on of bona-fide mining operations or in the course of driving timber on any stream.

Shooting of muskrats with shotguns prohibited.

(2) No person shall at any time hunt or attempt to kill any beaver by means of any spear or similar device or any shotgun, pistol, or rifle and the shooting of muskrats with shotguns is prohibited. This provision shall apply to Indians as well as to other persons.

USE OF BATTERIES AND OTHER CONTRIVANCES FORBIDDEN

Use of batteries, etc., prohibited.

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

TRAPS TO BE REMOVED OR SPRUNG

Traps, etc., to be sprung before close season.

43. Any person using traps or other contrivances for trapping, taking or killing game shall remove or spring the same before the "close season" and no person shall set or re-set during the "close season" any trap or contrivance used in connection with the trapping, taking or killing of any animal protected by this Ordinance.

USE OF TRAPS IN CLOSE SEASON

Traps not to be used in close season.

44. Except under permit from the Controller or any officer authorized by him, no trap or contrivance shall be used during the "close season" for the capture of coyotes,

wolves, wolverines, or other predatory animals not protected by this Ordinance, but predatory animals may be shot at all times.

DISPUTES REGARDING TRAP LINES

45. Any dispute relative to rights in location of trap lines may be decided by the game officer or game guardian of the District. If the decision is appealed, it may be taken before a Justice of the Peace. Any person, who fails to abide and comply with the decision of the said Justice of the Peace shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding One Hundred (\$100.00) Dollars, nor less than Five (\$5.00) Dollars, or to imprisonment for any term not exceeding two (2) months, or to both fine and imprisonment.

Game Guardian may settle disputes regarding trap lines.

CONTRACTS WITH INDIANS OR OTHERS

46. No one shall enter into any contract or agreement with or employ any Indian, Eskimo, or other person, whether such Indian or person is an inhabitant of the Territory or not, to hunt, kill, or take contrary to the provisions of this Ordinance, any of the beasts or birds mentioned in this Ordinance, or to take, contrary to such provisions, any eggs, nest, or part thereof.

Contracts with Indians to kill game contrary to provisions of Ordinance prohibited.

APPLICATION FOR FUR FARM LICENSE

47. No person shall engage in the business of farming fur-bearing animals in the Yukon Territory or possess them for propagation purposes without first having obtained a fur farm license. The application for a license shall set out the name and address of the applicant, a description of the location of the fur farm and the means by which the fur-bearers are to be secured.

Fur Farm Licenses.

LICENSE FEE

48. If there is no valid objection to the establishment of a fur farm at the location described in the application the Controller, or any officer authorized by him, may, in his

Issue of Fur Farm License.

discretion, issue a fur farm license to the applicant therefor
 Fee. The fee for a fur farm license shall be Five (\$5.00) Dollars.

EXPIRY DATE OF LICENSE AND RENEWAL

License to expire on 30th June. 49. (1) Any such license shall expire on the 30th day of June next following its date of issue, and any license issued during the month of June in the year 1938 shall expire on the 30th day of June in the year 1939.

Renewals of Licenses. (2) Upon proof that the holder thereof has complied with all the provisions governing the issue of such license, the Controller or such officer authorized by him may issue renewals thereof from year to year. The fee for a renewal license shall be Two (\$2.00) Dollars.

TRESPASSING PROHIBITED

Trespassing on Fur Farms prohibited. 50. No person except a Game Guardian shall, without the consent of the owner of a ranch or enclosure where fur-bearing animals are kept in captivity for breeding purposes, enter upon such private grounds or within twenty-five yards of the pens or dens of such animals upon which notices forbidding trespassing on the premises are posted so as to be plainly discernible at the said distance of twenty-five yards. Provided, that where such dens or pens are located within twenty-five yards of a public highway, the rights of the public to use such highway shall not be restricted.

DOGS MAY BE KILLED

Dogs found in enclosures may be killed. 51. The owner or caretaker of fur-bearing animals kept on any premises for breeding purposes pursuant to a license issued hereunder may kill any dog found in the enclosure in which such animals are kept and there giving tongue or otherwise terrifying the said animals.

INSPECTION OF RECORDS

Records to be kept by holders of Fur Farm Licenses. 52. The holder of a Fur Farm License shall keep books and records which shall correctly set forth at all times the total number of fur-bearing animals in his possession, and

full particulars in respect of all animals bred, purchased, or acquired, and the licensee shall at all reasonable hours allow any Game Guardian to enter and inspect the premises where operations are being carried on hereunder, and to inspect the books and records of such licensee relating thereto.

RETURNS TO BE MADE YEARLY

53. The licensee shall on the 30th day of June in each year make a return in triplicate to the nearest Game Guardian, showing the number of each species of fur-bearing animal in his possession, the number born in captivity, the number disposed of during the preceding year, and the names and addresses of the purchasers.

Yearly returns to be made by Licensee.

LICENSES NOT TRANSFERABLE

54. No license issued hereunder shall be transferable without the written approval of the Controller first had and obtained.

License transferable only on written approval of Controller.

