

ORDINANCES  
OF THE  
**YUKON TERRITORY**

---

PASSED BY THE  
**YUKON COUNCIL**

IN THE YEAR  
**1946**

---

**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

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### AN ORDINANCE TO AMEND "THE MOTOR VEHICLE ORDINANCE."

*(Assented to May 6th, 1946.)*

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

1. "The Motor Vehicle Ordinance," being Chapter 66 of the Consolidated Ordinances of the Yukon Territory, 1914, and amending ordinances, is hereby amended by adding the following definition to those contained in Section 2 thereof:

"Resident" shall mean a person who has resided continuously in the said Yukon Territory for not less than two years.

2. The said ordinance is further amended by adding the following sub-section to Section 4 thereof:

"4. The provisions of this Section and the immediately preceding section shall apply to non-resident as well as resident owners but in addition to the fee in this section provided for a non-resident owner who is engaged in commercial transportation between the Province of British Columbia and/or the Territory of Alaska and the Yukon Territory, shall pay a fee of \$20.00 per ton capacity of each vehicle of one ton capacity and over so engaged in such transportation."

3. The said Ordinance is further amended by adding immediately after Section 11 thereof the following section:

11A. Every motor vehicle and every trailer having a width, including the load thereon, in excess of eighty inches at any part shall, unless excepted by a permit issued by the Controller carry two clearance-lights on the extreme left side and two clearance lights on the extreme right side of the motor vehicle, trailer, or load, two located at the front, each displaying a white, green, or amber light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the motor vehicle or trailer, and the other two located at the rear of the motor vehicle or trailer, each displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the rear of the motor-vehicle or trailer; provided that in the case of a trailer used for hauling logs, reflectors of a type approved by the Controller may be carried instead of the clearance lights prescribed by this regulation in respect to trailers. Every side-car attached to a motor-cycle shall carry two clearance-lights mounted on the extreme outer side of the side-car, one located at the front and displaying an amber light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the side-car and the other located at the rear of the side-car and displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the rear of the side-car. A dual light attached to a side-car in such a manner as to display lights both to the front and to the rear and capable of fulfilling the above conditions shall be a sufficient compliance with the provisions of this regulation relating to clearance lights on a side-car. During the period from one-half hour after sunset to one-half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible a substantial object on the highway at a distance of two hundred feet, the clearance-lights prescribed by this regulation shall be kept lighted whenever the motor

vehicle, trailer, or side-car is on the travelled portion of any highway. No clearance-light shall be equipped with a light-bulb producing light of more than six candlepower or less than two candlepower. No lights on the outside of any motor-vehicle, trailer or side-car other than those prescribed or permitted by these regulations shall be lighted while the motor-vehicle, trailer, or side-car is on the travelled portion of any highway unless approved by the Controller and used, adjusted, and operated in accordance with such conditions as are set forth in the approval. No person shall sell or offer for sale for use on a motor-vehicle any reflector of a type or make which has not been approved by the Controller.

## CHAPTER 2

AN ORDINANCE GOVERNING THE SAFE OPERATION OF MINES IN THE YUKON TERRITORY

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*(Assented to May 6th, 1946.)*

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

## SHORT TITLE

1. This Ordinance may be cited as "The Mining Safety Ordinance."

## INTERPRETATION

2. In this Ordinance unless the context otherwise requires

- |              |   |
|--------------|---|
| "Authorized" | (a) "Authorized" means properly authorized to perform any specified duty or to do any specified act, and "qualified" shall mean properly qualified to perform any specified duty or do any specified act; |
| "Qualified"  |   |
| "Agent"      | (b) "Agent" means any person having, on behalf of the owner, the care or direction of a mine or of any part thereof, and includes the words manager and superintendent;                                   |



- (c) "Controller" means the Controller of the Yukon Territory; "Controller"
- (d) "Court" means the Territorial Court of the Yukon Territory; "Court"
- (e) "Inspector" means any inspector, including the chief inspector, appointed under this Ordinance, and any officer having the powers of an inspector and any other person who is directed by the Controller to make a special report with respect to an accident in a mine to which this Ordinance applies; "Inspector"
- (f) "Machinery" means and includes steam and other engines, boilers, furnaces, stamps and other crushing apparatus, winding and pumping gear, chains, trucks, tramways, tackle, blocks, ropes and tools, and all appliances used in or about or in connection with a mine; "Machinery"
- (g) The noun "mine" shall include any opening, quarry or excavation in, or working of, the ground for the purpose of searching for, winning, opening up, removal of, or proving any mineral-bearing substance, and any ore body, mineral deposit, stratum, soil, rock, quartz, limestone, bed of earth, clay, sand or gravel, or place where mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine and also any roast yard, smelting furnace, mill, work or place used for or in connection with crushing, reducing, smelting, refining, or treating any of said substances; "Mine", meaning of

"Mine"  
"Mining"

- (h) The verb "mine" and the word "mining" shall include any mode or method of working, whereby the soil or earth or any rock, stone, quartz, clay, sand or gravel may be disturbed, removed, carted, carried, washed, sifted, crushed, roasted, smelted, refined or dealt with for the purpose of obtaining any mineral or minerals, metal or metals therefrom whether the same may have been previously disturbed or not and all operations and workings mentioned in clause (g) of this section.

"Owner"

- (i) "Owner" when used in relation to any mine, means and includes every person, mining partnership, and company being the immediate proprietor or lessee or occupier of a mine, or of any part thereof, or of any land located, patented or leased as mining lands but shall not include a person, or a mining partnership or company receiving merely a royalty, rent or fine from a mine or mining lands, or being merely the proprietor of a mine or mining lands subject to a lease, grant or other authority for the working thereof, or the owner of the surface rights and not of the ore or minerals;

"Recorder"

- (j) "Recorder" means the mining recorder of the mining district in which the land in respect of which an act, matter or thing is to be done are situate;

"Regulation"

- (k) "Regulation" means a regulation made by the Controller under the authority of this Ordinance;

"Shaft"

- (l) "Shaft" includes a pit.

3. The Controller may appoint an inspector or inspectors, and such other officers as he may deem necessary for the purpose of carrying out the provisions of this Ordinance, and, subject to the approval of the Commissioner in Council, fix their remuneration. Appointment and duties of inspectors and other officers.
4. The Controller may from time to time make regulations and prescribe such forms as may be deemed necessary for the proper carrying into effect of the provisions of this Ordinance. Regulations and Forms

#### EMPLOYMENT IN AND ABOUT MINES

5. (1) Subject to the requirements of this Ordinance, and except as otherwise herein provided, responsibility for the authorization and decisions as to the qualifications of the employees shall rest with the employer or his agent. Responsibility as to qualifications
- (2) No male person under the age of sixteen years shall be employed in or about any mine, and no male person under the age of eighteen years shall be employed below ground in any mine. Restrictions on employment of children
- (3) No girl or woman shall be employed in or about any mine except in a professional technical, clerical or domestic capacity. Girls and women
6. (1) The owner or agent of every producing mine shall provide adequate mine rescue apparatus which shall be kept in good condition and readily available for use at all times. Rescue Apparatus
- (2) It shall be the duty of the owner, or agent, of every producing mine to cause a sufficient number of workmen to be trained in the use and maintenance of rescue apparatus.

Hours of  
labour  
under-  
ground

7. (1) No workman shall remain or be allowed to remain underground in any mine for more than eight hours in any consecutive twenty-four hours, which eight hours shall be reckoned from the time he arrives at his place of work in the mine until the time he leaves such place, provided however, that,—

Proviso

(a) a Saturday shift may work longer hours for the purpose of avoiding work on Sunday or changing shift at the end of the week or giving any of the men a part holiday;

(b) the said limit of time shall not apply to a foreman, pump man, cagetender, or any person engaged solely in surveying or measuring, nor shall it apply in cases of emergency, where life or property is in imminent danger, or in any case of repair work.

Hours of  
operator  
of  
hoisting  
engine

(2) No person shall operate or be permitted to operate, either on the surface or underground, any hoisting engine by means of which persons or material are hoisted, lowered or handled in any shaft or winze, for more than eight hours in any consecutive twenty-four hours, except,

Absence of  
hoistman

(a) that in the event of one of the regular hoistmen being absent from duty through sickness or otherwise and where no competent substitute is available the remaining hoistman or hoistmen may work extra time not exceeding four hours each in any consecutive twenty-four hours for a period not exceeding ten days;

- (b) That in any case where the work at any mine or in any shaft or winze at any mine is not carried out continuously on three shifts per day, in which case the hoistman may work such extra time as may be necessary for hoisting or lowering the workmen employed on the shift at the beginning and end of each shift; Less than three shifts per day
- (c) in the cases provided for in clauses (a) and (b) of subsection 1. Saturday shift emergencies
- (3) In this section,—
- (a) “Workman” shall mean any person employed underground in a mine who who is not the owner or agent or an official of the mine; Interpretation “Workman”
- (b) “Shift” shall mean any body of workmen whose hours for beginning and terminating work in the mine are the same or approximately the same, and where any question or dispute arises as to the meaning or application of clause (b) of subsection 1, or as to the meaning of “workman”, “shift” or “underground”, the certificate of the Inspector shall be conclusive. “Shift”  
Certificate of Inspector
- (4) For greater certainty it is hereby declared that sections 41, 42 and 43 shall apply to contraventions of this section; provided, however, that a workman shall not be guilty of an offence for failure to return to the surface within the time limited by this section if he proves that without fault on his part he was prevented from returning owing to means not being available for the purpose. Application of sections as to penalties

- Suspension of operation of section (5) In the event of great emergency or grave economic disturbance, the Controller may suspend the operation of this section to such an extent and for such period as he deems fit.
- Age limit of hoistmen 8. (1) No person under the age of twenty-one years and no person who has not had adequate experience on a reversing hoisting engine shall be allowed to have charge of any hoisting engine at a shaft or winze in which men are handled at any mine.
- (2) No person under the age of eighteen years shall be allowed to have charge of any hoisting engine of any kind at a mine.
- Hoistman to be holder of medical certificate (3) No person shall operate or be permitted to operate any hoist engine at a shaft or winze in which men are handled at any mine, or for any other purposes designated by the Inspector unless such person is the holder of a subsisting certificate from a duly qualified medical practitioner to the effect that such person has been examined and that he is not subject to any infirmity, mental or bodily, and that his sight and hearing are not defective to such a degree as to interfere with the efficient discharge of his duties.
- (a) Such certificate shall lapse and be deemed to have expired at the end of one year from the date thereof.
- Record of subsisting certificates (4) A record of all such subsisting certificates shall be kept on file by the person in charge of the mining operation and shall be open at all times to examination by the Inspector.
- Interpretation 9. For the purpose of sections - 11 to 20.

- (a) "Applicant" shall mean a person who is not the holder of a certificate in good standing, issued under the authority of sections 11 to 20, who is seeking employment in a dust exposure occupation; "Applicant"
- (b) "Certificate" shall mean initial certificate, extended certificate, endorsed certificate, miner's certificate and renewed certificate; "Certificate"
- (c) "Dust exposure occupation" shall mean employment underground in a mine or open quarry or employment at the surface of a mine in ore or rock crushing operations where the ore or rock is not crushed in water or in a chemical solution which constantly keeps it in a moistened or wet condition; "Dust exposure occupation"
- (d) "Endorsed certificate" shall mean an initial certificate or extended certificate which has been endorsed under clause (b) of subsection 2 of section 13; "Endorsed certificate"
- (e) "Extended certificate" shall mean an initial certificate which has been extended under clause (a) of subsection 2 of section 13; "Extended certificate"
- (f) "Initial certificate" shall mean a certificate issued to an applicant under subsection 1 of section 13; "Initial certificate"
- (g) "Medical Officer" shall mean a medical officer appointed by the Controller, or a medical practitioner employed by the mining company and authorized by the Controller to carry out the provisions of this Ordinance with regard to the examination of employees or applicants for employment; "Medical Officer"

"Miner's  
certificate"

(h) "Miner's certificate" shall mean a certificate issued under subsection 1 of section 14;

"Renewed  
certificate"

(i) "Renewed certificate" shall mean a miner's certificate which has been renewed under subsection 2 of section 14.

Dust  
exposure  
occupation  
—employ-  
ment in

10. No person shall be employed in a dust exposure occupation unless he is the holder of a certificate in good standing.

Terms of  
certificate

11. (1) Subject to the provisions of subsection 2 every certificate shall remain in force for not more than twelve months, provided that a medical officer may, at any time, recall the holder of any certificate for examination within the scope of the existing certificate and may extend, endorse, renew or cancel such certificate in accordance with his finding upon such examination.

Examina-  
tion by  
travelling  
medical  
officer

(2) In those portions of the Yukon Territory where the examinations under section 13 and 14 are conducted by a travelling medical officer no certificate shall be deemed to have expired because of the failure of the medical officer to conduct any examination prior to the date of expiration of any certificate, and the holder of any certificate which would otherwise have expired shall present himself before a medical officer for re-examination at the first opportunity available after the date upon which his certificate would have so expired.

Expiration  
of cer-  
tificate

(3) Where any certificate of a person employed in the mining industry has expired because of the failure of the holder thereof to present himself to a medical officer for examina-



ation, a medical officer may extend, endorse or renew such certificate or issue a miner's certificate, as the circumstances of the case may require, if he is satisfied that such failure was caused by the inability of such holder to so present himself because of illness or other circumstances beyond his control.

12. (1) Every applicant shall be examined by a medical officer before commencing employment and if the medical officer finds upon examination that the applicant is free from disease of the respiratory organs and otherwise fit for employment in a dust exposure occupation he shall issue to the applicant an initial certificate. Every such examination shall include the taking of X-Ray plates of the chest.
- (a) Every X-Ray plate of the chest taken in compliance with these regulations shall be sent as soon as convenient by the Medical Officer to an X-ray specialist or clinic specializing in diseases of the respiratory organs for examination and report, such specialist or clinic to be approved by the Controller of the Yukon Territory.
- (2) The holder of an initial certificate shall, prior to the expiration thereof, present himself to a medical officer for re-examination and if the medical officer finds upon examination that such holder is free from diseases of the respiratory organs and otherwise fit for employment in a dust exposure occupation he shall;—

Examination before employment

Initial certificate holder, — re-examination

- (a) in the case of a holder who since the issuance of his initial certificate has completed eleven months' or more employment in a dust exposure occupation, the medical officer shall endorse such certificate.

Issue of  
miner's  
certificate

13. (1) The holder of an endorsed certificate shall, prior to the expiration thereof, present himself to a medical officer for examination and if the medical officer finds upon examination that such holder is free from tuberculosis of the respiratory organs he shall issue to such holder a miner's certificate.

Miner's  
certificate  
holder,  
re-examina-  
tion

- (2) The holder of a miner's certificate shall, prior to the expiration thereof, present himself to a medical officer for re-examination and if the medical officer finds upon examination, including X-Ray examination, that such holder is free from tuberculosis of the respiratory organs, he shall renew such certificate which may be further renewed from year to year upon the passing of a similar examination.

Unemployed  
holder of  
certificate

14. The holder of any certificate, who, for any reason, is out of employment in a dust exposure occupation may apply to a medical officer for the extension, endorsement or renewal of his certificate or for the issuance of a miner's certificate, as the case may be, and upon presentation of the holder's certificate the medical officer shall conduct the required examination and effect such extension, endorsement, issuance or renewal as may be warranted by his findings upon such examination.

15. (1) Where the holder of an initial or extended certificate has been out of employment in the mining industry for a period exceeding one year and during such period has failed through neglect on his part to have his certificate extended or endorsed, such certificate shall be void and the holder thereof shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only. Initial  
or  
extended
- (2) Where the holder of an endorsed certificate or a miner's certificate has been out of employment in the mining industry for a period exceeding two years and during such period has failed through neglect on his part, to obtain a miner's certificate or to have a miner's certificate renewed; his certificate shall be void and the holder thereof shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only. Endorsed or  
Miner's
- (3) Where the holder of any certificate has been out of employment in the mining industry for a period exceeding three years, he shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only. Where un-  
employment  
exceeds  
three years
16. The manager or superintendent of the mine at which the holder of a certificate is employed shall require such certificate to be delivered to and left in the custody of such manager or superintendent during the period of the holder's employment at the mine but such certificate shall be returned to the holder upon the termination of his employment at such mine. Custody of  
certificate
17. (1) The Chief Inspector may exempt from the provisions of sections 11 to 17 any mine or any person employed thereat where, in his opinion the, mine does not contain silica in the quantity likely to produce silicosis or where for any other reason he is of the opinion that such provisions should not apply. exemptions

(2) The provisions of section 11 to 17 shall not apply to any person usually employed in a dust exposure occupation for less than fifty hours in each calendar month.

18. The Controller may make regulations,—

Regulations

(a) prescribing the nature of the examination to be made by a medical officer under sections 13 to 16;

(b) prescribing the forms of certificates and extension, endorsement and renewals thereof; and

(c) generally for the better carrying out of the requirements of sections 11 to 18.

Certificate holder under Provincial legislation

19. Every person who is the holder of a valid miner's certificate issued under any provincial mining act, as required by sections 10 to 19 inclusive, shall be entitled to receive a miner's certificate which shall expire upon the expiration date of the said provincial certificate.

Protection from radium hazards

20. The owners of mines or metallurgical works where radioactive minerals are mined, concentrated or treated shall supply and install the equipment necessary for and have their medical practitioner carry out such tests, as the Controller may from time to time decide are required for the protection of the health of all employees. Adequate precautions shall also be taken in mining, milling and treating of radioactive ores to protect the health of the employees as approved of in writing by the Chief Inspector.

Penalty for employment of persons contrary to Ordinance

21. Where a contravention of section 5, 7 or 8 takes place, the owner or agent of the mine, or both of them, may be proceeded against, jointly or separately and may be convicted of such offence, but neither the owner nor the agent shall be so convicted if he proves that the offence was committed without his knowledge or consent, and that he had caused notices of the said section to be posted up, and to be kept posted up, at some conspicuous place at or near the entrance to the mining work.

22. (1) Where a mine has been abandoned or the work therein has been discontinued, the owner or lessee thereof or any other person interested in the mineral of the mine shall cause the top of the shaft and all entrances from the surface as well as all other pits and openings dangerous by reason of their depth, to be and to be kept securely fenced to the satisfaction of the Inspector.

Fencing of abandoned or unworked mines

(2) Every such person who, after notice in writing from the Inspector fails to comply with his directions as to such fencing within the time named in the notice shall be guilty of an offense against this Ordinance.

Failure to erect fence after notice

(3) Where the Inspector finds that any such fencing is required in order to avoid danger to health or property he may cause the work to be done and the costs incurred, with interest thereon, shall be a lien and charge upon the mine or mining work of which notice in such form as the Controller may prescribe may be registered in the proper mining recorder's registry or land titles office, and no further transfer or other dealings with the mineral claims, mine or mining work shall take place until such costs are paid.

When Inspector may erect fence

(4) The amount of such costs with interest thereon shall be due from the owner or lessee to the Crown and recoverable at the suit of the Controller in any court of competent jurisdiction.

Recovery of costs of work

#### INQUEST TO BE HELD IN CASE OF FATALITY

23. (1) It shall be the duty of a coroner, having jurisdiction in the place where a fatal accident occurs in or in connection with a mine or metallurgical works to hold an inquest, and he shall forward to the Inspector a certified copy of the proceedings taken at the inquest. The coroner shall not conduct an inquest unless an inspector is present during the entire inquest.

Coroner to hold inquest in case of fatality in a mine

Duty of  
Manager

- (a) The manager or other person in charge of a mine wherein or in connection wherewith a fatal accident occurs shall forthwith notify a coroner, appointed under the Yukon Act, having jurisdiction in the place where the accident occurs.

Controller  
may direct  
who to hold  
inquest

- (b) Where a fatal accident occurs in or in connection with a mine at a place which is more readily accessible to a coroner not having jurisdiction in such place than to any eligible coroner having jurisdiction thereat, the Controller may direct such coroner to issue his warrant and conduct an inquest and such direction shall be such coroner's authority therefor.

Right of the  
Inspector or  
his repre-  
sentatives  
to be  
present at  
inquest

- (2) The Inspector and any person authorized to act on his behalf shall be entitled to be present and to examine or cross-examine any witness at every inquest held concerning a death caused by an accident at a mine.

#### RULES FOR PROTECTION OF MINERS AND OTHER WORKERS IN OR ABOUT MINES

Suspension  
of rule

24. (1) Where the owner, agent or manager of a mine by his application in writing stating his reasons therefor, requests the Inspector to suspend the requirements of any rule under section 25 as to such mine, the Chief Inspector, upon the recommendation of an Inspector, may in writing direct that the requirements of such rule shall not apply to such mine or may in writing direct that such rule shall not apply so long as such limitations and conditions as he may see fit to impose, are observed or complied with.

Cancellation  
of suspen-  
sion

(2) The Chief Inspector may at any time cancel any order made under subsection 1, or make such alterations therein as he may deem proper in view of any change in the conditions under which such order was made or upon it appearing to him that such change for any other cause, is advisable.

(3) The manager of a mine may make rules not inconsistent with any rule therein set out, or any special direction made by an inspector as hereinbefore provided; for the maintenance of order and discipline and the prevention of accidents in the mine. The rule or rules when so made shall be submitted to the Chief Inspector, who shall lay the same before the Controller for his approval, and upon such approval being given the rules shall take effect after they have been posted up in a conspicuous place at the mine for at least fourteen days, provided that the Commissioner may disallow any of such rules or direct such changes to be made in them as he may deem proper.

Manager of mine may make rules

- (a) Every such rule after approval and when and so long as it is posted up and is legible shall have the same force and effect as the rules and regulations set out in this Ordinance and any person who contravenes any such rule shall incur the penalty provided for a breach of the rules and regulations contained in this Ordinance.

(4) Except as to any rules which the Inspector has directed shall not be applicable thereto, the manager of the mine shall take all necessary and reasonable measures to enforce the requirements of the rules set forth in section 25 and to ensure that they are observed by every employee of the mine and every foreman, mine captain, shift boss and department head shall take all necessary and reasonable measures to enforce the requirements of all such rules as are applicable to the work and over which he has supervision and to ensure that the same are observed by the workmen under his charge or direction. An authorized officer of the mine, responsible for the operations, shall be present on the property at all times. In the absence of the regular officer a substitute competent and responsible person may act and shall be held responsible for the proper carrying out of the rules. Every person through whose neglect

Responsibility as to carrying out rules.

or wrongful act a contravention occurs shall be deemed to have incurred the penalties provided for a breach of the rules.

Liability of  
contractors  
and sub-  
contractors

(5) Where work in or about a mine is let to a contractor or sub-contractor, he shall comply and enforce compliance with all the rules and provisions of this Ordinance pertaining to the work over which he has control and shall in any case of non-compliance therewith be guilty of an offence and punishable in like manner as if he were owner or agent.

(6) The provisions of the Sanitary Control Ordinance of the Yukon Territory shall apply to all mining camps, mines, buildings and employees, where not inconsistent with this Ordinance.

25. Subject to the provisions of section 24, the following rules shall be observed and carried out at every mine and the decision of the Inspector as to whether or not any situation complies with any requirement of the rules in which "suitable", "adequate", "approved" or any expression of like import is used and as to the meaning and application of any such expression shall be final and conclusive and a certificate of any such decision signed by the Inspector may be used as evidence in any court;

Duty as to  
knowledge  
of rules

(1) It shall be the duty of every manager, superintendent, mine foreman, shift boss, hoistman, deckman, cagetender or skiptender and every person in charge of workmen or who handles explosives, or who operates, installs or has to do with the maintenance of any machinery or electrical apparatus in or about a mine, to know such of these rules as apply to the work in which he is engaged.

Under-  
ground  
foreman,  
knowledge  
of English  
language

(2) Every person employed as an underground foreman, meaning thereby one who is exclusively engaged in supervising the work of other men, shall be liable to give and to receive and understand orders in the English language.



(3) Every person employed underground in a mine shall have an adequate knowledge of the English language to enable him to carry out his duties in a thoroughly safe manner.

Other workmen, knowledge of English language

(4) The Inspector shall have the right to suspend any foreman or mine captain, shift boss or department head who is unfamiliar with or does not understand the rules governing the operation of mines as contained in this Ordinance.

Suspension for unfamiliarity with rules

### FIRE PROTECTION

(5) (a) No inflammable refuse shall be allowed to accumulate underground but shall be removed from the workings at least once a week and be brought to the surface and there disposed of in a suitable manner.

Removal of inflammable material from underground workings

(b) Inflammable refuse shall not be allowed to accumulate in or about and headframe, shafthouse, portalhouse or any other building the loss of which by fire may endanger the mine entrance.

Removal of inflammable material from surface buildings

(6) Every shift boss and mine captain shall certify in writing to the mine manager at least once a week that there is no accumulation of inflammable refuse underground in the area under his supervision or on the surface sufficiently close to the mine entrance to endanger the mine except as reported by him.

Certificate as to inflammable refuse

(7) Oil, grease or other inflammable material shall not be stored in any shafthouse or portalhouse, but it may be permissible, if adequate precautions be taken, to have in the shafthouse or portalhouse, for distribution only, an amount not exceeding the requirements for one day's operations.

Storage of oil and grease

Volatile,  
Inflammable  
liquids

(8) Volatile, inflammable liquids shall not be stored in any shafthouse, or portalhouse, and such material shall not be transported underground except where carried in approved types of metal containers.

Oil and  
grease  
under-  
ground

(9) Oil and grease kept underground shall be contained in suitable metal receptacles and the amount so kept shall not exceed the requirements for seven days.

Unused  
timber

(10) All timber not in use in a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein.

Open flame  
lights, pre-  
cautions

(11) Where open flame lights are used at any mine not equipped with a fireproof headframe and shaft-house or portalhouse, the interior of such shafthouse or portalhouse shall be tightly sheeted with metal or a suitable fireproofing material to a height of eight feet.

Fireproofing  
underground  
structures

(12) All underground buildings or enclosures necessary for the housing and maintenance of machinery and equipment shall be so constructed as to reduce the fire hazard to a minimum.

Storage of  
carbide

(13) (a) Calcium carbide shall be stored on the surface only in a suitable dry place other than the shafthouse or portalhouse or changehouse in its original unopened container.

(b) For the purpose of distributing calcium carbide adequate provisions for the handling of quantities not in excess of one day's supply or 100 pounds, whichever is the greater shall be made at every mine. Such distribution shall not take place in any shafthouse, portalhouse or changehouse unless such structure is thoroughly fireproof but

shall be provided for by the installation of a suitable distribution centre not closed than fifty feet to the nearest point of any part of the headframe, shafthouse or portalhouse.

- (c) Adequate precautions shall always be taken to ensure that calcium carbide is handled in a safe manner and no carbide shall be taken underground except in suitable containers.

- (14) (a) Suitable fire-fighting equipment shall be provided and maintained in or about every headframe, shafthouse, portalhouse or any other building the loss of which by fire may endanger the mine entrance.

Fire-fighting  
equipment

- (b) Suitable fire-fighting equipment shall be provided and maintained at all underground crushers, shaft and winze stations, pump stations, tipples and underground electrical installation except where in the opinion of the Inspector no fire hazard exists.

Fire  
protection  
where  
torches  
used

(15) Where operations involving the use of acetylene, kerosene, gasoline or other torches are conducted in any headframe, shafthouse, portalhouse, or any other building the loss of which by fire may endanger the mine entrance, or in the underground workings of any mine, suitable measures for protection against fire shall be adopted and rigidly adhered to.

(16) Where cylinders of compressed gas, such as acetylene and oxygen, are transported underground for any cutting or welding operation, all fittings, such as regulators or manifolds, shall be disconnected from the cylinders and the valves of the cylinders shall be protected in a suitable manner. Any such protective device shall be removed only at the point of use and shall be replaced at any time a cylinder is left unattended or before a cylinder is moved to a new location.

Underground  
Transportation  
of  
compressed  
gases

Operation of  
welding and  
cutting  
torches

(17) (a) In all cases where cylinders of compressed gas are operated from within any cage, skip or other shaft conveyance, or where the cylinders are set up in a location not readily accessible to the workmen operating the nozzle equipment a second competent operator shall be employed at all times to attend to the operation of the cylinder control devices.

(b) In all cases where cylinders of compressed gas are used underground for purpose of supplying cutting or welding equipment special precautions shall be observed to avert the possibility of damage to or failure of the regulators, manifolds and hoses used in conjunction with the equipment.

Generation  
of gas  
underground  
forbidden

(18). No device for the generation of gas, such as acetylene for supplying, cutting or welding equipment, shall be used in the underground workings of any mine.

Escapement  
shaft

(19) In every mine where a vertical or inclined shaft has been sunk or an adit driven and stoping has commenced there shall be provided and maintained, in addition to the hoisting shaft or the opening through which men are let into or out of the mine and the ore extracted, a separate escapement shaft or opening. Such auxiliary exit shall not be less than fifty feet from the main entrance to the mine and any structure covering such auxiliary exit shall be of such material and so constructed as to reduce the fire hazard to a minimum. If such an escapement shaft or opening is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced and shall be diligently prosecuted until the same is completed and means of escapement other than the main outlet of the mine provided to and connected with the low-

est level on which stoping operations are being carried on. The escapement shaft or opening shall be of sufficient size to afford an easy passageway and, where necessary, shall be provided with good and substantial ladders from the deepest workings to the surface.

(20) Unless there is first provided a second means of exit from the mine workings, no building shall be erected within fifty feet of any closed-in portion of a head-frame or portalhouse except that the building housing, the hoist and power plant equipment may be erected within this distance provided that such distance be not less than thirty-five feet.

Buildings in proximity to mine entrance

(21) No steam boiler or diesel engine shall be installed in such a manner that any portion thereof is within seventy-five feet of the centre line of the collar of any shaft or other entrance to a mine.

Installation of boilers and Diesel engines

(22) No gasoline or other internal combustion engine using highly volatile liquids or inflammable gases shall be installed within fifty feet of the building housing the hoist nor within one hundred feet of the centre line of the collar of any shaft or other entrance to a mine.

Installation of internal combustion engine

(23) Where an internal combustion engine is installed at any mine provisions shall be made for safely conducting the exhaust of such engine to a point well outside the building. The exhaust shall be so arranged as to avert the possibility of fumes re-entering the building or entering the intake of any air compressor or contaminating the atmosphere of any adjacent buildings or the mine workings.

Exhaust of internal combustion engine

(24) (a) Except for the actual fuel tanks of operating equipment no storage of gasoline or liquid fuel, unless in underground tanks, shall be permitted within one hundred feet of the collar of any shaft or other entrance to a mine. The natural drainage from such location shall be such that the flow is in a direction opposite to the location of any such shaft or mine entrance.

Storage of liquid fuels

Transfer of  
liquid fuel

- (b) The fuel tanks of any internal combustion engine installed within a building shall be so arranged that the actual transfer of fuel to the fuel tank takes place at a point outside the building and the fuel is conducted to the tank in a tightly jointed pipe or conduit. Similar provisions for the escape of displaced air from the fuel tank shall be made whereby the displaced air shall be conducted to a safe point outside the building before being discharged to the atmosphere.

Transfer of  
liquid fuel  
by com-  
pressed air

(25) The transfer of liquid fuels from one container to another by the direct application of air under pressure shall not be permitted except where properly designed and tested equipment is used for this purpose.

Legible sign  
showing  
exits

(26) Legible signs showing the way to emergency exits shall be posted in prominent places underground and all workmen shall be instructed as to the location of auxiliary exits.

Stench  
warning

(27) (a) Every mine producing over one hundred tons of ore per day and such other mines as may be designated by the Inspector shall be equipped with an approved apparatus for the introduction into the mine workings of ethyl mercaptan or other warning gas or material approved by the Chief Inspector. Such apparatus shall at all times be made available and kept ready for instant use for the purpose of warning workmen underground of any emergency necessitating a speedy evacuation of the workings.