LICENSE MAY BE CANCELLED

55. The Controller may cancel any license issued hereunder for failure to comply with any of the terms or conditions of the license, or of this Ordinance, and may in his discretion refuse to issue any further license to the person whose license has been so cancelled.

License may be cancelled on failure to comply with provisions of Ordinance.

SHIPMENT OF PELTS

56. The pelts of animals raised in captivity shall be subject to the provisions of "The Fur Export Tax Ordinance."

Shipment of pelts.

PERMITS TO TAKE ANIMALS FOR PROPAGATION PURPOSES

57. No person shall take or trap any game for propagation purposes except under authority of a permit from the Controller. The permit shall set out the address and calling of the person to whom it is issued, the purpose for which it is issued, and the number of each species to be taken under its authority.

Permits to take animals for propagation purposes.

PERMIT FEES

Permit fees. 58. The fees for such a permit when issued to the holder of a fur farm license shall be:

For each beaver, fox, fisher, marten, mink, or otter (limit twenty-five (25) of each species)\$ 2.00

For muskrat (limit one hundred (100) animals), each25

FREE PERMITS IN CERTAIN CASES

Free permits in certain cases. 59. Free permits may be issued if the applicant is a resident Indian or Eskimo, or if he is the holder of a hunting and trapping license issued under the provisions of this Ordinance, conditional, however upon the said fur-bearers being taken during the "open season" as provided by this Ordinance.

WHEN FUR BEARERS MAY BE EXPORTED

Permit to export fur bearers. 60. The provisions of Sections 58 and 59 of this Ordinance shall apply only to those persons who have been granted a fur farm license, and no person shall enter into any agreement to secure fur-bearing animals taken under the said authority or export them from the Yukon Territory without first obtaining a permit under Section 61 of this Ordinance.

PERMIT TO EXPORT ANIMALS

Fee for permit. 61. The Controller or any officer authorized by him, may, in his discretion, issue a permit authorizing any person to take live fur-bearing animals, and to ship or transport them from the Territory upon payment of the following fees:

For each beaver, fox, fisher, martin, mink or otter (limit: six (6) of each species) \$10.00

Muskrat (Limit: 100 animals), each..... .50

(Minimum number of muskrat on any permit twenty (20)).

Unless otherwise specified in the permit, game taken under this authority shall be secured during the "open season."

(a) When live fur-bearers are being shipped or transported every precaution shall be taken to prevent injury to the animals in transit. The animals shall be properly fed and cared for and shall be shipped or transported in well ventilated crates maintained in a sanitary condition.

Care of animals in transit.

WHEN BOX TRAPS SHALL BE USED

62. The holder of a permit if permitted to take fur-bearers during the "close season," shall be required to take or capture the said fur-bearers by the use of box traps or a modification of same.

Box traps to be used.

RETURN OF PERMITS

63. All permits issued under Sections 58 to 62, inclusive, shall be returned to the Controller upon the expiry date of the permit, together with an affidavit duly sworn setting forth the number and kind of game taken under its authority.

Return of Permits.

REPEAL OF "THE FOX PROTECTION ORDINANCE"

64. Chapter 38 of the Consolidated Ordinances, 1914, regulating the exportation of foxes, and amendments thereto, are hereby repealed.

Fox Protection Ordinance repealed.

PRIVILEGES OF NATIVES IN PRESERVES

65. (1) No person, other than a native born Indian or Eskimo of the Yukon Territory, or the North West Territories, shall hunt, trap, take, shoot at, wound, molest, kill, trade or traffic for any purpose whatsoever in any area created as a game preserve in the Yukon Territory for native Indians or Eskimos.

No persons other than natives to hunt in preserves.

(2) No license or permit issued under the provisions of this Ordinance shall confer the right to hunt or trap, or take game within any such game preserve.

REMUNERATION OF GAME GUARDIANS

66. The remuneration of game guardians, constables and any other person or persons employed to perform any duties imposed by this Ordinance, or any regulations under it, shall be determined by the Controller.

Remuneration of Game Guardians.

MAY ADMINISTER OATHS

Game Guardians empowered to administer oaths.

67. All game guardians and guides shall, while acting as such under the provisions of this Ordinance, have and possess the powers of a "Commissioner for taking Affidavits in and for the Yukon Territory," in relation to all matters coming within the provisions of this Ordinance.

GAME GUARDIANS HAVE POWERS OF CONSTABLES

Game Guardians to have powers of Constables.

68. Every game guardian shall have and is hereby given all the powers of a constable for the purpose of this Ordinance.

CONTROLLER MAY APPOINT PERSONS TO ISSUE LICENSES

Controller may appoint persons to issue licenses.

69. (1) Except as herein otherwise provided, the Controller may appoint such persons as he may deem from time to time necessary, with authority to issue licenses authorized by this Ordinance.

APPLICATION OF ORDINANCE TO INDIANS

Application of Ordinance to Indians.

70. (1) This Ordinance, except as herein otherwise provided, shall not apply to Indians who are residents of the Yukon Territory, or of the North West Territories.

Certain provisions to apply to Indians.

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

Close season for fur-bearers to apply to Indians.

(3) The "close season" for fur bearing animals, as provided by this Ordinance, shall apply to Indians.