- (b) A test of the effectiveness of the warning and a report as to the functioning of the system shall be made at

least once in each year and a report of such test and functioning made available to the Inspector.

- (28) (a) Where practicable, there shall be a sufficient number of fire doors installed underground in every mine to cut off the shaft from other workings of the mine. Fire doors
- (b) Where fire doors are installed they shall be maintained in proper order and kept clear of all obstructions so as to be readily usable at all times.

(29) Where the Chief Inspector deems it necessary or advisable for the protection of workmen employed underground, he may order refuge stations to be provided and maintained at such places within the mine as he may direct and every such refuge station shall have water, air and telephone connections to the surface and be separated from the adjoining workings by closeable openings so arranged and equipped that gases can be prevented from entering the refuge station. Refuge stations within mines

- (30) (a) Where the Chief Inspector deems it necessary or advisable for the protection of workmen employed underground he may recommend in writing to the Controller, that a connection between mines be established at such place as he deems advisable and he may further recommend that such connection be so made and equipped as to constitute a refuge station or refuge stations. Upon the approval by the Controller of any such recommendation a copy thereof, accompanied by a copy of this rule shall be served personally upon or mailed by registered post to the owner or the agent and the manager of each of the mines affected. Connection between mines

- (b) Upon the approval of any such recommendation of the Chief Inspector the Controller may in writing signed by him appoint a Committee of three persons who shall determine,—
- (i) the design, specifications and locations of the connecting passages, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected;
  - (ii) the work to be done by each of the mines affected and the proportion in which the cost of such work and of establishing and maintaining the connection shall be borne by the owners of the mines affected;
  - (iii) the time at which such work in compliance herewith shall be commenced and completed;
  - (iv) the proportion in which the costs and expenses of the committee shall be borne by the owners of the mines affected;
  - (v) such other provisions or requirements as in the premises they may deem necessary or advisable.
- (c) The committee shall submit a report in writing to the Commissioner and a report of the majority of the committee shall be deemed to be the finding of the committee.



- (d) Upon the approval by the Commissioner of the report of the committee the Chief Inspector may issue his order for the establishment and maintenance of such connection and refuge station or stations (if any recommended) in accordance with the terms of such report. A copy of the report shall be attached to the order and form a part thereof. No such order shall be subject to appeal upon any ground whatsoever but shall be enforceable in the same manner as any order of the Chief Inspector.

#### AID TO INJURED.

(31) At every mine there shall be maintained a sufficient number of properly constructed stretchers for the proper handling and transporting of persons who may be injured in the discharge of their duties about the mine.

Stretchers for conveyance of injured persons

(32) There shall be provided and maintained at every mine for the treatment of anyone injured such first aid supplies as are required by the regulations of the Workmen's Compensation Act, of British Columbia, and the Sanitary Control Ordinance of the Yukon Territory.

Supplies for first aid

#### HANDLING WATER

(33) Every working mine shall be provided with suitable and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might endanger the lives of workmen in such mine or in any adjoining mine.

Removal of water from mine workings

(34) Where there is or may be an accumulation of water, any working approaching the same shall have bore holes kept in advance, and such additional precaution-

Precautions against flow of water

any measures shall be taken as may be deemed necessary to obviate the danger of a sudden breaking through of the water.

Dams and  
bulkheads

(35) For the purpose of this subsection—

“Dam” shall mean any structure built for the purpose of impounding water in any drift, crosscut or other mine opening and constructed in such a manner as to permit an unobstructed overflow of the water.

“Bulkhead” shall mean any structure built for the purpose of impounding water or confining air under pressure in any drift, crosscut or any other mine opening and constructed in such a manner as to completely close off such drift, crosscut or other mine opening.

- (a) The location of every underground dam and bulkhead, within the meaning of this subsection shall be clearly shown on the mine plans.
- (b) No dam behind which more than twenty-five tons of water may be impounded shall be constructed underground without the written permission of the Chief Inspector and then only when constructed in accordance with plans and specifications which have been approved by him.
- (c) No bulkhead shall be constructed underground without the written permission of the Chief Inspector and then only when constructed in accordance with plans and specifications which have been approved by him.

## VENTILATION

(36) (a) The ventilation in every mine shall be such that the air in all of its workings that are in use or are to be used by workmen or others shall be free from dangerous amounts of noxious impurities and shall contain sufficient oxygen to obviate danger to the health of anyone employed in any such mine. In any mine workings where such conditions cannot be obtained by natural ventilation approved means for mechanical ventilation shall be provided and kept in operation until such workings have been abandoned or until satisfactory natural ventilation shall have been brought about therein.

Ventilation

(b) All fans and all structures containing the same shall be of fireproof construction.

(37) No internal combustion engine shall be installed or operated underground in any mine unless the permission in writing of the Chief Inspector be first obtained.

Internal  
combustion  
engine,  
underground

## SANITATION

(38) The manager of a mine shall provide or cause to be provided on the surface and in the underground workings sufficient and suitable sanitary conveniences in accordance with the following rules, and the Sanitary Control Ordinance of the Yukon Territory.

Sanitary  
conven-  
iences

- (a) Where the number of persons employed on any shift does not exceed one hundred there shall be one sanitary convenience for every twenty-five persons or portion thereof.
- (b) Where the number of persons so employed exceeds one hundred there shall be one additional sanitary convenience for every fifty persons or portion thereof over the first hundred.

(39) These sanitary conveniences shall be kept in a cleanly manner, shall be adequately supplied with chloride of lime, sawdust, fine ash or other suitable absorbent; shall be removed and cleaned regularly; shall be conveniently placed with reference to the number of men employed on the different levels; and shall be placed in a well-ventilated part of the mine.

(40) Any person depositing faeces in any place underground other than in the sanitary convenience provided shall be guilty of an offence against this Ordinance.

Dressing  
room

(41) If six or more persons are ordinarily employed in the mine below ground during each day, sufficient accommodation, including supplies of clean cold and warm water for washing, shall be provided above ground near the principal entrance of the mine, and not in the engine room, boiler room, or nearer than fifty feet to the shafthouse or portalhouse, for enabling the persons employed in the mine to conveniently dry and change their clothes.

Drinking  
water

(42) A sufficient quantity of safe fresh drinking water with sanitary appliances for drinking shall be provided within reasonable access of all workers.

#### CARE AND USE OF EXPLOSIVES

Marking  
explosive  
packages

(43) No explosive shall be used at any mine, unless there is plainly printed or marked on every original package containing such explosive the name and place of business of the manufacturer, and the strength of the explosive and the date of its manufacture.

Defective  
explosives  
to be  
reported

(44) Every case of supposedly defective fuse, detonator or blasting cap, or explosive shall be reported to the Inspector with the name and address of the manufacturer and accompanied, if available, by the packing slip from the original container of such fuse, blasting cap or detonator, or explosive, along with all other pertinent information available.

(45) (1) The Explosives Act and Regulations of the Dominion shall apply to the storage and handling of all explosives in the Yukon Territory and the owner of any building where more than 150 pounds of explosives are kept must obtain a magazine license from the Explosives Division of the Department of Mines and Resources, Ottawa, authorizing the storage of explosives.

Storage of  
explosives.

(2) Except as otherwise provided herein all explosives and all detonators or blasting caps shall be stored in special suitable buildings, such as magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses.

- (a) Any such building shall be erected and maintained in conformity with the provisions of the Explosives Act and the site shall be approved of by the Inspector.
- (b) Every such building shall be constructed of such materials as to ensure as far as possible against accident from any cause.
- (c) The ground surrounding the magazine building shall be cleared of all brush, timber or other combustible material for a distance of not less than fifty feet from such building.
- (d) The rules in reference to the care and use of explosives shall be kept posted up inside every such building.
- (e) Every such building shall be kept securely locked at all such times as the attendant is not present and it shall be clearly indicated by some easily visible sign posted outside the building that explosives are stored therein.

Magazines,  
thaw houses,  
etc.

(46) Magazines, thaw houses, detonator, or blasting cap storage buildings, cap and fuse houses and explosives storage boxes shall at all times be kept clean and dry and free from grit.

Floors and  
shelves

(47) Floors and shelves of magazines and thaw houses shall be treated with a suitable neutralizing agent whenever necessary to remove any traces of explosive substances.

What  
explosives  
to be used  
first

(48) When supplies of explosives are removed from a magazine those that have been longest in the magazine shall be used first provided they are not defective. In all cases where explosives have become defective they shall be suitably and safely disposed of.

Opening  
cases

(49) Only implements of wood, brass or copper shall be used in opening cases containing explosives.

Storage of  
explosives,  
underground

(50) (a) Explosives shall not be stored underground in excess of the necessary supply for forty-eight hours. In no case shall an amount exceeding three hundred pounds be stored in any one place underground without the written permission of the Inspector.

(b) With the written permission of the Chief Inspector and subject to such conditions as he may prescribe, underground explosives magazines may be established, but in no case shall more than twenty-five hundred pounds be stored in any one such magazine.

(c) Wherever explosives are stored underground in any mine heading into which a haulage track extends suitable barricades shall be maintained or other adequate measures adopted to avert the possibility of any train or car colliding with the explosives container or containers.

Location of  
underground  
storage  
place

(51) No explosive shall be stored within two hundred feet of any shaft station or transformer station underground in any mine.

(52) (a) Detonators or blasting caps shall not be stored in the same receptacle or storage building as other explosives. Storage of detonators

(b) Detonators or blasting caps or capped fuse, while stored in underground workings, shall be kept in separate, suitable, closed containers or magazines. Such containers or magazines shall not be located within twenty-five feet of any other explosives.

(53) (a) No flame-type light shall be taken within twenty-five feet of any building or place on surface in which explosives are stored. Open flame lamps, smoking, explosives, storages

(b) No flame-type light shall be taken within ten feet of any place underground where explosives are stored unless a suitable, safe arrangement for the placing of such light is provided.

(c) No person shall smoke in any place or building where explosives are stored or while handling explosives.

(54) (a) A properly authorized person or persons shall make a thorough weekly inspection of all explosives, explosives magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses, and all storage boxes or places in or about the mine used for the purpose of storing explosives or detonators or blasting caps and shall make a report, in writing, to the manager, stating that such examination has been made and certifying as to the conditions found. Inspection of storage places

(b) The manager shall take immediate steps to correct any unsuitable condi-

tions found and to properly dispose of any deteriorated explosives existing and shall make a prompt investigation when an act of careless placing or handling of explosives is discovered by or reported to him.

- (c) Any employee who commits a careless act with an explosive, or where explosives are stored, or who, having discovered such an act to have been committed, omits or neglects to report immediately such act to an officer in charge of the mine, shall be guilty of an offence against this Ordinance and the officer in charge of the mine shall immediately report such offence to the Inspector.

Disposal of  
explosives  
at shutdown  
mine

(55) When any mine is closed down all explosives, fuse and detonators or blasting caps shall be disposed of and no explosive may be stored at any such closed-down mine without the written permission of the Chief Inspector.

Written  
permission

(56) No person shall take away from any mine any explosive, fuse or detonator or blasting cap without the written permission of the manager or of such person as may be authorized by the manager to give such permission.

Thaw  
houses

(57) No building for thawing explosives shall be maintained in connection with any mine except with the written permission of an Inspector. The building shall be above ground unless exemption obtained under the provi-



sions of subsections 1 and 2 of section 26 direct otherwise, and the site of the building and the style of structure and equipment shall be subject to the approval of the Inspector. The building shall be under the direction of the manager or some person authorized by him. The quantity of explosives brought into any thaw house at any one time shall not exceed the requirements of the mine for a period of twenty-four hours, plus the amount that it may be necessary to have thawing to maintain that supply.

(58) A reliable recording thermometer shall be kept in the room in which explosives are thawed and the record thereof kept, but where the amount of explosives in such thawing room does not exceed two hundred pounds at any one time, the Inspector may give permission, in writing, to use a maximum and minimum registering thermometer on condition that a daily record of high and low temperature be made and kept on file.

Thermometer necessary

(59) In no case shall explosives be thawed near an open fire or steam boiler or by direct contact with steam or hot water.

Thawing near open fire or steam boilers forbidden

(60) All electric wiring in explosives magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses shall be installed in metal armour or rigid conduit with screwed, waterproof joints and all metal armour or rigid conduit shall be permanently grounded.

Wiring in storage places

(61) (a) The switches and fuses for lighting, heating or telephone circuits for explosives magazines, thaw houses, detonator or blasting cap storage buildings and cap and fuse houses shall be installed in a locked, fire-proof cabinet located outside the compartment in which explosives, fuse or detonators or blasting caps are stored.

Switches, fuses

- (b) The fuses or circuit breakers for heating circuit shall be such that they will interrupt the current at twenty-five per centum over the normal load.
- (c) The fuses for lighting circuits shall not exceed ten-ampere capacity.

Electric heating

(62) (a) Where water is the medium used for the distribution of electrically generated heat for thaw houses the radiation pipes shall be permanently grounded.

- (b) No electrical device for generating heat shall be allowed in the same compartment with explosives or detonators or blasting caps.
- (c) Wire or grid-type heaters shall not be installed in conjunction with any building in which explosives or detonators or blasting caps are stored or handled.

Transportation of explosives in shaft

(63) (a) When the day's supply of explosives is being transported in any shaft conveyance the person in charge of such operation shall give or cause to be given notice of the same to the deckman and hoistman.

- (b) Every possible precaution shall be taken in the handling and transportation of explosives.

Supervision over transportation of explosives in shaft

(64) (a) No person shall place in or take out of the shaft conveyance any explosives except under the immediate supervision of a person authorized by the manager, superintendent, foreman or shift boss for the purpose.

- (b) No other material shall be transported with explosives in any shaft conveyance.

(65) (a) The transfer of explosives from the magazine or other surface storage place shall be so arranged that no undue delay shall occur between the time the explosives leave such surface storage place and the time they are properly stored in designated storage places in the mine or distributed to points of use in the mine.

Transfer of  
explosives  
from  
storage  
places

(b) Explosives shall not be left at any level station or near the shaft collar or other entrance to the mine but shall be transferred from any designated storage place to other designated storage places or points of use without undue delay.

(66) (a) Primers shall be made up as near to their point of use as is practical in the interests of safety and only in sufficient numbers for the immediate work in hand.

Transportation of  
detonators

(b) Detonators or blasting caps, capped fuse, made-up primers or other explosives shall not be transported in any conveyance either on the surface or underground unless placed in separate, suitable closed containers.

(c) It shall be permissible for a workman to carry capped fuses with other explosives from the nearest storage places to a point of use without placing them in a container provided they are kept separate from the other explosives but in no case shall made-up primers be transported or carried unless placed in separate, suitable, closed containers.

Transportation of explosives, underground

(67) Where explosives are transported in mine workings by means of a car or cars:—

(a) The speed of any car or cars shall not at any time exceed four miles per hour and definite arrangements for the right-of-way of such car or cars carrying explosives shall be made before the car or cars are moved.

By motor haulage

(b) Where mechanical haulage is used the haulage motor shall be maintained on the forward end of any train carrying explosives unless some person walk in advance of the train to effectively guard the same.

Trolley locomotives

(68) Where a trolley locomotive is used for the transportation of explosives in any mine the car or cars carrying explosives shall be protected from trolley-wire contact and other existing hazards.

Blasting on contiguous claims

(69) Where parties working contiguous or adjacent claims or mines disagree as to the time of setting off blasts, either party may appeal to the Inspector, who shall decide upon the time at which blasting operations thereon may be performed, and the decision of the Inspector shall be final and conclusive and shall be observed by them in future blasting operations.

Explosives not to be removed from original container

(70) No explosive shall be removed from its original paper container or cartridge.

Blasting of roast heaps

(71) No explosive shall be used to blast or break up ore, salamander or other material where by reason of its heated condition there is any danger or risk of premature explosion of the charge.

(72) All drill holes, whether sunk by hand or machine drills, shall be of sufficient size to admit of the free insertion to the bottom of the hole of a stick or cartridge of powder, dynamite or other explosive, without ramming, pounding or pressure.

Size of  
drill holes

(73) In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel tool shall be used in any hole containing explosives.

No iron or  
steel tool

(74) (a) No drilling shall be done within six inches of any part of any bootleg hole that has been charged and blasted or any remnant of such hole, socket or so-called bootleg.

Bootleg  
holes

(b) No drilling shall be done within five feet of any hole containing explosives.

(75) Every workman shall, before blasting, give or cause to be given due warning in every direction by shouting "Fire" and shall satisfy himself that all persons have left the working place except those required to assist him in blasting.

Due  
warning  
required

(76) (a) Every workman shall, before blasting, cause all entrances to the place or places where such blasting is to be done or where the safety of persons may be endangered by such blasting, to be effectively guarded, so as to prevent inadvertent access to such place or places while such charges are being blasted.

Guarding  
entrances  
to places  
where  
blasting is  
to be done.

(b) Posting of signs shall not be deemed adequate protection to warn of blasting operations.

(77) Except where fired electrically no fuse shorter than three feet shall be used in any blasting operation, neither shall any fuse be lighted at a point closer than three feet from the capped end, nor unless it protrudes at least twelve inches from the collar of the hole.

Length of  
fuse

Interval  
before  
return to  
scene of  
blast

(78) (a) Except where the firing has been done by means of electric current no person shall return to the scene of any blast within the number of minutes which are equal to twice the number of feet in the longest fuse used in the blasting operation after the last fuse has been lighted.

(b) Where the firing has been done by means of electric delay action detonators and two or more shots are fired no person shall return to the scene of any blast within ten minutes of the time at which the blasting circuit was closed.

(c) In the case of a supposedly missed hole in any blasting operation no person shall return to the scene of any blast within thirty minutes of the time of lighting the fuse or fuses or closing the blasting circuit.

Detonator  
required

(79) (a) No hole shall be charged with explosives unless a properly prepared detonating agent be placed in such charge and shall be fired in its proper sequence in the firing of the round, and all such charges shall be detonated without undue delay.

Firing  
required

(b) All holes which are charged with explosives in one loading operation shall be fired in one blasting operation.

Safety fuse

(80) Where safety fuse is used in any blasting operation,—

(a) Suitably capped fuses shall be supplied to the workmen in uniform, standard, safe lengths for the operation at hand.

(b) The uncapped ends of all fuses for use in a mine shall be suitably stained.

(81) In every case the fuse connected to a charge of explosives shall be lighted by other means than the device used as a source of illumination.

Lighting fuses

(82) When more than one shot is fired no workman shall be permitted to conduct any blasting operation unless he is accompanied by one or more workmen each of whom shall carry a light.

Number of men lights

(83) Before returning to the scene of any blasting operation every workman shall assure himself that sufficient air has been introduced into the working place to drive out or dilute to a safe degree the gases produced in the blasting operation.

Ventilation of working place after blasting

(84) Where blasting is about to be done in any raise or stope proper precautions shall be taken to prevent closing of the means of entrance to the working place or interference with the effective circulation of air following the blast, by the broken material produced by the blast. In the case of a single compartment raise or boxhole where material from the blast may block the means of entrance proper precautions shall be taken to assure the adequate ventilation of the working place before workmen enter the same.

Protection of entrance to working place

(85) When a workman fires a round of holes he shall, where possible, count the number of shots exploding. If there is any report missing, he shall report the same to the mine captain or shift boss. If a missed hole has not been fired at the end of a shift, that fact, together with the location of the hole, shall be reported to the mine captain or shift boss in charge of the next relay of workmen going into that working place before the work is commenced by them.

Reporting of missed holes

(86) Any charge which has missed fire shall not be withdrawn but shall be blasted at a proper time and without undue delay.

Missed hole to be blasted

Examina-  
tion for  
missed or  
cut-off hole

(87) No development heading shall be abandoned or work therein discontinued until the material broken at the firing of the last round shall have been cleared from the face and the whole face of the heading examined for explosives in missed or cut off holes.

Where  
electric  
blasting  
required

(88) (a) After the first ten feet advance has been made in any shaft or winze and until such time as the permanent timbers and ladders have reached the level upon which blasting is being done all blasting in the shaft, winze, station or other workings being driven from the same shall be done by means of an electric current.

(b) After twenty-five feet advance has been made in any raise inclined at over fifty degrees from the horizontal or a "chute" or other permanent obstruction has been placed in the raise, all blasting shall be done by means of an electric current.

Electric  
current to be  
disconnected  
after  
blasting

(89) A workman shall not, where blasting takes place by electricity, enter or allow other persons to enter the place or places where the charges have been fired until he has disconnected the cables from the blasting battery or other source of current.

Approved  
firing  
device

(90) (a) Electricity from lighting or power cables shall not be used for firing shots except when a firing device of a design which has been approved by the Chief Inspector and which automatically opens the circuit by gravity or some other approved device is provided. The live side of such device shall be installed in a fixed, locked box and shall be accessible only to the authorized shot firer.



- (b) One such device shall be maintained for each individual working place in which firing is done by means of electricity from lighting or power cables.

(91) Where the source of current is a direct current battery or a blasting machine of the so-called "battery" type, the firing cables or wires shall not be connected to the source of current until immediately before they are required for the firing of shots, and shall be disconnected immediately after the shots are fired.

Blasting by direct current or blasting battery

(92) The firing cables leading to the face shall be short-circuited while the leads from the blasting caps are being connected to each other and to the firing cables. This short circuit shall not be removed until the men have retreated from the face and it shall be so located that a premature explosion would be harmless to the men opening the short circuit.

Lead wires short-circuited

(93) The firing cables or wires used for firing shots at one working place shall not be used for firing shots in another working place until all proper precautions have been taken to insure that such firing cables or wires have not any electrical connection with the leads from the first working place.

Firing cables

(94) When shot-firing cables or wires are used in the vicinity of power or lighting cables, proper precautions shall be taken to prevent the shot-firing cables or wires coming in contact with the lighting or power cables.

Precautions in using shot-firing cables

#### PROTECTION IN WORKING PLACES, SHAFTS,

#### WINZES, RAISES, ETC.

(95) Neither on surface nor underground shall workmen be employed in a location where men are working overhead unless such measures for protection be taken as the nature of the work permits.

Protection from overhead operations

Protective  
hat

(96) Every person employed underground in any mine shall be required to wear a protective hat manufactured for such service.

Fencing of  
shafts and  
other  
openings

(97) The top of every shaft shall be securely fenced or protected by a gate or guard rail, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected.

Gate at  
shaft  
entrances

(98) (a) At all shaft and winze openings on the surface and on every level, unless securely closed off, the hoisting compartments shall be protected by a substantial gate which shall be kept closed except when the hoisting conveyance is being loaded or unloaded at such level. The clearance beneath any such gate shall be kept to a minimum.

(b) Where haulage tracks lead up to any hoisting compartment on surface or underground the gate on such compartment shall be reinforced in such a manner that it shall be sufficiently strong to withstand any impact imparted thereto by collision therewith of any motor, train or car operated on such tracks.

Shaft and  
winze  
timbering

(99) Every shaft and winze shall be properly timbered and during sinking operations the timbering shall be maintained within a safe distance of the bottom. In no case shall this distance exceed fifty feet.

Protection  
of workmen  
in drifts

(100) Where a crosscut or drift extends from a shaft in any direction on a level, a safe passageway and standing room for workmen shall be made on one or both sides of the shaft to afford protection against falling material.

(101) (a) During shaft sinking operations no work shall be done in any place in a shaft or winze while men are working in another part of the shaft or winze below such place unless the men working in the lower position be protected from the danger of falling material by a securely constructed covering extending over a sufficient portion of the shaft to afford complete protection.

Protection  
of men in  
sinking  
operations

(b) During the shaft sinking operations a set of doors shall be maintained at the collar or other point of service of every shaft or winze. Such doors shall be closed at all times that material is being loaded into or unloaded from a shaft conveyance.

(102) Except during sinking operations, if material be handled in any shaft or winze compartment there shall be maintained around that compartment except on the side on which the material is to be loaded or unloaded a substantial partition at the collar and at all levels. Such partition shall extend above the collar and all levels a distance not less than the height of the hoisting conveyance plus six feet and it shall extend below the collar and all levels at least six feet.

Lining  
compartment  
at  
levels

(103) (a) No person shall do any work or conduct any examination in any compartment of a shaft or winze or in that part of a headframe used in conjunction therewith while hoisting operations are being conducted in such compartment except where the hoisting conveyance is necessary for the purpose of doing such work or conducting such examination.

Protection  
on shaft  
inspection

(b) No person shall do any work or conduct any examination in a shaft or winze or in that part of a headframe used in conjunction therewith unless he be adequately protected from acci-

dental contact with any moving hoisting conveyance or the danger of falling particles dislodged by or falling from such conveyance.

Timbering  
mine  
workings

(104) Where the enclosing rocks are not safe every adit, tunnel, stope or other working in which work is being carried on or through which persons pass shall be securely cased, lined or timbered, or otherwise made secure.

Use of shaft  
buckets

(105) Where a bucket is used in any shaft or winze for other than sinking purposes,—

- (a) A set of doors, as required by Rule 139 (c) shall be maintained at the collar of the shaft or winze, which doors shall be kept closed at all times that tools or supplies are being loaded into or taken out of the bucket.
- (b) A suitable landing device shall be used at every working level when the bucket is being loaded or unloaded at that level;
- (c) Simultaneous operations shall not be carried on at more than one level until the style of structure and method of operation of any such device installed at intermediate levels has been submitted to and has received the approval of the Inspector

Steeply  
inclined  
raises

(106) All raises inclined at over fifty degrees from the horizontal which are to be driven more than sixty feet slope distance shall be divided into at least two compartments one of which shall be maintained as a ladderway and shall be equipped with suitable ladders. The timbering shall be maintained within a safe distance of the face and

in no event shall the distance between the face and the top of the timbering exceed twenty-five feet.

(107) Whenever, at any time, chutes are pulled where persons may either at the time of pulling or some future time, be required to go out, on the broken material above, proper precaution shall be taken to ascertain that the broken material is settling freely and where there is any indication of a hang-up the location shall be adequately protected by suitable signs or barricades and any persons working in the vicinity notified of the danger.

Precautions  
as to broken  
material

(108) Unless the entrance to a stope is capable of being used as such at all times a second means of entrance shall be provided and maintained.

Access to  
stopes

(109) The top of every millhole, manway or other opening shall be kept covered or otherwise adequately protected;

Guarding  
mill holes,  
manways,  
etc.

(110) Wherever men are working, below a level, in any place the top of which is open to the level in close proximity to any haulageway or travelway some person shall effectively guard the opening unless the same is securely covered over or otherwise closed off from the haulageway or travelway.

Guarding  
open  
workings

(111) The tops of all raises or other openings to a level shall be kept securely covered, fenced off, or protected by suitable barricades to prevent inadvertent access thereto.

Guarding  
tops of  
raises

(112) Before drilling is commenced in any working place the exposed face shall be washed with water and carefully examined for misfires and cut-off holes, giving special attention to old bottoms.

Procedure  
before  
drilling

(113) Where possible, no connection between mine workings shall be made until a thorough examination

Breaking  
through  
to mine  
workings

of the working towards which the active heading is advancing has been made and has shown that the work can be proceeded with in a safe manner and such point of connection shall be guarded as an entry when blasting within fifteen feet of breaking through.

Unused workings to be tested for gas

(114) Underground workings, especially shafts, sumps and winzes, which have been in disuse for some time shall be examined before being again used, in order to ascertain whether foul air or other dangerous gases have accumulated there, and only such workmen as may be necessary to make such examinations shall be allowed to proceed to such places until such places are in fit state to work or travel in.

Examination of mine workings

(115) The owner, manager, or some authorized person or persons, shall examine daily all parts of the mine where drilling and blasting is being carried on; shall examine at least once a week the other portions of a mine on which operations are being carried out, such as shafts, winzes, levels, stopes, drifts, crosscuts and raises, in order to ascertain that they are in a safe working condition; shall inspect and scale or cause to be inspected and scaled the roofs and walls of all stopes or other working places as often as the nature of the ground and of the work performed necessitates. If the working place becomes or is found to be unsafe at any time during a shift, the person in charge shall take measures for making it safe, and for safeguarding the persons in the working place while it is being made safe.

(116) The owner or manager shall provide and maintain an adequate supply of properly dressed scaling bars and gads and other equipment necessary for scaling:

Life lines to be used

(117) The owner or manager shall, when necessary, provide life lines for the workmen and it shall be the duty of the workmen to continually wear such life lines at all times, when by so doing the interests of safety will be advanced.

(118) Every dusty place where work is being carried on in a mine shall be adequately supplied at all times with clean water under pressure or other approved appliances for laying the dust caused by drilling or blasting operations.

Keeping  
water  
supply to  
lay dust

(119) The times for blasting shall be so fixed that the workmen shall be exposed as little as practicable to dust and smoke. A clock keeping accurate time shall be kept in the change house to enable the workmen to check their watches before going underground.

Time for  
blasting

(120) Where there is non-continuous shift operation in mine areas the on-coming shift shall be warned of any abnormal conditions affecting the safety of operations. Such warning shall consist of a written record over the signature of a responsible person on the off-going shift and shall be read and countersigned by the corresponding responsible person on the on-coming shift before workmen are permitted to resume operations in the areas indicated in such record.

Written  
record

(121) Where repair work is in progress in any manway or conditions arise that may endanger travel through such manway the manway shall be closed off or adequate signs designating the unfitness of such manway for travel purposes shall be posted at all entrances to such manway.

Repair  
work,  
manways

(122) (a) Diamond-drill holes shall be plotted on all working plans of levels.

Precautions  
when inter-  
secting drill  
holes

(b) When any active mine heading is advancing toward any diamond drill hole the collar or the nearest points of intersection of such hole or both shall be securely closed off or guarded at all times that blasting is being done within fifteen feet of any possible intersection of such hole.

- (c) The collar and any points of intersecting of every diamond-drill hole, underground shall be plainly marked at the time that drilling is discontinued or an intersection made. Such markings shall consist of a single capital letter "H" in yellow paint measur-

ing twelve inches by twelve inches which shall be placed within four feet of such collar or intersection.

#### LADDERWAYS

Ladderways  
in shafts  
and winzes

(123) (a) A suitable footway or ladderway shall be provided in every shaft and winze.

- (b) In shafts and winzes no ladder, except an auxiliary ladder used in sinking operations, shall be installed in a vertical position.
- (c) During sinking operations, if the ladder be not maintained to the bottom, an auxiliary ladder which will reach from the permanent ladders to the bottom shall be provided in such convenient position that it may be promptly lowered to any point at which men are working.
- (d) Wherever, about shafts and winzes and headframes used in conjunction therewith, it is necessary for persons to examine or inspect appliances installed therein suitable ladderways or stairways and platforms shall be maintained to permit such work being carried out in a safe manner.



(124) The footway or ladderway in a shaft or winze shall be separated from the compartment or division of the shaft or winze in which material is hoisted by a suitable and tightly closed partition.

Partition  
between  
manway  
and hoisting  
compart-  
ments

(125) In a shaft or winze inclined at over seventy degrees from the horizontal substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway, and the same shall be covered except for an opening large enough to permit the passage of a man's body, and the ladders shall be so placed as to cover this opening in the platform.

Ladderway  
in shaft  
over 70  
degrees

(126) In a shaft or winze inclined at less than seventy degrees from the horizontal the ladders may be continuous, but substantial platforms shall be built at intervals not exceeding twenty-one feet, in the ladderway, and the same shall be covered except for an opening large enough to permit the passage of a man's body.

Ladderway  
in shaft  
under 70  
degrees

(127) (a) Stairways may be used in a shaft or winze inclined at less than fifty degrees from horizontal.

When  
stairways  
permissible

(b) All stairways in shafts or winzes shall be equipped with a suitably placed handrail.

(128) (a) All ladderways in raises, stopes and other manways of a mine shall be installed and maintained in a workmanlike manner to reduce to a minimum the hazard of a man falling therefrom.