PENALTY FOR OFFENCES BY OFFICERS

71. Any game officer, game guardian, or peace officer who violates this Ordinance, or any Regulation, or who aids, abets, or connives at any violation of this Ordinance, or of any Regulation, shall be liable upon summary conviction to a penalty not exceeding Five Hundred (\$500.00) Dollars, and not less than One Hundred (\$100.00) Dollars, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment.

Penalty for offences by Officers.

REFUSING INFORMATION OR GIVING FALSE INFORMATION

72. Any person who wilfully furnishes false information to a game officer, game guardian or peace officer respecting a violation of this Ordinance, or of any regulation, the existence of, or the place of concealment of any game, nest, or eggs, or portion thereof, captured, killed or taken in violation of this Ordinance, or of any regulation, shall be guilty of a violation of this Ordinance.

Furnishing false information is an offence.

PENALTIES

73. Any person who violates any of the provisions of this Ordinance, for which no other penalty is provided, or of any regulation, shall be guilty of an offence, and shall be liable on summary conviction to:

Penalties.

(a) A fine not exceeding Five Hundred (\$500.00) Dollars and costs, nor less than One Hundred (\$100.00) Dollars and costs, or to imprisonment for any term not exceeding six (6) months, or to both fine and imprisonment, for any offence against Sub-section (a) of Section 4.

(b) A fine not exceeding Two Hundred (\$200.00) Dollars, nor less than Fifty (\$50.00) Dollars and costs, or to imprisonment for any term not exceeding three (3) months, or to both fine and imprisonment, for any offence under Sections 6 and 15.

(c) A fine not exceeding One Hundred (\$100.00) Dollars and costs, nor less than Five (\$5.00) Dollars and costs, or to imprisonment for any term not exceeding two (2) months, or to both fine and imprisonment for any other offence against this Ordinance.

Confinement
of convicted
persons in
certain
cases.

74. When, because of the distance, or for want of conveyance or communication, or for any other cause, it is not convenient to confine any convicted person in the nearest gaol, or other place of confinement, the convicting authority shall have power to confine such person in any suitable building which is more convenient to the place of trial, and to take all necessary precautions to prevent his escape therefrom.

ARREST ON VIEW

Arrest on
view.

75. Any person found committing an offence against this Ordinance may be arrested on view by any game officer, game guardian or peace officer.

JUSTICE MAY CONVICT ON VIEW

Conviction
by Justice
on view.

76. Every Justice of the Peace may, upon his own view, convict for any offence against this Ordinance or a regulation.

BURDEN OF PROOF AS TO LICENSE

Burden of
proof on
licensee to
prove
license.

77. (1) Whenever by this Ordinance it is made an offence to do any act without holding a license therefor, the onus in any prosecution shall be upon the person charged, to prove that he was the holder of the license required by this Ordinance.

Burden of
proof as to
residence
to be on
accused.

(2) In any prosecution under this Ordinance the onus of proof as to his bona fide residence in the Yukon Territory shall be upon the defendant.

LICENSE MONIES AND FINES TO FORM PART GENERAL
REVENUE FUND

78. All monies received from licenses or permits issued under the provisions of this Ordinance, and all fines resulting from convictions under this Ordinance shall form part of the General Revenue Fund of the Territory.

CONTROLLER MAY MAKE REGULATIONS

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

Controller
may make
regulations.

80. Chapter 1 of the Ordinances of 1920 respecting the preservation of game, and amendments thereto, are hereby repealed.

Chap. 1 of
1920 and
amendments
repealed.

CHAPTER 2

AN ORDINANCE TO AMEND "THE ASSESSMENT ORDINANCE."

(Assented to May 2nd, 1938.)

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

1.

The Assessment Ordinance, being Chapter 5 of the Consolidated Ordinances of the Yukon Territory, 1914, is hereby amended by adding the following immediately after part (m) of Section 4 of the said Ordinance:

"(n) Lands, improvements and personal property occupied or used by a library or other institution conducted for the public benefit, whenever the Commissioner shall certify that such institution is entitled to the benefit of exemption hereunder."

Library
property
may be
exempted by
Commis-
sioner.

CHAPTER 3

AN ORDINANCE TO AMEND "THE DENTAL ORDINANCE."

(Assented to May 2nd, 1938.)

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

1. Sections 8 and 9 of "The Dental Ordinance," being Chapter 7 of the Ordinances of 1920, are hereby repealed.

2. The said Ordinance is further amended by adding thereto immediately after the word "section" in the tenth line of part (a) of Sub-section (2) of Section 10 of the said Ordinance as enacted by Chapter 6 of the Ordinances of 1937, the following: "and provided further that the Commissioner may permit a resident practitioner to be absent from the Territory for a period not exceeding three months in any year if there is another qualified dentist residing in the Territory during such period."

Commis-
sioner may
permit
resident
dentist to
be absent
3 months.

CHAPTER 4

AN ORDINANCE TO AMEND "AN ORDINANCE RESPECTING INSANE PERSONS."

(Assented to May 2nd, 1938.)

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

1.