Ladderways,  
other mine  
workings

(b) A landing platform shall be installed at all points where ladders are offset.

(129) Wire rope or strands of wire rope shall not be used or be allowed to be used for climbing purposes in any mine if they are frayed or have projecting broken wires.

Wire rope  
ladders

Hand rails  
for ladders.

(130) Every ladder shall project at least three feet above its platform, except where strong hand rails are provided.

#### LADDERS

Ladders

(131) (a) Every ladder used shall be of strong construction, shall be securely placed in any shaft, winze, raise, or stope, and shall be maintained in good repair.

(b) The distance between centres of rungs of ladders shall not be greater than twelve inches or less than ten inches, and the spacing of rungs shall not vary more than one-half inch in any particular ladderway.

(c) In order to give a proper foothold the rungs shall in no case be closer than four inches from the wall of a shaft, winze, or raise, or any timber underneath the ladder.

#### SHAFT EQUIPMENT

Raising and  
lowering  
material

(132) Where steel, timber or other material is being raised or lowered in any shaft or winze it shall be securely fastened to the shaft conveyance or hoisting rope.

When  
crosshead  
required.

(133) (a) After a depth of three hundred feet has been attained in the sinking of any vertical shaft or winze, a suitable crosshead shall be used.

(b) When a crosshead is not used the bucket shall be barrel-shaped and shall be suspended from the upper rim.

(c) When a crosshead is not used in any vertical shaft or winze the compartment in which the bucket works shall be closely lined with sized lumber.

(134) (a) All sinking crossheads shall be provided with a safety appliance of approved design so constructed that the crosshead cannot stick in the hoisting compartment without also stopping the bucket.

Safety  
appliance on  
crosshead

(b) All crossheads shall be of a design approved by the Inspector.

(135) In a shaft or winze, in the course of sinking, the bucket or skip shall be filled only in such a manner that no piece of loose rock shall project above the level of the brim.

Level of  
load in sink-  
ing bucket  
or skip.

(136) (a) During sinking operations in any shaft or winze the bucket or skip used for returning men to the working place following any blasting operation shall not be lowered on the initial trip beyond the point where, owing to the blast, it may be unsafe to go without a careful examination and in no case shall the point be less than fifty feet above the blasting set or bulkhead.

Lowering  
men after  
blast

(b) The bucket or skip shall be lowered from such point only on signal from the men accompanying the same and at such speed as to be fully under control, by signal, of such men.

(c) Only sufficient men shall be carried on such trip as are required to properly conduct a careful examination of the shaft or winze.

(137) In a shaft or winze in the course of sinking, the bucket or skip shall not be lowered directly to the bottom but shall be held at least fifteen feet above and shall remain there until a separate signal to lower the same has been given by a properly authorized person.

Bucket or  
skip not  
to be  
lowered  
directly  
to face

(138) No bucket shall be allowed to leave the top or bottom of any shaft or winze until the workman in charge thereof has steadied it or caused it to be steadied.

Bucket to be  
steadied

Protection  
from  
dumping

(139) (a) In a shaft or winze, in the course of sinking, adequate provision shall be made to assure the impossibility of the bucket or skip being dumped while the dumping doors are open or other means applied to prevent spillage falling into the shaft or winze.

(b) The design of any device for this purpose shall be submitted for the approval of the Inspector.

(c) A door or doors shall be maintained at the collar of every shaft or winze while sinking is in progress. Such door or doors shall be kept closed at all times that tools or material are being loaded into or unloaded from the bucket except when the bucket is emptied by dumping, when an arrangement as provided for in clauses (a) and (b) of this Rule shall be used.

Cage or  
skip for  
handling  
men

(140) Except during sinking operations, whenever a mine shaft or winze exceeds three hundred feet in vertical depth a suitable cage or skip equipped as required by Rule 142 of this section, shall be provided for lowering or raising men in the shaft or winze.

Protection  
from contact  
with  
timbering,  
etc.

(141) No cage or skip shall be used for the raising or lowering of persons or material unless it is so constructed as to prevent any portions of the body of any person riding therein or any part of such material from accidentally coming into contact with the timbering or sides of the shaft or winze. Doors shall be so fitted that they cannot be accidentally opened and shall be closed when lowering or hoisting men.

Construction  
of cages  
and skips.

(142) All cages or skips for lowering or raising men shall be so constructed as follows:

- (a) The hood shall be made of steel **Hood**  
plate not less than three-sixteenths of  
an inch in thickness or of a material  
of equivalent strength.
- (b) The cage shall be provided with sheet **Casing**  
iron or steel side casing not less than  
one-eighth of an inch in thickness or of  
a material of equivalent strength  
and such casing shall extend to a height  
not less than five feet above the floor  
of the cage;
- (c) The cage shall be equipped with doors **Doors**  
made of suitable material which shall  
extend to a height not less than five  
feet above the floor and so arranged  
that it will be impossible for the doors  
to open outward from the cage;
- (d) The safety appliance shall be of suffi- **Safety**  
cient strength to hold the cage or skip **appliances**  
with its maximum load at any point  
in the shaft, as provided in clause  
(b) or Rule 167 of this section; but  
the Chief Inspector may give permis-  
sion, in writing, for hoisting without  
safety appliances if he is satisfied that  
the equipment is such that maximum  
safety is provided.
- (e) The cage shall not have chairs at **Operating**  
tached thereto which are operated by **chairs by**  
a lever or a chain through or from **lever**  
the floor of the cage.
- (143) (a) No person shall travel or be per- **Cage doors**  
mitted to travel in a cage at any time except during shaft **to be kept**  
inspection unless the doors of the same are securely closed. **closed**

- (b) The cage doors shall not be opened until a full stop has been made at the point or station signalled for, except during trips of inspection, provided that in the case of an inadvertent stop at any point in the shaft or winze other than a station, the cage doors may be opened and the men may leave the same on instructions to do so by a properly authorized person.

Automatic  
operation  
of chairs

(144) When chairs are used for the purpose of landing a shaft conveyance at any point in a shaft or winze they shall be so arranged that they automatically fall clear of the hoisting compartment when the cage or other conveyance is lifted off.

Bales, safety  
latches, etc.

(145) The bucket and any device such as the bale, safety latch or other attachment to the bucket shall be of a design approved by the Chief Inspector.

Hoisting  
men and  
material  
simultane-  
ously

(146) No person shall travel or be permitted to travel in a bucket, cage or skip operated by an engine which is being simultaneously used for the hoisting of mineral or material except as provided for in clause (c) of Rule 147.

When  
persons  
not to be  
hoisted.

(147) No person shall be lowered or hoisted, or allow himself to be lowered or hoisted in a shaft, winze or other underground opening of a mine;

In buckets  
or skips

- (a) In a bucket or skip, except that men employed in shaft sinking will be allowed to ascend and descend to and from the sinking deck or other place of safety by means of the bucket or skip used for hoisting material;

When safety  
appliances  
not used

- (b) In a cage or skip, except as provided in clause (a) of this Rule and clause (d) of Rule 142, which is not provided with a hood, dogs or other safety appliance approved by the Inspector;

- (c) In a cage, skip or bucket that is loaded with explosive, steel or timber except for the purpose of handling the same; When loaded
- (d) In a cage, skip or bucket in which any material is carried, unless the same be adequately secured; Unless material secured
- (e) Except during sinking operations no person shall be hoisted or lowered in any shaft conveyance unless such conveyance is in charge of a person properly authorized to act as cagetender or skiptender. Conveyance in charge of authorized person

(148) After every stoppage of hoisting for repairs and after any stoppage for any other purpose which shall exceed two hours' duration no person shall be raised or lowered until the cage or skip has made one complete trip up and down the working portion of the shaft. Hoisting after stoppage for repairs

(149) Any device used for hoisting from mine workings shall be equipped with a brake or brakes which may be applied directly to each drum so as to readily stop and hold the drum when it is carrying its maximum load. Brakes required

(150) Such brakes shall be so arranged that, whether the engine is at work or at rest, they can be easily and safely manipulated by the hoistman when standing at the levers controlling the engine. No hoist used for the raising or lowering of persons, or used in shaft sinking, shall be equipped with a brake or brakes operated by means of the hoistman's foot unless such brake is an auxiliary electrical device. The adjustments of the brake or brakes shall be maintained in such condition that when the normal power of the brake or brakes is applied the brake lever will still have a clearance between itself and the end of the quadrant in which it works. Type of brake

Locking  
gear

(151) The operating gear of the clutch of the drum shall be provided with locking gear to prevent the inadvertent withdrawal or insertion of the clutch.

Interlocking  
brake and  
clutch

(152) The brake and clutch operating gear shall be so installed that it shall not be possible to unclutch any drum unless the brake or brakes on such drum are applied nor shall it be possible to release the brake or brakes until the clutch of the drum is engaged.

(153) Such bolts and other fittings of the drums, brakes and clutches as might be a source of danger in the event of their becoming loosened shall be rendered secure by means of suitable locking devices.

Electric  
hoists

(154) All electric hoists shall be so installed that:

Automatic  
brake

(a) One or more brakes will be applied automatically to bring the hoist to rest in event of power failure;

Overwind  
device

(b) A suitable overwind device will cause the circuit breaker to cut off the source of power and apply automatically one or more brakes to bring the hoist to rest before the cable attachments reach the sheave.

Circuit  
breaker

(c) A circuit breaker will cut off the source of power and result in the automatic application of one or more brakes to bring the hoist to rest in event of a predetermined overload;

Back-out  
switch

(d) A back-out switch shall be provided which, when closed, will permit backing out of an overwind position only and will prevent the operation of the hoist in an improper direction for this purpose;



(e) An emergency switch, located near the operator, may be opened and cause the circuit breaker to cut off the source of power and apply automatically one or more brakes to bring the hoist to rest;

Emergency  
switch

(f) A meter showing the load on the hoist motor at all times shall be in plain view of the operator.

Meter

(155) (a) On all electric skip hoists used for hoisting men an auxiliary overwind device, which will prevent the skip being hoisted to the dumping position, shall be installed and placed in operation at all times that men are handled.

Auxiliary  
overwind

(b) Except in sinking operations such auxiliary overwind device shall be so installed that a distinctive signal shall be automatically given to the men about to enter the skip when the device is put into operation.

(156) All overwind devices shall be tested daily and a record of such test shall be posted in the Hoistman's Log Book.

Testing  
overwind  
devices

(157) The operator of a hoisting engine shall not, after going on shift, unclutch a drum of his engine until he has assured himself immediately beforehand by testing the brake of the drum against the normal starting power of the engine, or in case of an electric hoist against the normal starting current, that the brake is in proper condition to hold the load suspended from said drum.

Brakes to be  
tested

(158) When a hoisting engine is fitted with a friction clutch, the operator, after going on shift, shall, when clutching in, test the holding power of the clutch be-

Friction  
clutches

fore releasing the brake of the corresponding drum, the brake of the other drum being kept off. In case of a steam or air hoist, the test shall be made against the normal starting power of the engine, and in the case of an electric hoist against the normal starting current.

Use of brake  
when drum  
unclutched

(159) When the drum of a hoist is unclutched, the brake of such drum shall be used only for the purpose of maintaining such drum in a stationary position and no lowering shall be done from an unclutched drum.

Auxiliary  
brake  
required

(160) In case of non-reversible steam or air hoists and single-drum electric hoists not used in balanced hoisting an adequate auxiliary brake shall be installed before same shall be used for hoisting or lowering men, but non-reversible steam or air hoists with throttle-controlled exhaust shall not require such auxiliary brake.

Indicator  
required

(161) Every hoisting engine shall, in addition to any marks on the rope, be provided with a reliable depth indicator which will clearly and accurately show to the operator at all times:

- (a) The position of the bucket, cage or skip;
- (b) At what positions in the shaft a change of gradient necessitates a reduction in speed.

Operation  
of indicator

(162) An indicator shall not be operated by a chain and sprocket arrangement but shall be driven by a suitable train of gears from its corresponding drum of the hoist.

Warning  
signal

(163) At every shaft exceeding three hundred feet in depth adequate provision shall be made whereby the hoistman is warned, audibly, of the arrival of the bucket, cage or skip at points in the shaft the distances of which

from the top or bottom landing places are not less than the equivalent of three revolutions of the drum of the hoisting engine.

(164) On the drum of every hoist used for lowering or raising persons there shall be such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope or cable from slipping off.

Slipping of  
rope on  
drums

(165) (a) The connection between the hoisting rope and the bucket, cage, skip, counter-balance or other device shall be of such nature that the risk of accidental disconnection is reduced to a minimum. No open hook device shall be used for such purpose.

Rope  
connection

(b) On all new installations or proposed changes to existing installations the method of making such connection shall be of a design approved by the Chief Inspector.

(166) The owner or manager of a mine, where a hoisting engine is in use shall depute some competent person or persons whose duty it shall be to examine at least once in each week the sheave wheels, the hoisting ropes and the attachments thereof to the drums and to the counterweights, buckets, cages or skips, the brakes and depth indicators and the buckets, counterweights, cages, and skips, and any safety catches attached thereto; the guides and hoisting compartments generally and the signalling arrangements; and the external parts of the hoisting engine.

Examina-  
tion of  
hoisting  
equipment  
required

(167) Such owner or manager shall also depute a competent person or persons who shall examine,—

Examina-  
tion of  
cables

(a) At least once in each month the structure of the hoisting ropes with a view to ascertaining the deterioration

thereof and for the purpose of this examination the rope shall be thoroughly cleaned at points to be selected by said person or persons, who shall note any reduction in the circumference of, and the proportion of wear in the rope;

Safety  
appliances  
to be  
tested  
monthly

- (b) At least once a month the safety appliances of the cages or other shaft conveyances, so equipped, by testing same under load conditions; such test to consist of releasing the cage suddenly, in some suitable manner, so that the safety catches shall have opportunity to grip the guides; and in case the safety catches do not act satisfactorily, the cage or other shaft conveyance shall not be used further for hoisting men until the safety catches have been repaired and been proved to act satisfactorily.

Defects to  
be remedied  
at once

(168) If, on any examination, as is hereinbefore required there is discovered any weakness or defect whereby the safety of persons may be endangered, any such weakness or defect shall be immediately reported to the owner or manager or person in charge, and until such weakness or defect is remedied the hoisting plant shall not be used.

Machinery  
Record Book

(169) (a) Such owner or manager shall keep or cause to be kept at the mine a book termed the "Machinery Record Book", in which shall be recorded a report of every such examination as is hereinbefore referred to, signed by the person making the examination.

- (b) A notation shall be made in the Machinery Record Book of any failure of

or accident to the hoist, the hoisting rope, the shaft conveyance, or any other part of the hoisting equipment, over the signature of the responsible person in charge of such equipment or accessories thereto.

(170) No hoisting rope which has previously been in use in any place beyond the control of the owner or manager shall be put on anew except with the permission of the Inspector.

History of rope necessary

(171) In no case shall a rope which has been spliced be used for hoisting purposes.

Hoisting rope not to be spliced

(172) In case of hoisting engines there shall be not less than three rounds of rope upon the drum when the bucket, cage or skip is at the lowest point in the shaft or winze from which hoisting is effected. The end of the rope shall be fastened around the shaft or to the spider of the drum in a suitable manner.

Length of ropes required on drum when skip is at the bottom

(173) In case a hoisting rope is used both for the raising and lowering of men and materials, the weight attached to the rope in the former case, when the bucket, cage or skip is bearing its authorized load shall not exceed eighty-five per centum of the maximum allowable weight when the rope is in use for other purposes.

Hoisting both men and materials

(174) (a) No hoisting rope shall be used which is not accompanied by a certificate from the manufacturer giving the following information: name and address of manufacturer, coil or reel number, date of manufacture, diameter and circumference of the rope in inches, weight per foot in pounds, number of strands, class of core, number of wires in strand, diameter of wires in decimals of an inch, breaking stress of steel of which the wire is made, in tons per square inch, estimated or actual breaking load of rope, length of rope.