"An Ordinance respecting Insane Persons," being Chapter 46 of the Consolidated Ordinances of the Yukon Territory, 1914, is hereby amended by adding thereto the following immediately after Section 5 of the said Ordinance."

Judge may
appoint
Public
Administrator to be
guardian of
estates of
persons
incapable of
managing
their affairs
by reason of
disease, age,
etc.

"6. In the case of a person who has not been found insane under this Ordinance, but with regard to whom it is proved to the satisfaction of a Judge in Chambers, by affidavit or otherwise, that such person is, through mental infirmity arising from disease or age or otherwise, incapable of managing his affairs, such Judge may by order appoint the Public Administrator to be the guardian of the estate and effects of such person with like powers as in the case of a person adjudged to be insane."

CHAPTER 5

AN ORDINANCE TO AMEND "THE MARRIAGE ORDINANCE."

(Assented to May 2nd, 1938.)

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

1.

"The Marriage Ordinance," being Chapter 60 of the Consolidated Ordinances of the Yukon Territory, 1914, is hereby amended by adding the following immediately after the word "him" in Section 8 of the said Ordinance: "and shall endorse thereon the date and hour of issue. It shall be unlawful for any person to perform the ceremony of marriage in pursuance of such license inside of twenty-four hours after the time of issue so endorsed as above."

Ceremony
not to be
performed
within 24
hours of
time of
issue of
license.

CHAPTER 6

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

(Assented to May 2nd, 1938.)

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

1.

Period of
payments for
temporary
disability.

"The Workmen's Compensation Ordinance," being Chapter 1 of the Ordinances of 1917, is hereby amended by striking out the word "six" in the fifth line of Section 4 in the First Schedule to the said Ordinance, and substituting therefor the word "twelve."

CHAPTER 7

AN ORDINANCE RESPECTING THE MAINTEN- ANCE OF WIVES DESERTED BY THEIR HUSBANDS

(Assented to May 2nd, 1938.)

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

PRELIMINARY

1. This Ordinance may be cited as "The Deserted Short title.
Wives Maintenance Ordinance."

2. For the purposes of this Ordinance:

A wife shall be deemed to be "deserted" if she is living Interpreta-
tion.
apart from her husband:

(a) Because of his assaults or other acts of cruelty toward her or her children; or

(b) Because of his refusal or neglect, without sufficient cause, to supply his wife or to supply his wife and their infant children (if any) with food, clothing or other necessaries:

A wife shall be deemed to be "destitute" when she is in necessitous circumstances because of her husband's refusal or neglect, without sufficient cause, to supply her or to supply her and their infant children (if any) with food, clothing and other necessaries:

"Magistrate," where the husband of a deserted or destitute wife resides within the Yukon Territory, shall mean any Stipendiary Magistrate, Police Magistrate or two Justices of the Peace or a person or official having the jurisdiction or authority of two Justices of the Peace, having jurisdiction in the Yukon Territory.

Complaint
and
summons.

3. (1) Where a wife makes a complaint, whether orally or in writing to a Magistrate that she is deserted or destitute, the Magistrate may issue his summons requiring her husband to appear at a time and place mentioned in the summons and show cause, before such Magistrate as may then and there be present, why the husband should not be ordered to pay to his wife a sum sufficient for her maintenance or sufficient for her maintenance and the maintenance of their infant children (if any).

Substituted
service of
summons.

(2) In case it is made to appear to the Magistrate by whom any summons has been issued under this section that prompt personal service of the summons cannot be effected the Magistrate may make such order for substituted or other service, or for the substitution of notice for service, by letter, public advertisement, or otherwise as may be just.

Hearing and
order for
payment of
money.

4. (1). Whether the husband does or does not appear in obedience to the summons, the Magistrate present at the hearing may, upon proof of the service or substituted service of the summons, proceed to inquire into the matter of the complaint at the time and place mentioned in the summons, and may examine on oath as well the wife and her husband as also all witnesses whom the Magistrate thinks requisite; and the Magistrate, if satisfied on the evidence that the wife is deserted or destitute within the meaning of this Ordinance, may order that the husband pay to his wife, for her maintenance or for her maintenance and the maintenance of their infant children (if any) such monthly sum, not exceeding two hundred dollars, as the Magistrate may consider to be in accordance with the means of the husband and any means the wife may have. The order shall also fix the amount which the husband shall pay

as the costs of and incidental to the summons, hearing, and order, including witness fees, and shall specify the date upon which the first monthly payment and the costs are to be paid.

(2) In case the wife is possessed, in her own right, of separate property sufficient for the comfortable maintenance of herself and of the infant children (if any), no order shall be made under this section for the payment to her of any sum in excess of one-half of the amount necessary for the maintenance of the infant children. For the purposes of this section, where the husband and the wife are each possessed of means sufficient for the maintenance of their infant children, the obligations of the husband and the wife to contribute towards such maintenance shall be equal.

Order where wife possessed of separate property.

5. Where an order for the payment of money has been made under this Ordinance, then, upon the application from time to time of either the husband or the wife, or any person entitled to make complaint on behalf of the wife, under this Ordinance, and upon proof that the means or circumstances of the husband or the wife or the needs of the infant children (if any) have been altered since the making of the original order or any subsequent order varying it, any Magistrate may vary or rescind the original order or any subsequent order so made.