Rope certificate necessary

- (b) The foregoing data along with the additional following information shall be entered in a book known as the "Rope Record Book," and duplicate copies forwarded to the Chief Inspector when a hoisting rope is newly put on; date of purchase, date on which put on, identification number (where used) of the rope, name of shaft or winze and compartment in which the rope is used, weight of shaft conveyance, weight of material carried, weight of maximum length of rope in service, static factor of safety.
- (c) There shall be kept in the Rope Record Book a history of the hoisting rope, outlining the date on which the rope was put on, certification of trial trips and examinations required by Rule 175,, date of shortening, dates and summaries of breaking tests, date taken off.
- (d) The Rope Record Book shall always be open for inspection by the Inspector.
- (e) When a hoisting rope is taken out of service, notice to that effect shall be forwarded to the Chief Inspector, giving the date and reasons for discarding along with such other information as he may require.

Examina-  
tion of at-  
tachments

(175) A hoisting rope when newly put on, and after any subsequent cutting thereof, shall have the connecting attachment between the bucket, cage, skip, or counterweight and the rope carefully examined by some com-

petent and reliable person or persons authorized by the owner, manager, or department head, and shall not be used for ordinary transport of persons in any shaft or winze until two complete trips up and down the working portions of such shaft or winze have been made, the bucket, cage, skip or counterweight bearing its authorized load. The result of such examination shall be recorded in the Rope Record Book.

(176) The factor of safety of all hoisting ropes when newly installed in shafts less than two thousand feet in depth shall in no case be less than six, and in shafts over two thousand feet in depth and less than 3,000 feet in depth shall not be less than five. The factor of safety shall be calculated by dividing the breaking strength of the rope as given in the manufacturer's certificate by the sum of the maximum load to be hoisted plus the total weight of the rope in the shaft when fully let out;

Factor of  
safety of  
hoisting  
rope

- (a) No hoisting rope shall be used for the raising or lowering of men when its factor of safety based on its existing strength and dead load shall have fallen below 4.5.
- (b) No hoisting rope shall be used for the raising or lowering of men when the number of broken wires in one lay of said rope exceeds six, or when marked corrosion appears.

(177) Every hoisting rope shall be treated with a suitable rope compound as often as necessary and at least once in every month.

Rope  
dressing

(178) At least once in every six months the hoisting rope shall have a portion not less than six feet in length cut off the lower end, from a position above the clamps or other attachment. The length so cut off shall

Testing of  
hoisting  
rope

have the ends adequately fastened with binding wire before the cut is made to prevent the disturbance of the strands and shall be sent to a reliable testing laboratory for a breaking test. The certificate of such test shall be kept on file and a summary thereof recorded in the Rope Record Book.

Cleaning  
and exam-  
ination of  
rope  
connection.

(179) At the periodical cutting of the rope the connection between the rope and the bucket, cage or skip shall be thoroughly cleaned and carefully examined.

Head  
Sheaves

(180) Head sheaves shall be of such diameter as shall be suited to the rope in use.

Counter-  
weights

(181) Wherever a counterweight is used in a shaft it shall operate in a separate and safely enclosed compartment. The cable from the counterweight shall be attached to the drum of the hoist and not to the cage or skip,

### SIGNALS

Signalling

(182) Every working shaft shall be provided with some suitable means of communicating by distinct and definite signals to the hoist room from the bottom of the shaft, from every working level, from the collar and from every landing deck.

Separate  
signal  
system  
for each  
compartment

(183) A separate signal system shall be installed for each hoisting compartment in all shafts and winzes in which a hoisting conveyance operates and there shall be sufficient difference in the sounds of the signals for each compartment that they are easily distinguishable.

Electric  
signal  
system

(184) (a) Where an electrical signal system is installed the system shall be so arranged that the hoistman may return the signal to the person giving the signal.

(b) When men are about to be hoisted or lowered the hoistmen shall so return the signal.



(185) (a) At every shaft or winze hoist there shall be kept a "Hoistman's Log Book" in which shall be recorded:

Hoistman's  
log book

- (i) A report of the working condition of the hoist including the brakes, clutches, interlocking devices between the brake and clutch, depth indicators and all other devices and fittings pertaining to the safe operation of the hoist.
- (ii) A report of the working condition of the signalling apparatus and a notation of any signals received by the hoistman, the accuracy of which he has questioned;
- (iii) Any special instructions received involving the safety of persons. Such entry shall be signed by the hoistman and by the person issuing the instructions;
- (iv) A report of the working condition of and a record of any tests performed upon the operation of all overwind devices installed in conjunction with the hoist. Where the required daily tests of such overwind devices are conducted by a hoistman operating on another shift the hoistman assuming duty shall note over his signature that he has examined the entry in the Log Book of the hoistman who performed the tests;
- (v) A report of all abnormal circumstances in connection with the operation of the hoisting engine or at-

tachments thereto and such abnormal conditions as have come to his knowledge in connection with the hoisting operations in the shaft or winze.

- (b) A notification to the hoistman on a succeeding period of duty of any special circumstances or matter affecting the continued operation of the hoist or the safety of persons in the shaft or winze shall be made in the Hoistman's Log Book. All such entries shall be countersigned by the hoistman assuming duty for such succeeding period.
- (c) Such entries as are required by the preceding clauses (a) and (b) of this Rule shall be made and signed by every hoistman for his period of duty on every shaft or winze hoist, the time and duration of which period of duty shall also be noted and such entries as have been made during the preceding twenty-four hours shall be read and initialled each day by the master mechanic or other authorized person.

Open lights,  
discipline

(186) (a) When persons are being hoisted or lowered in any cage or skip no person other than the cage tender or skip-tender shall have a burning open flame lamp of any kind except that for shaft inspection or similiar purposes a sufficient number of lighted lamps shall be permitted.

- (b) At all times that men are being hoisted or lowered in any cage or skip there shall be maintained a proper discipline of persons riding on such cage or skip.

(187) (a) The following code of signals shall be used at every mine and a copy of such code shall be printed and posted up in every hoist room and every level or other landing in the shaft or winze; Code of  
signals

- 1 bell . . . Stop immediately - if in motion.
- 1 bell . . . Hoist.
- 2 bells . . . Lower.
- 3 bells . . . Men about to ascend or descend.

This signal shall be given before men are permitted to enter the hoisting conveyance. Where a return-bell signal system is installed, the hoistman shall return the 3-bell signal before men are permitted to enter the hoisting conveyance. After a hoistman has received a 3-bell signal he shall remain at the hoist controls until he has received the signal designating the movement required and has completed that movement.

The hoistman shall not move the hoisting conveyance within a period of ten seconds after receiving a signal designating a movement at any time that men are being carried.

- 4 bells . . . . Blasting signal. Hoistman shall answer by raising the bucket, cage or skip a few feet and letting it back slowly. Following a 4-bell signal only a 1-bell signal shall be required to signal for hoisting men away from a blast and the hoistman shall remain at the controls until the act of hoisting has been completed.

5 bells . . . Release signal. Hoistman may move the hoisting conveyance to another point in the shaft, not a recognized stopping point, and stop it there on his own discretion but the person giving the release signal shall remain to guard the conveyance until it is so moved.

9 bells . . . Danger signal. To be given only in case of fire or other danger. The signal for the level at which the danger exists should be given following the giving of a danger signal.

(b) In case the hoistman is unable to act within one minute of the time he has received a complete signal he shall not move the hoisting conveyance until he has again received a complete signal.

Special  
signals

(188) (a) Level special signals, in addition to the above, may be used at every mine for the purpose of designating hoisting movements. Such signals shall be easily distinguishable from the foregoing code and shall not interfere with it in any way and shall be approved by the Chief Inspector.

(b) The level special code of signals used at every mine and an adequate description of their application to the movements required shall be posted at every hoist, at the top of the shaft or winze and at every working level of such shaft or winze.

Signal  
required

(189) Under no circumstances shall the hoisting conveyance be moved by the hoistman until he has received a proper signal, except that in event of an inadvertent stop at some point in the shaft or winze other than a station from which signals may be given, the hoistman may move the hoisting conveyance on the instruction of a properly authorized person to do so.

(190) No person, unless duly authorized, shall give any signal for moving or stopping the bucket, cage or skip. No signal shall be given unless the bucket, cage or skip is at the level from which the signal is to be given. No unauthorized person shall give any signal, other than the danger signal, or in any way whatsoever interfere with the signalling arrangements.

Signal to be given only by authorized person

(191) (a) A Notice showing clearly the number of persons allowed to ride on, and the weight of materials allowed to be loaded on the cage or skip shall be posted at the collar of the shaft or winze.

Notices to be posted showing number of men permitted to ride

(b) The person authorized to give signals shall be held responsible for observance of such notice.

(c) No person shall offer obstruction to the enforcement of such notice.

#### HAULAGE

(192) (a) Every locomotive, engine, trolley or motor car used for hauling material, either above or below ground shall be equipped with a headlight or headlights, and a whistle, bell, gong, or horn, which shall be sounded when starting and at such other times as warning of danger may be required.

Warning equipment

(b) In mechanical haulage underground all made-up trains shall be equipped with a suitable tail-light.

(193) No person shall ride upon or against any car in any level, drift or tunnel in or about a mine. In mechanical haulage this shall not apply to train crews or to persons being transported on passenger cars especially provided for that purpose.

Riding on cars, etc.

Clearance

(194) On every level on which mechanical haulage is employed, a clearance of at least eighteen inches shall be maintained between the sides of the level and the cars or there shall be a clearance of twenty-four inches on one side, or safety stations shall be cut every one hundred feet. Such safety stations shall be plainly marked.

Control levers

(195) Control levers of storage battery and trolley locomotives shall be so arranged that the lever cannot accidentally be removed when power is on.

Unattended locomotive

(196) No electric haulage locomotive shall be left standing unattended unless the brakes have been set and the control lever placed in the neutral position. In the case of a storage battery haulage locomotive the main switch shall also be placed in a non-operating position.

#### PROTECTION FROM MACHINERY IN MINES AND BUILDINGS

Fly-wheel, geared-wheel, etc.

(197) Every fly-wheel, geared-wheel, bull-wheel, pulley or belt, and every opening through which any wheel or belt operates, shall be enclosed with a substantial railing or casing, unless situated in such a manner or location as to prevent any person coming into accidental contact therewith.

Uneven projections to be covered

(198) Every key, bolt, set-screw and every part of any wheel or other revolving machinery which projects unevenly from the surface shall be covered, unless situated in such a manner or location as to prevent any person coming into accidental contact therewith.

Grinding wheels to be guarded

(199) (a) Every power-driven grinding wheel shall be provided with a hooded guard of sufficient strength to withstand the shock of a bursting wheel. This guard shall be adjusted close to the wheel and extend forward, over the top of the wheel, to a point at least thirty degrees beyond a vertical line drawn through the centre of the wheel.

- (b) Where a power-driven grinding wheel is used the owner or manager shall provide suitable goggles and it shall be the duty of the workman to wear such goggles continually during the time the grinding wheel is in use.

(200) Persons engaged in dangerous proximity to moving machinery shall not wear or be allowed to wear loose outer clothing.

Wearing loose clothing

(201) Every runway or staging, stairway or platform more than five feet from the floor and used for oiling or any other purpose shall be provided with a strong, adequate hand-railing. All stairways, steps and runways shall be maintained in a safe condition.

Runway to have hand-railing

(202) Every entrance to any elevator, hatchway or well-hole shall be provided with a suitable trap-door, guard-rail, or automatically closing gate.

Protection of entrances

(203) Every counterweight shall be so situated or guarded as to avoid injury to any person should it become detached from its fastenings.

Counter-weights

(204) Every frog in a track, either above or below ground, on which cars are moved by manual or mechanical power shall have a guard block of wood or iron.

Frogs on tracks

(205) Under no circumstances shall any person ride on any conveyer or belt.

Belts, conveyors

#### STEAM, COMPRESSED AIR

(206) Every steam boiler not less than three horse-power used for generating steam in or about a mine shall, whether separate or one of a range,—

Steam boilers

- (a) have attached to it a proper safety-valve, and also a proper steam gauge

Safety valves

and water-gauge, to show respectively the pressure of steam and the height of water in each boiler;

(b) be inspected by a qualified authorized boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months; and a certified copy of the report of the inspection shall be forwarded to the Chief Inspector within seven days;

(c) The owners of all steam boilers or pressure vessels shall comply with the provisions of any Yukon Territory Steam Boiler and Pressure Vessel Ordinance that may be enacted.

Mainten-  
ance

(207) Every such boiler, safety-valve, steam-gauge and water-gauge shall be maintained in proper working condition.

Air  
receivers

(208) Every air receiver installed in or about a mine shall be inspected by a qualified boiler inspector, approved of by the Controller of the Yukon Territory, or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the Chief Inspector within seven days.

#### SAND AND GRAVEL PITS

Undermining  
forbidden  
in sand and  
gravel pits

(209) In open-pit workings of sand and gravel the method of removing material by undermining shall not be allowed. No vertical working place shall have a height of more than ten feet. Where the thickness of material to be excavated exceeds ten feet in depth the work shall be done in terraces or at any angle of safety. This rule shall not apply to pits where the material excavated solely by mechanical means.



## MILLS, METALLURGICAL WORKS

(210) At every mine or works where poisonous or dangerous compounds, solutions or gases are used or produced there shall be kept in a conspicuous place as near the same as practicable a sufficient supply of satisfactory antidotes and washes for treating injuries received from such compounds, solutions or gases. Such antidotes and washes shall be properly labelled, and explicit directions for their use affixed to the boxes containing them.

Antidotes  
and washes

(211) In or about any mine where, by reason of dry crushing or otherwise, there is in the air of the place of operation dust in quantity to be injurious to health, suitable apparatus shall be installed for removal of the dust.

Removal  
of dust

(212) In every mill or plant where poisonous vapours, gases or emanations exist or may be formed or where radioactive ores are treated, suitable means shall be adopted to provide such ventilation as will prevent the formation of dangerous concentrations of such vapours, gases or emanations.

Poisonous  
vapours

(213) Due provisions shall be made at all plants where acids or poisonous compounds are used to reduce to a minimum the hazards of storing and handling such materials.

Storage of  
acids,  
poisons

(214) The transfer of liquids from one location or container to another location or container by the application of air under pressure shall not be permitted except where properly designed and tested equipment is used for this purpose.

Transfer of  
liquids by  
compressed  
air

(215) No person shall enter any storage bin while material is stored therein unless a second person is in constant attendance and precautions are taken against the danger of caving material.

Work in  
bins

Guard rails  
at track  
approaches

(216) Guard rails shall be placed at the approach to railway tracks, where the view of such tracks is obstructed in one or both directions.

Ventilation

(217) At all furnaces of the hand-filled type the room where workmen are engaged shall be adequately ventilated.

Life lines

(218) Life lines and belts in good order shall be provided and kept in some secure and readily accessible place for immediate use in case it becomes necessary to rescue a workman, and also for use by any workman whose duties require him to work in an atmosphere which is liable to become dangerous by reason of the presence of noxious gases.

Shields for  
protection  
against  
burning

(219) Workmen employed at metallurgical works shall be supplied with suitable shields and appliances to protect them as far as possible from being burned with molten material.

Stairways  
protected

(220) All stairways shall be inclined at an angle not greater than fifty degrees from the horizontal, and be provided with landings or turnouts, at intervals of twenty-five feet, so that it will not be possible for a workman to fall from the top to the foundation landing below.

Supervision  
of hazardous  
work

(221) Every foreman shall personally supervise or appoint a competent assistant to supervise any work around the furnace involving unusual accident hazard; and it shall also be the duty of such foreman or person appointed by him to examine all ladles, moulds and other receptacles with a view to ascertaining that they are clear of moisture or other substance which may endanger the safety of persons.

Rescue  
apparatus

(222) At any operation where the nature of the work may cause air to become dangerous by reason of the presence of noxious gases there shall be provided and main-

tained in a steadily accessible place breathing apparatus and portable resuscitating apparatus of approved type, with an adequate supply of oxygen and absorbent material. There shall always be on duty in each working shift a workman or workmen appointed by the superintendent and trained in the use of breathing and resuscitating apparatus.