Power to carry order.

6. (1) No order for the payment of money shall be made in favor of a wife who is proved, to the satisfaction of the Magistrate hearing the complaint, to have committed adultery, unless the adultery has been condoned.

Proceedings barred by adultery of wife.

(2) Any order for the payment of money may be rescinded by any Magistrate upon proof to his satisfaction that the wife since the making of the order has committed adultery, unless the adultery has been condoned.

Power to rescind order on ground of adultery.

(3) A finding by any Magistrate that adultery has been proved shall not be evidence of the adultery except for the purpose of proceedings under this Ordinance.

Effect of finding as to adultery.

Protection of infant children.

(4) Where the making of an order for the payment of money in favor of a wife is barred by this section, or where an existing order is rescinded under this section, the Magistrate, either on the application of the wife or of any person entitled to make complaint on her behalf under this Ordinance, may make an order for the payment of money by the husband for the maintenance of the infant children (if any), or in favor of any person having at the time the care or custody of the children, and every order so made shall be enforceable at the instance of the persons in whose favor it is made, in the like manner as orders made under this Ordinance in favor of a wife are enforceable.

Provision for private hearing.

7. Any case arising under this Ordinance may, in the discretion of the Magistrate, be heard in private.

ENFORCEMENT OF ORDERS

Enforcement of order by execution.

8. At the request of the wife or of any person entitled to make complaint on behalf of the wife under this Ordinance, the Magistrate by whom an order is made under this Ordinance or any other Magistrate shall issue a warrant or warrants of execution upon default of payment of any monthly sum or costs so ordered to be paid. Every execution shall be for the recovery of the sum awarded, together with the costs and fees of the execution, and shall be executed in like manner as an execution under the "Judicature Ordinance."

Registration of order against lands and mining property of husband.

9. (1) Every order for the payment of money made under this Ordinance shall, upon the deposit of a copy of the order certified by the Magistrate by whom the order was made, in any Land Registry Office in the Territory or in the office of the Gold Commissioner or in the office of any mining recorder, shall form a lien and charge on all the lands, mining claims and mineral claims of the husband in the land registration district or mining district in which the same is registered.

(2) Every order so registered shall be deemed to be a judgment within the meaning of the "Judicature Ordinance" and the wife and any person entitled to make complaint on her behalf under this Ordinance may pursue the same remedies for the recovery of any amount due thereon and all costs as if the order were a judgment of the Territorial Court of the Yukon Territory.

Registered order deemed to be a judgment.

10. (1) In case of non-payment by the husband of any sum ordered to be paid by any order made under this Ordinance, and when and so often as any payment so ordered is in arrear, any Magistrate may issue his summons commanding the husband to appear at a time and a place mentioned in the summons and show cause, before the Magistrate issuing the summons or such other Magistrate as may then and there be present, why the order should not be enforced.

Summons to husband on default of payment.

(2) Upon proof of service of such summons on the husband, either personally or in such other manner as the Magistrate may in writing direct, the Magistrate may:

Enforcement of order by Summary Proceedings.

(a) If the husband fails to appear in obedience to the summons; or

(b) If he has disposed of any of his property since the date of the order for payment; or

(c) If he fails to satisfy the Magistrate that he is unable to pay the amount ordered to be paid and in arrear, by order enforce payment of the amount so in arrear by the like proceedings, including imprisonment, as, under Part XV of the Criminal Code of Canada relating to Summary Convictions, are applicable in the case of a pecuniary penalty, compensation, or sum of money adjudged or ordered to be paid by the conviction or order of a Justice of the Peace.

ATTACHMENT OF DEBTS

11. Any Magistrate may, upon the ex parte application of a wife entitled to enforce any order for the payment of money made under this Ordinance or said Act, or of any

Garnishing Order.

person entitled to make complaint on her behalf under this Ordinance, upon affidavit that an order for the payment of money has been made and that it is still unsatisfied, and to what amount, and that some other person is to the best of the deponent's belief indebted to the husband of such wife, and that such person is within the jurisdiction of the Magistrate, order that all debts, obligations, and liabilities owing, payable, or accruing due from that other person (hereinafter called the "garnishee") to the husband be attached to answer the order for payment; and service upon the garnishee of the garnishing order shall, from the time of service thereof, bind such debts, obligations, or liabilities in the hands of the garnishee.

Amount limited.

12. In the garnishing order the amount attached shall be limited to the amount actually due by the husband, along with a reasonable sum for costs.

Proceeding to enforce payment against garnishee.

13. If the garnishee admits his indebtedness to the husband, he shall forthwith pay to the Magistrate or to the wife, or to her solicitor, the amount of the indebtedness to the husband or the amount limited by the garnishing order; but if the garnishee does not forthwith pay to the Magistrate or to the wife, or to her solicitor, the amount of his indebtedness to the husband or the amount limited by the garnishing order, or if the garnishee disputes any indebtedness to the husband, the wife or any person entitled to make complaint on her behalf under this Ordinance may take the like proceedings as are prescribed in the "Judicature Ordinance" in similar cases; and for the purpose aforesaid the proceedings may be transferred to the Territorial Court of the Yukon Territory and the amount claimed against the husband under the garnishing order shall be deemed to be a judgment of the Territorial Court.