(223) No person under the age of eighteen years shall be allowed to operate any elevator or power-driven crane.

Age, elevator and crane operators

(224) No person other than the operator shall be permitted to ride on any crane or part thereof or on any material carried by such crane except for inspection, supervision, maintenance and repair, or instruction of a new operator.

Riding prohibited

(225) Every crane operated from a cab mounted on the crane shall be equipped with a whistle, bell, gong or horn which shall be sounded at such times as it may be necessary to give warning of the approach of the crane to places where men are working or are liable to pass.

Warning devices

(226) Every crane shall be equipped with suitable devices to prevent overwinding and overrunning of limits.

Overwinding devices

(227) The owner or manager shall depute some qualified person or persons to examine daily such parts of the crane or apparatus pertaining thereto upon the proper working of which the safety of persons depends. A record of such examinations shall be kept.

Daily examination of cranes

## ELEVATORS AND HOISTWAYS

(228) Every entrance to a hoistway shall be provided with a substantial door or doors or gate or gates at least six feet in height. All folding gates over three feet wide shall have top, bottom and centre braces.

Folding gates

- Lighting (229) Every hoistway landing and place where machinery is erected shall be well lighted.
- Guarding hoistway (230) When a hoistway is not enclosed in walls, access to the hoistway by means of an adjacent stairway shall be prevented by means of a partition to a height of at least six feet.
- Guide rails (231) All guide rails for cars and counterweights shall be of substantial construction, and shall be securely fastened to the sides of the hoistway, and the bottom ends shall rest on a secure foundation, and be firmly fixed in that position.
- Clearance for car (232) On every elevator hereafter installed a clear space of not less than three feet shall be provided between the bottom of the hoistway and the lowest point of the car when the car is at its lowest landing, and between the top of the car and the sheave when the car is at its top landing, and also between the top of the counterweight and the sheave when the car is at its lowest landing.
- Automatic safety devices (233) Every elevator shall be provided with automatic devices at the top and bottom of the travel of a car in the hoistway, so arranged that the car will be stopped before it has travelled two feet above the top landing, or two feet below the bottom landing, and all drum hoists shall, in addition, be fitted with automatic stop motions to prevent overwinding.
- Protecting counterweights (234) All counterweights shall have their sections strongly bolted together and shall be so situated that they cannot fall on any part of the elevator or machinery; and shall be suspended in guides in such a manner that they will run freely without danger of being detached.
- Protection on elevator (235) Every elevator on which any person travels shall be provided with side casing, and shall have a door or doors extending at least five feet above the bottom of the elevator, and the top shall be covered with suitable protective roofing.

(236) Every elevator on which any person travels shall be provided with efficient safety clutches of sufficient strength to hold the elevator with its maximum load in any position in the hoistway. When the safety catches are operated through shafts, all the levers and safety catches shall be keyed to the shafts.

Safety  
clutches

#### RULES GOVERNING USE OF ELECTRICITY

(237) In these Rules,—

- (a) “Cut-out” shall mean any device, such as a fuse or circuit-breaker, by which the electrical continuity of a conductor may be automatically broken by changes in current or voltage;
- (b) “Disconnecter” shall mean a switch which is intended to open a circuit only after the load has been thrown off by some other means;
- (c) “Electrical Supply Station” shall mean any building, room or separate space within which is located electrical supply equipment and which is accessible, as a rule, only to properly qualified persons, and shall include generating stations and substations and generator, storage battery and transformer rooms;
- (d) “Grounded” shall mean connected to earth or to some extended conducting body which serves instead of earth, and this ground connection may be at one or more points;

“Cut-out”

“Discon-  
nector”

“Electrical  
Supply  
Station”

“Grounded”

"Panel board"

- (e) "Panelboard" shall mean a single panel container busses, fuses and switches to control lights, and devices of small individual as well as aggregate capacity, placed in or against a wall or partition and accessible only from the front;

"Reconstruction"

- (f) "Reconstruction" shall mean replacement of any portion of an existing installation by new equipment or construction, but does not include ordinary maintenance replacement.

"Switch"

- (g) "Switch" shall mean a device for opening or closing or changing the connections of a circuit manually, and in these Rules a "switch" is always to be understood as operated manually, unless otherwise stated;

"Switchboard"

- (h) "Switchboard" shall mean a large single panel or assembly of panels on which are mounted switches, fuses, busses and usually instruments, and accessible both in front and in rear. Circuits and machinery of relatively large capacity are controlled from such boards;

"Utilization Equipment"

- (i) "Utilization Equipment" shall mean equipment, devices and connected wiring, which utilize electrical energy for mechanical, chemical, lighting, testing or similar purposes and are not a part of supply equipment;

- (j) "Voltage" or "Volts" shall mean the highest effective voltage between the conductors of the circuit concerned, except that in grounded multi-wire circuits; not exceeding 750 volts between outer conductors, it means the highest effective voltage between any wire of the circuit and the ground, and in ungrounded, low-voltage circuits, "voltage to ground" shall mean the voltage of the circuit; "Voltage",  
"Volts",  
"Voltage to  
Ground"
- (k) "Wire Gauge" shall mean the standard known as Brown and Sharpe (B. & S.) "Wire  
Gauge"

#### GENERAL RULES

(238) Where electrical apparatus or machinery is used at any mine it shall be in charge of an authorized person, who shall be qualified by experience to handle such apparatus or machinery. Every person operating or having charge of electrical apparatus shall have been instructed in his duty and shall be competent for the work that he is set to do. Repairs, extensions and changes shall be made to existing electrical equipment and conductors only by authorized persons. Competent  
person in  
charge

(239) No person, other than the person authorized by the owner, manager, or superintendent, shall enter an electrical supply station or interfere with the workings of any machine, transformer, motor, or apparatus connected therewith, and when the authorized person is not present the door of such room shall be kept securely locked. Supply  
stations to  
be inaccessible to  
unauthorized  
persons

(240) All electrical equipment shall be of such construction and so installed and maintained as to reduce the life and fire hazard as far as practicable. General re-  
quirements

Inspections  
and repairs

(241) Electrical equipment shall comply with these Rules when placed in service, and shall thereafter be periodically inspected and, when necessary, cleaned. Defective equipment shall be put in good order or permanently disconnected. Defective wiring shall be repaired or removed.

Exceptions

(242) Electrical utilization equipment as well as generating equipment, if enclosed in a separate room which is inaccessible to unauthorized persons, and when in service is under the control of a qualified electrical operator whose attention is not distracted by other processes, shall be considered as electrical supply station equipment, and such exceptions as are made to the general Rules for supply stations shall apply to those installations.

Identifica-  
tion of  
equipment

(243) All electrical equipment shall be suitably identified where necessary for safety. The voltage and intended use shall be shown, where important.

#### GENERAL GROUNDING RULES

Circuits to  
be grounded

(244) All circuits not over 150 volts shall be grounded if exposed to leakage from higher voltage circuits either through overhead construction or through transformers having primary voltage exceeding 750 volts. Three-wire single phase circuits and three-wire direct-current circuits not exceeding 300 volts between outer conductors shall have the neutral grounded.

Equipment  
to be  
grounded

(245) Electrical equipment shall, when practicable, have the exposed non-current-carrying parts, such as frames of motors, generators, switchboards, cases of transformers, oil switches and instruments and casings or wiring and conductors permanently grounded;

(a) For all equipment over 150 volts;



(b) For all equipment where metal parts are within reach of exposed grounded surfaces, such as metal frames of other machines, plumbing fixtures, conducting floors or walls (such as damp wood, concrete or rock underground). Grounded surfaces within five feet horizontally of the parts considered, or within eight feet vertically of the floor, shall be considered within reach.

(246) The point at which the ground conductor is attached to the equipment or wire runways, shall be readily accessible. Equipment and wire runways

(247) The ground conductor shall be of copper or other metal which will not corrode excessively under the existing conditions and, if practicable, shall be continuous. Ground connections from circuits shall not be made to jointed piping within buildings, except that water or air piping beyond any point which is liable to disconnection may be used. Material and continuity of ground conductor

(248) For grounding circuits the ground conductors shall have a carrying capacity equal to that of the circuits and shall never be less than No. 6 B and S. Size of ground conductor

(249) For electrical equipment the current-carrying capacity of a ground conductor shall not be less than that provided by a copper wire of the size indicated in the following table. When there is no cut-out protecting the equipment, the size of the ground wire shall be determined by the design and the operating conditions of the circuit:

Capacity of nearest automatic cut-out	Required size ground conductor B. & S. gauge
0 to 200 amperes .....	6
201 to 500 amperes .....	4
Over 500 amperes .....	2

(250) In portable cord to portable equipment protected by fuses not greater than ten ampere capacity, No. 16 ground wire may be used.

Protecting  
ground wire

(251) Ground conductors shall have mechanical protection and insulating guards extending for a distance of not less than eight feet above any ground, platform or floor. If attached to buildings ground conductors shall be supported on insulators and shall be protected by porcelain bushings through floors, partitions or walls.

Character  
of ground

(252) Main water or air lines may be used for grounds, provided that connection is made at a point where the pipe is not liable to disconnection for alteration or repairs. Main water or air lines may be substantially bound together for this purpose, but shall, unless connected to a buried piping system of considerable extent, be connected to an artificial ground.

Method of  
connection

(253) The ground connection to metallic piping systems shall be made by sweating a ground wire into a lug attached to a suitable clamp and firmly bolting the clamp to the pipe, after all rust and scale have been removed, or by any other equivalent method.

Artificial  
grounds

(254) Artificial grounds shall be located, where practicable, below the permanent moisture level, or failing this, at least six feet deep. Each ground shall present not less than four square feet of surface to the exterior soil. Areas where the ground-water level is close to the surface shall be used where available.

Where  
separate  
ground  
conductors  
required

(255) Ground conductors shall be run separately to the ground (or to a sufficiently heavy grounding bus or system ground cable which is connected to the ground at more than one place) from equipment and circuits of each of the following classes: (1) Lightning arresters; (2) secondaries connected to low-voltage lighting or power cir-

cuits; (3) secondaries of current and potential transformers and cases of instruments on these secondaries; (4) equipment operating in excess of 750 volts; (5) frames of utilization equipment or wire runways other than covered by item (4).

(256) Lightning arrester ground connections shall not be made to the same artificial ground (driven pipe or buried plate) as circuits or equipment, but shall be well spaced, and, where practicable, at least twenty feet from other artificial grounds.

Lightning  
arrester  
grounds

#### WORKING SPACE ABOUT ELECTRICAL EQUIPMENT

(257) Suitable working space shall be provided and maintained about all electrical equipment. Where adjacent to exposed live parts such working spaces shall be so arranged that they will not be used as passageways. The working space shall, where practicable, have minimum horizontal dimensions, where adjacent to exposed parts within eight feet of the floor, as follows: (1) parts above 150 volts to ground, if on one side, 2.5 feet; if on two sides, 4 feet; (2) parts below 150 volts to ground, if on one side, 1.5 feet; if on two sides, 2.5 feet.

Utilization  
equipment

(258) In supply station equipment the following clearances only need be maintained: (1) parts from 300 up to 750 volts, if on one side, not less than 2.5 feet; if on two sides, not less than 3 feet; (2) parts above 750 volts, if on one side, not less than 3 feet; if on two sides, not less than 5 feet.

Supply  
station  
equipment

#### GUARDING OR ISOLATING LIVE PARTS

(259) In supply station equipment, current-carrying parts shall be guarded unless they are maintained at the following distances above the floors which may be occupied by persons:

Guarding  
current-  
carrying  
parts

Voltage of conductors		Elevation in feet
300 to	750.....	7
750 to	2,500.....	7.5
2,500 to	7,500.....	8
7,500 to	30,000.....	9
30,000 to	70,000.....	10
70,000 to	100,000.....	12

(260) All exposed current-carrying parts of electrical equipment such as bus bars, conductors and terminals operating at over 150 volts and not isolated by an elevation of at least eight feet, shall be provided with suitable permanent enclosures or other guards arranged so as to prevent persons or conducting objects from inadvertently coming (or being brought) in contact with the parts in question.

(261) Where the current-carrying parts at over 150 volts or in supply stations at over 300 volts to ground; must necessarily be exposed (unguarded) within eight feet, or in supply stations within the limits called for in Rule 259 from the floor line, all surrounding conducting floors shall be covered with suitable insulating platform, mats or other insulating devices.

(262) Where the current carrying parts operate at over 7,500 volts, enclosing or barrier guards shall always be provided, even when insulating mats are also provided.

### STORAGE BATTERIES

Protection  
of storage  
batteries

(263) Storage batteries in rooms used also for other purposes shall be adequately guarded or enclosed. Means shall be provided, if necessary, to prevent dangerous accumulations of inflammable gas. Batteries whose operating voltage exceeds 50 volts shall be installed in conformity with the general rules covering equipment.

## TRANSFORMER RULES

(264) Secondary circuits of current transformers shall be provided with means for short circuiting them which can be readily connected while the primary is energized, and which are so arranged as to permit the removal of any instrument or other device from such circuits without opening the circuits.

Protecting  
instrument  
transformers

(265) When primaries are above 7,500 volts, secondary circuits of current and potential transformers, unless otherwise adequately protected from injury or contact of persons, shall be in permanently grounded conduit.

(266) The low-voltage circuit of all instrument transformers shall be permanently grounded unless the circuits are installed and guarded as required for the high-voltage circuits of the transformers.

(267) Oil immersed transformers shall not be mounted on or above combustible roofs or attached to any building not of fire-proof construction other than a transformer house and if within a building other than a transformer house shall be in a fire-proof compartment, suitably drained and ventilated to outdoors, the door openings to be provided with not less than six-inch non-combustible sills.

Oil  
immersed  
transformers

(268) Transformer stations, if not entirely of fireproof construction, shall be located at least fifty feet distant from other buildings.

Trans-  
former sta-  
tions to be  
fireproof

## LIGHTNING ARRESTER RULES

(269) If the operating voltage of the circuit exceeds 750, the lightning arresters shall be made inaccessible to unauthorized persons.

Inaccessible  
to unauthor-  
ized persons

(270) Lightning arresters, when installed inside of buildings, shall be located as far as practicable from all other equipment and from combustible parts of the building.

Location

Provisions  
for discon-  
necting

(271) Lightning arresters on circuits over 7,500 volts and all lightning arresters which may require work to be done upon them from time to time, shall be so arranged, isolated, and equipped that they may be readily disconnected by air-break manual disconnectors.

Ground  
wires

(272) Ground wires shall be run as directly as possible and be of low resistance and ample capacity. In no case shall ground wires be less than No. 6 copper wire. Ground conductors for lightning arresters shall not pass through iron or steel conduits unless electrically connected to both ends of such conduits.

Grounding  
non-current-  
carrying  
parts

(273) All non-current-carrying parts of the arresters shall be grounded, unless effectively isolated by elevation, or guarded as required for live parts of the voltage of the circuit to which the arrester is connected, and suitably identified as to that voltage.

Guarding  
live parts

(274) All current-carrying parts of arresters on circuits above 750 volts, unless effectively isolated by elevation shall be adequately guarded to protect persons from inadvertent contact with them, or from injury by arcing. Guarding shall comply with Rules 260 and 278.

### CONDUCTORS

Electrical  
protection of  
conductors

(275) Conductors shall be suitable for the location, use of voltage and each conductor (except neutral conductors, ground wires, and conductors of circuits, the openings of which may cause special hazard by interruption of service or removal of protection), shall be protected against excessive current by suitable automatic cut out or by the design of the system.

Cut-outs  
omitted

(276) All conductors normally grounded for the protection of persons shall be arranged without automatic cut-outs interrupting their continuity between the sources of electrical supply and the point at which the ground wire is attached, unless the cut out opens all the conductors of the system with one operation.

(277) All conductors where not protected by conduit or armouring shall have approved insulation and shall be mounted on cleats, porcelain knobs or insulators and shall be separated from contact with floors, walls or partitions by tubes of incombustible insulating material.

Insulating  
conductors

(278) All fixed conductors operating at over 150 volts or in supply stations at over 750 volts unless isolated by an elevation of at least eight feet shall be enclosed in grounded metal conduit, grounded metal sheathing or shall be guarded by permanent screens or enclosures.