Discharge of garnishee.

14. Payment by the garnishee to the Magistrate, or to the wife, or to her solicitor, or payment into the Territorial Court in compliance with an order of a Judge thereof, shall be a valid discharge of the garnishee as against the husband to the extent of the amount paid.

15. (1) In this section "Government Employee" means any officer, clerk or employee holding office or employed under any branch, institution or department of the Territorial Government, at a salary or for wages payable from the public moneys of the Territory.

Attachment
of salaries of
Government
Employees.

(2) Moneys owing, payable or accruing due from the Territorial Government as salary or wages to any Government employee may be attached under the provisions of this Ordinance.

(3) Service of all garnishing orders, notices and process required to be served on the Territorial Government as garnishee shall be effected by serving the same upon the Territorial Treasurer, or by leaving the same for him at his office in Dawson.

(4) In all proceedings under this Ordinance to which the Territorial Government is a party it shall be lawful for the Court or Judge to pronounce a judgment or to make an order or direction as to costs in favor of or against the Territorial Government.

APPEAL

16. (1) The provisions of Part XV of the Criminal Code of Canada, relating to Summary Convictions as to appeals, and the proceedings therein and incidental thereto, shall apply to any order made under the provisions of this Ordinance except that, where the husband is the appellant, proceedings on the order appealed from shall not be stayed pending the appeal, and he shall pay all costs of the appeal, and, where the wife is the appellant, no bond or security for the costs of the appeal shall be required.

Provisions
as to
appeal.

(2) In addition to all other provisions of this Ordinance for the enforcement of orders, any order of a Magistrate for the payment of money to a deserted or destitute wife under the provisions of this Ordinance may, if affirmed on appeal, be enforced with costs by process of the Territorial Court.

GENERAL PROVISIONS

Costs. 17. The costs of garnishee proceedings under this Ordinance shall be the same as are allowed in the Territorial Court in similar cases. The costs of all other proceedings under this Ordinance shall be the same as are provided for similar proceedings by Part XV of the Criminal Code of Canada, relating to Summary Convictions.

Forms. 18. The forms of summonses, orders for the payment of money, and garnishing orders issued in pursuance of this Ordinance may be the same or to the like effect as the respective forms contained in the Schedule.

Issue of summons by one Justice. 19. Where any matter is to be heard under this Ordinance by two Justices of the Peace, the complaint may be made to and the summons issued and an order for substituted or other service, or for the substitution of notice for service, made by one of them.

Service. 20. Summonses and orders issued in pursuance of this Ordinance may be served in the manner provided for service of summonses under Part XV of the Criminal Code of Canada, relating to Summary Convictions or as provided in this Ordinance or as the Magistrate may direct.

No limitation as to time of beginning proceedings. 21. Any complaint under this Ordinance may be made and any proceeding under this Ordinance other than appeals may be begun at any time, notwithstanding anything contained in Part XV of the Criminal Code of Canada, relating to Summary Convictions.

Husband and wife competent and compellable witnesses in all proceedings. 22. Notwithstanding any statute or law to the contrary, in all proceedings under this Ordinance, including all appeals from any order made by a Magistrate thereunder, both the wife by whom or on whose behalf complaint is made and her husband shall be competent and compellable witnesses to testify for or against each other, and to disclose any communication made by either of them to the other during their marriage.

SCHEDULE

“DESERTED WIVES’ MAINTENANCE ORDINANCE”

Summons

Yukon Territory }

To (name of husband)
of (address)
..... (occupation)

Whereas, your wife,..... (or....., on behalf of your wife), has this day made a complaint under the above Ordinance, for that you have deserted your wife (or caused her to become destitute); These are, therefore, to require you to be and appear at..... in the Yukon Territory, on....., the..... day of....., 19....., at the hour of..... o'clock in thenoon, before such Magistrate as may then and there be present, and show cause why you should not be ordered to pay to your wife a sum sufficient for her maintenance (and for the maintenance of your infant children).

As witness my hand and seal at....., in the Yukon Territory, this.....day of....., 19.....

.....
Magistrate (or Justice of the Peace)
in and for the Yukon Territory.

“DESERTED WIVES’ MAINTENANCE ORDINANCE”

Order

Yukon Territory }

..... (name of wife)

vs.

To (name of husband)

....., 19..... (date of order)

Upon reading the summons herein duly served and upon hearing the evidence adduced, and it appearing that the above-named wife.....is entitled to the benefit of the above Ordinance, do order that the above-named husband..... do hereafter pay to his said wife for her maintenance (and the maintenance of their infant children) the sum of..... dollars a month; the first of such payments to be made on the.....day of....., 19....., and that he also on said date, in addition to the amount of the first payment, pay the sum of.....dollars for costs.

As witness.....hand and seal at..... in the Yukon Territory.

.....
A Magistrate in and for the

“DESERTED WIVES’ MAINTENANCE ORDINANCE”

Summons to Show Cause

Yukon Territory }'

To (name of husband)
of (address)
..... (occupation)

Whereas, on the.....day of....., 19.....,
you were ordered to pay to your wife for her maintenance
(and the maintenance of your infant children) the sum
of.....dollars a month, and there is now
in arrear the sum of.....dollars which you have
failed or refused to pay: These are, therefore to command
you to be and appear at....., in the
.....of....., in the Yukon Territory, on
the.....day of....., 19....., at the hour.....
o'clock in the.....noon, before such Magistrate as may
then and there be present, and show cause why the order
should not be enforced.

As witness.....hand and seal at.....,
in the Yukon Territory, this.....day of....., 19.....

.....
A Magistrate in and for the

“DESERTEED WIVES’ MAINTENANCE ORDINANCE”

Affidavit in Support of Garnishing Summons

Yukon Territory }

..... (name of wife)

vs.

To (name of husband)

I,..... of, make oath and say as follows :

1. I am
2. On the.....day of....., 19....., an order was made by.....for the payment to..... by the above-named.....of the sum of.....dollars a month, and the sum of.....dollars for costs.
3. There is now due and in arrear the sum of.....dollars which the above-named.....has failed or refused to pay.
4. I am informed and believe thatis indebted, under obligation, and liable to the said..... and that the said.....is within the jurisdiction of

Sworn to at.....)
 in the Yukon Territory)
 this.....day of)
, 19.....)
 before me

“DESERTED WIVES’ MAINTENANCE ORDINANCE”

Garnishing Order

Yukon Territory }

..... (name of wife)

vs.

..... (name of husband)

vs.

..... (name of garnishee)

..... (date)

Upon reading the affidavit of.....
sworn the.....day of....., 19.....,
I do order that all debts, obligations and liabilities owing,
payable, or accruing due from.....
to the above-named....., but not
exceeding the amount hereunder written, be attached to
answer an order made by.....on the
.....day of....., 19....., under the above
Ordinance.

Amount in arrear.....\$.....

Costs\$.....

Amount garnisheed\$.....

.....
Magistrate in and for the

CHAPTER 8

AN ORDINANCE TO AMEND "THE SALE OF BEER ORDINANCE."

(Assented to May 2nd, 1938.)

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

Sec. 32
amended.

1. "The Sale of Beer Ordinance," being Chapter 2 of the Ordinances of 1925, is hereby amended by adding the following after the word "on" in the sixth line of Section 32: "and remains within the Yukon Territory."

2. The said Ordinance is further amended by adding thereto immediately after the said Section 32 the following sub-section:

Licensee
may with
permission
of Commis-
sioner be
absent from
Territory
for four
months.

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

CHAPTER 9

AN ORDINANCE TO AMEND CHAPTER 1 OF THE ORDINANCES OF 1924, BEING "AN ORDINANCE TO CREATE A GAME PRESERVE IN THE YUKON TERRITORY FOR NATIVE INDIANS."

(Assented to May 2nd, 1938.)

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

1.

The above Ordinance is hereby amended by adding the following sub-section immediately after Section 2 thereof:

"(2) Provided that any bona fide prospector within the area covered by the Preserve hereby created, who is the holder of a Hunting or Trapping License under "The Yukon Game Ordinance" may kill game for food purposes in the said area during the open season, with the exception of buffalo or animals usually killed for their fur.

Bona fide
prospector
may kill
game in
Preserve.

CHAPTER 10

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

(Assented to May 2nd, 1938.)

Whereas, It appears by Message from George Allen Jeckell, Esquire, the Controller of the Yukon Territory, and in the Supplementary Estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" are required to defray certain further expenses of the Public Service of the Yukon Territory and the City of Dawson, and for the purposes relating thereto for the year ended March 31st, 1938; and

Whereas, It appears by Message from George Allen Jeckell, Esquire, the Controller of the Yukon Territory, and in the Estimates accompanying the same, that the sums hereinafter mentioned in Schedule "B" to this Ordinance are required to defray certain expenses of the Public Service of the Yukon Territory and for the purposes relating thereto for the twelve months ending March 31st, 1939; and

Whereas, It appears by Message from George Allen Jeckell, Esquire, the Controller of the Yukon Territory, and in the Estimates accompanying the same, that the sums hereinafter mentioned in Schedule "C" to this Ordinance are required to defray certain expenses of the Public Service of the City of Dawson and for the purposes relating thereto for the twelve months ending March 31st, 1939;

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

1. From and out of the sums at the disposal of the Yukon Council there shall be paid and applied a further sum not exceeding in the whole two hundred and fifty-seven thousand nine hundred and twenty-four dollars and twenty-four cents for defraying the several charges and expenses of the Public Service of the Yukon Territory for the year ended March 31st, 1938, as set forth in Schedule "A" of this Ordinance; and from and out of the sums at the disposal of the Yukon Council there shall be paid and applied a further sum not exceeding in the whole five hundred and thirty dollars and twenty-seven cents for defraying the several charges and expenses of the Public Service of the City of Dawson for the year ended March 31st, 1938, as set forth in Schedule "A" of this Ordinance.

2. From and out of the funds at the disposal of the Yukon Council there shall and may be paid and applied a sum not exceeding in the whole two hundred and eight thousand two hundred and thirty-nine dollars and twenty-one cents for defraying the several charges and expenses of the Public Service of the Yukon Territory for the twelve months ending March 31st, 1939, as set forth in Schedule "B" of this Ordinance.

3. 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 thirty-seven thousand dollars for defraying the several charges and expenses of the Public Service of the City of Dawson for the twelve months ending March 31st, 1939, as set forth in Schedule "C" of this Ordinance.

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

SCHEDULE "A"

Further sums granted to the Controller by this Ordinance for the twelve months ending March 31st, 1938, and the purposes for which they are granted:

SCHOOLS:

Dawson	\$	657.36
Carcross		30.27
Auto Transportation		50.00

HOSPITALS, CHARITIES, AND PUBLIC HEALTH:

Public Health and Care of Indigents.....		8,884.80
--	--	----------

GRANTS:

Whitehorse Law Library.....		6.75
-----------------------------	--	------

MISCELLANEOUS:

Printing and Stationery		498.08
Contingencies		343.91

ROADS, BRIDGES, AND PUBLIC WORKS

12,423.45

THE GOVERNMENT LIQUOR ORDINANCE:

Liquor Stores		235,029.62
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 \$257,924.24

CITY OF DAWSON

Fire Department	\$	258.09
Streets and Sidewalks		272.18

 \$ 530.27

SCHEDULE "B"

Sums granted to the Controller by this Ordinance for the twelve months ending March 31st, 1939, and the purposes for which they are granted:

SALARIES AND TRAVELLING EXPENSES

Salaries	\$ 6,600.00	
Travelling Expenses	800.00	
	<u> </u>	\$ 7,400.00

YUKON COUNCIL

Sessional Indemnity and Travelling Expenses	1,450.00
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SCHOOLS

Schools Generally	\$ 4,250.00	
Dawson School	11,310.00	
St. Mary's School	3,300.00	
Whitehorse School	9,580.00	
Mayo School	3,390.00	
Carcross School	2,700.00	
Elsa Camp School	2,300.00	
Auto Transportation	1,800.00	
	<u> </u>	38,630.00

HOSPITALS, CHARITIES, AND PUBLIC HEALTH

Grant, St. Mary's Hospital	\$ 35,000.00	
Grant, Mayo Hospital	6,500.00	
Grant, Whitehorse Hospital	5,000.00	
Salary, Medical Health Officer, etc., Dawson	1,200.00	
Salary, Medical Health Officer, etc., Mayo	300.00	
Salary, Medical Health Officer, etc., Whitehorse	300.00	
Public Health and Care of Indigents	27,000.00	
	<u> </u>	75,300.00
Carried forward		<u>\$122,780.00</u>

Brought forward \$122,780.00

GRANTS TO LIBRARIES, READING ROOMS, ETC.

Dawson Library and Reading room	\$ 900.00	
Whitehorse Library and Read- ing Room	450.00	
Mayo Library and Reading Room	450.00	
Yukon Law Library	200.00	
City of Dawson	14,000.00	
	<hr/>	16,000.00

MISCELLANEOUS EXPENDITURES

Territorial Agent, Whitehorse \$	750.00	
Town of Whitehorse	4,850.00	
Territorial Agent, Mayo	480.00	
Town of Mayo	5,150.00	
Assay Office, Keno	5,200.00	
Printing and Stationery	2,000.00	
Contingencies	1,500.00	
Aviation Fields	500.00	
	<hr/>	20,430.00

ROADS, BRIDGES, AND PUBLIC WORKS

Dawson to Miller Creek and International Boundary	\$ 3,600.00	
Dawson Cable Ferry	2,500.00	
Hunker-Dominion and Sulphur Roads	5,200.00	
Bonanza, Quartz and Indian River Roads	750.00	
Klondike Road	1,000.00	
Hollenbeck's to Crooked Creek	1,000.00	
Mayo to Yukon River at Minto	800.00	
Kluane Junction to Minto	1,000.00	
Mayo District Roads	5,000.00	
Whitehorse District Roads.....	3,500.00	
	<hr/>	
Carried forward.....	\$ 24,350.00	\$159,210.00

Brought forward	\$ 24,350.00	\$159,210.00
Winter Roads	5,000.00	
Machine Shop, Repairs, etc., to tractors, trucks, shovel, loader, etc., and gasoline and oils, Dawson District....	11,000.00	
Purchase Equipment:		
Part payment D-7 tractor and tracdozer	\$5,889.40	
2-t'n Dump Truck	1,900.00	
	<u>7,789.40</u>	
Sundry Roads and General Ex- pense	889.81	
		<u>49,029.21</u>
Total		<u>\$208,239.21</u>

SCHEDULE "C"

CITY OF DAWSON

Fire Department	\$ 10,211.00
Hydrant Service	13,356.00
Street Lighting	2,550.00
Printing and Stationery	300.00
Salaries	1,120.00
Contingencies	150.00
Streets and Sidewalks	9,313.00
	<u>\$ 37,000.00</u>

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

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