Insulating  
conductors

(279) Bare conductors shall be used only for switchboard, panelboard, storage-battery connections or for open wiring at voltages exceeding 2,400 volts in supply stations or for electrolytic low-voltage furnaces and similar connections or for trolley wires and other contact conductors. Except at points where permanent ground connections are made such conductors within buildings shall be kept insulated from the ground.

Use of bar  
conductors

(280) Temporary wiring and equipment, which is not in compliance with these rules, may be used, but only when under competent supervision, or protected by suitable barriers or warning signs while it or neighbouring wiring is alive and accessible to unauthorized persons.

Temporary  
wiring

#### FUSES, CUT-OUTS, SWITCHES AND CONTROLLERS

(281) All switches, automatic cut-outs, controllers, starting rheostats, auto starters and other control devices shall be readily and safely accessible to authorized persons; they shall be so located, labelled or marked as to afford means of identifying circuits or equipment supplied through them, and to indicate whether they are open or closed. They shall be so installed, where practicable, that they cannot be closed by gravity and such switches as close by gravity shall be provided with a proper stop block or latch to prevent accidental closing.

General  
requirement  
of switches

Switches  
required for  
equipment

(282) Suitable switches shall be inserted in all circuit leads to generators, motors, transformers, storage batteries, electric furnaces and similar equipment except between parts or pieces of apparatus intended to operate as a unit.

Switches  
required  
in feeders

(283) Suitable switches shall be inserted in all feeder conductors connecting utilization installations to service connections from either overhead or underground lines. These switches shall be readily accessible, and as close as practicable to the point of connection with the overhead or underground lines.

Switches for  
temporary  
wiring

(284) Switches or plug connectors shall be placed in all circuit leads at the point where temporary wiring or portable conductors are connected to the permanent wiring.

(285) Switches used otherwise than as disconnectors shall have a rated capacity such as to insure safe interruption, at the working voltage, of the greatest current which they may be required to carry continuously, and shall be marked with the current they can safely interrupt.

Switches  
have  
sufficient  
rupturing  
capacity

(286) All cut-outs, switches, circuit breakers and other apparatus used for opening or closing an electric circuit shall be of such design as to operate safely on the system from which the circuit is energized.

Disconnect-  
ors

(287) Disconnectors shall be of suitable voltage and ampere rating for the circuit in which they are installed and shall be accessible only to qualified persons. They shall also be protected by signs warning against opening the switch while carrying current in excess of the safe opening limit.

Locking or  
tagging  
switches

(288) All switches controlling apparatus shall be locked or plainly tagged in the open position to prevent the inadvertent closing thereof while work is being done on the apparatus.



(289) Switches, controllers and rheostats shall be so constructed as to make and maintain good contact. Knife switches shall maintain such alignment under service conditions that they may be closed with a single, unhesitating motion.

Good  
contact  
required on  
switches

(290) Unless a switch operating on a circuit above 300 volts makes an air-break there shall, if equipment controlled by such switch requires adjustment or repairs while the conductors leading to such switch are still alive, be installed between it and the source of energy supply a suitable air-break disconnecter.

When air-  
break  
switches  
needed

(291) All manual switches over 150 volts to ground or in supply stations over 300 volts to ground shall have suitable casings or guards protecting the operator from the danger of contact with current-carrying parts or being burned by arcing at the switch.

Enclosing  
live parts  
of switches

(292) All switches interrupting circuits over 300 volts shall be operated by means of remote control mechanism or be provided with suitable casings protecting the operator from danger of contact with current-carrying parts, except as provided in Rule 295.

Guarding  
switches  
above 300  
volts

(293) The control device for switches shall indicate whether the switches are open or closed.

(294) Switches shall, if practicable, be so connected that switch blades will not be alive when in the open position.

Connections  
to switches

(295) Where switches, disconnectors and fuses above 750 volts are ordinarily guarded by covers or enclosed in separate rooms, but must occasionally be operated without such protection, either by removal of the covers or by entrance into the rooms, adequate working space shall be provided about the live parts so that the operator will not be required to bring any part of his body within the following horizontal distances:

Working  
spaces  
about  
ordinarily  
guarded  
switches  
above 750  
volts

Voltage of parts	Distance in feet
750 to 7,500	1
7,500 to 30,000	2
30,000 to 50,000	3
50,000 to 70,000	4
70,000 to 100,000	5

Switches to be placed before fusible cut-outs

(296) On circuits up to 300 volts to ground, where fusible cut-outs are not so arranged that they are necessarily disconnected from all sources of electrical energy before the underground current-carrying parts can be touched, switches shall always be so placed or arranged that opening them will disconnect the fuses from all sources of electrical energy.

Protecting fusible cut-outs above 300 volts

(297) Fusible cut-outs above 300 volts to ground shall be in a cabinet or otherwise made inaccessible to all but authorized persons, and switches shall be so placed and arranged that opening them will disconnect the fuses from all sources of electrical energy.

Fuses in fireproof cabinets

(298) All fusible cut-outs shall be installed in approved fire-proof cabinets.

Capacity of fuses

(299) The rated capacity of the fuses shall not exceed the allowable current-carrying capacity of the conductor.

### SWITCHBOARDS

Switchboards to be readily accessible

(300) Switchboards and panelboards shall have all switches arranged so that the means of control are readily accessible to the operator.

Switchboards to be convenient for operation

(301) Instruments, relays or other devices requiring reading or adjustment shall be so placed that the work can be readily performed from the working space provided.

(302) Switchboards shall be so placed that the person operating them will not be endangered by machinery or equipment located near the board. Means for adequate illumination shall be provided.

Location and lighting of switchboards

(303) Exposed bare parts of different potentials on any switchboard or panelboard shall be as few as practicable and these shall be effectively separated.

Protecting against short circuiting on switchboards

(304) All switchboards and panelboards having exposed current-carrying parts operating at over 150 volts to ground shall, when practicable, be suitably encased in locked cabinets, screens, or rooms, or other enclosures to make them inaccessible to other than authorized operators. Conducting floors about such boards and in supply stations about boards having equipment operating at over 300 volts to ground shall be provided with suitable insulating platforms or mats so placed that no person can inadvertently touch live parts unless standing on an insulating platform or mat.

Guarding current-carrying parts of switchboards

(305) Where switchboards or panelboards at voltages below 150 to ground are accessible to other than authorized operators they shall, where practicable, be enclosed in cabinets or screens as an effective precaution against accidental short circuit at times when no operation of the board necessitates the opening of the cabinet or screen.

Switchboards below 150 volts accessible to unauthorized persons

### MOTOR CONTROL DEVICES

(306) Manually controlled starters for all D.C. motors and for all A.C. motors over five horsepower shall be so designed and the circuits so arranged that they return automatically to the "off" position upon the failure of the energy supply, except where the motors and their starting devices are, during operation, under the supervision of qualified persons or equivalent protection is otherwise provided.

Motor control devices

Protecting  
motors  
against  
overload

(307) Each motor shall be protected against excessive overload current by cut-out or automatic circuit breaker. Any such overload device shall interrupt the circuit at fifty per centum over normal motor-current rating. An auto starter which disconnects all wires of the circuit automatically under overload when in the running position may be used as a circuit breaker.

#### ILLUMINATING SUPPLY STATIONS

Lighting for  
supply  
stations

(308) Rooms and spaces shall have good artificial illumination. Arrangement of permanent fixtures and plug receptacles shall be such that the portable cords need not be brought into dangerous proximity to live electrical apparatus. All lamps shall be arranged to be controlled, replaced, or trimmed from readily accessible places.

Emergency  
lighting  
for supply  
stations

(309) A separate emergency source of illumination, from an independent generator, storage battery, lanterns or other suitable source, shall be provided in every station where an attendant is located.

#### FIRE-FIGHTING APPLIANCES

Fire-  
fighting  
appliances

(310) Each room or space where an operator is in attendance shall be provided with an adequate approved fire extinguishing appliance conveniently located and conspicuously marked. No chemical fire extinguishing appliance which has not been approved for use on live parts shall be placed in any room containing electric apparatus or exposed lines.

#### LIGHTING FIXTURES

Guarding  
current  
carrying  
parts of  
lighting  
fixtures

(311) Electric fixtures, such as lamp sockets and lamp bases, plugs, receptacles, etc., shall be so installed that no current-carrying parts shall normally be exposed externally when these parts are within reach of grounded surfaces (see Rules 260, 261 and 262). The high-temperature current-carrying parts of radiant heaters are exempted.

(312) Portable lamps shall not be connected to circuits operating at over 300 volts to ground.

Portable lamps.

(313) In locations where exposed to dampness or mechanical injury, portable conductors shall be of reinforced weatherproof cord, and, when necessary, armoured.

Portable conductors exposed to injury

(314) In locations where exposed to dampness or mechanical injury, portable lamps shall have their sockets enclosed in wood or composition handles, through which the conductor shall be carried, and shall have a substantial wire cage which encloses the lamp. A hook for hanging the lamp shall be attached either to the cage or to the handle.

Style of portable lamps permitted

#### TROLLEY AND PORTABLE APPARATUS

(315) Trolley or crane collector wires, whether indoors or out, shall, where practicable, be elevated at least eight feet above the rail level and be provided with suitable guards so arranged that persons cannot inadvertently touch the current-carrying parts while in contact with the ground or with conducting material connected to the ground.

Guarding trolley or crane collector wires

(316) In tunnels or under bins or in similar locations where trolley wires are necessarily less than eight feet above the rail level, the operating voltage shall not exceed 300 and the wires shall be efficiently guarded to prevent accidental contact of person.

Operating voltage in tunnels, etc.

(317) Portable and pendant conductors shall not be installed or used on circuits operating at over 150 volts to ground, unless they are accessible only to persons authorized to approach them. In such cases they shall be of a type suitable to the voltage and conditions.

Portable and pendant conductors

## CRANES AND ELEVATORS

Disconnec-  
tions for  
cars and  
cranes.

(318) Readily accessible means shall be provided whereby all conductors and equipment located in or on cars or cranes may be disconnected entirely from the source of energy at a point as near as possible to the trolley or other current collector.

Switch  
required on  
cars and  
cranes

(319) A circuit breaker or switch, capable of interrupting the circuit under heavy loads, shall be used unless the current collector can be safely removed, under heavy loads, from the trolley wire.

## TELEPHONE EXPOSED BY SUPPLY LINES

Protecting  
telephone  
equipment  
exposed by  
high  
voltage

(320) Telephone or other signal apparatus which must be handled by persons and which is connected to overhead signal circuits exposed by supply lines over 400 volts to ground shall be protected as follows:

- (a) By fuses and arresters;
- (b) All exposed non-current-carrying metal parts shall be permanently grounded; or, the apparatus shall be installed in such a way that a person using it will be obliged to stand on an insulated platform, in an insulated booth, or on other insulating surfaces.

Protecting  
telephone  
signal  
equipment  
exposed to  
induced  
voltage

(321) Telephone or signal apparatus which is connected to a line which parallels a supply circuit of high voltage in such a manner as to be exposed to induced voltage shall be protected by transformers and shall comply with the requirements of Rule 320.

## TRANSMISSION LINES

Design and  
construction  
of supply  
lines

(322) All electrical supply lines and equipment shall be of suitable design and construction for the service and the conditions under which they are to be operated, and all lines shall be so installed and maintained as to reduce the life hazard as far as practicable.

(323) Conductors and other current-carrying parts of supply lines shall be so arranged as to provide adequate clearance from the ground or other space generally accessible, or shall be provided with guards so as to effectively isolate them from accidental contact of person.

Guarding  
supply  
lines

(324) Where supply lines over 300 volts to ground are attached to any buildings, for entrance, they shall be permanently guarded if accessible.

Entrance to  
buildings

(325) Supply lines carried over railways operated by steam, electric or other motive power and on which standard equipment, such as freight cars, is used shall have the style of construction and clearances overhead as called for in the regulations of the Board of Transport Commissioners for Canada. Supply lines crossing over railways on which standard equipment is not used and lines crossing over roadways shall have ample clearance for the operating conditions and shall be substantially supported.

Clearance  
required  
by  
supply lines  
over  
railways

(326) At all underground stations where any cable transmitting power at a potential exceeding 300 volts leaves the shaft, a room or junction box shall be provided into which such cable shall be run.

Room or  
junction box  
under-  
ground

(327) Junction boxes on any cable transmitting power at a potential exceeding 300 volts shall not be located in any shaft or winze or attached to any timbers at a shaft or winze station or in a headframe. Splice boxes for cable extension in a shaft or winze shall be of a type approved by the Inspector.

Junction or  
splice boxes

(328) (a) All cables transmitting power underground at a potential exceeding 750 volts shall have a voltage rating of 50 per centum higher than the normal operating voltage.

Rating of  
cables and  
circuit  
breakers  
under-  
ground

(b) All circuit-breakers, cut-outs and disconnecting switches on circuits exceeding 750 volts shall have a voltage rating of fifty per centum higher than the normal operating voltage and shall be located in a room which may be kept locked.

Trans-  
formers,  
type and  
location

(c) The type and location of transformers installed underground shall be subject to the approval of the Inspector.

Switches on  
under-  
ground  
cables

(329) Where electrical energy is conducted underground provision shall be made so that the current may be cut off on the surface close to the point where it is led underground. The cut-off switch or switches shall be situated in a locked building or compartment and shall be accessible only to an authorized person or persons.

Fire  
prevention  
about  
electrical  
installations

(330) The bases of electric motors, transformers, starting equipment and other electrical apparatus and the compartments in which such are installed shall be of such material and constructed in such manner as to reduce the fire hazard to a minimum. No inflammable material shall be stored or placed in the same compartment with any such equipment or apparatus.

Conduits  
required

(331) All cables over 150 volts transmitting power underground shall be armoured or enclosed in standard conduit and substantially supported.

Conduits or  
insulators  
for  
lighting  
circuits

(332) Wires carrying not over 150 volts to ground for lighting and signal circuits shall either be installed in standard conduits or casings, or suspended from and securely tied to porcelain or glass insulators, so that they do not touch any timbering or metal. On no account shall staples be used.



(333) The armouring or casing of cables, mentioned in Rules 331 and 332, shall be bonded together so as to be electrically continuous, and shall be connected at some point or points to a satisfactory ground:

Grounding  
of casings

(334) All rules governing grounding of electrical apparatus in general work shall apply equally to underground work.

Method of  
grounding

(335) Adequate precautions shall be taken to prevent electrical signal or telephone wires, whether insulated or not, coming into contact with other electrical conductors.

Precautions  
to protect  
signal and  
telephone  
wires

#### RULES GOVERNING ELECTRIC HOISTS

(336) When the Inspector has cause to believe that the shaft conveyance operated by any electric hoist is being overloaded he shall have the power to order a test to be made.

Testing for  
overloading

#### DAMAGE TO PROPERTY

(337) No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, electrical equipment or other appliance or thing provided in any mine in compliance with this Ordinance.

Wilful  
damage

#### GENERAL

(338) No person under the influence of or carrying intoxicating liquor shall enter any mine or be in the proximity of any working place on the surface or near any machinery in motion.

Persons  
under the  
influence of  
or carrying  
liquor

(339) Abstracts of the rules contained in this Ordinance, authorized by the Chief Inspector, shall be posted up in suitable places at the mine or works where the same can be conveniently read and the owner or agent of the mine shall maintain such abstracts, duly posted, and the removal or destruction of the same shall be an offence against this Ordinance.

Abstract of  
rules to be  
posted

## PAYMENT OF WAGES

Prohibition  
of payment  
of wages at  
public  
houses

26. (1) No wages shall be paid to any person employed in or about any mine or metallurgical works to which this Ordinance applies at or within any tavern, shop or place where spirits, wine, beer or other spirituous or fermented liquors are sold or kept for sale, or within any office, garden, or place belonging or contiguous thereto or occupied therewith.

Penalty

(2) Every person who contravenes or permits any person to contravene this section shall be guilty of an offence against this Ordinance and in the event of any such contravention by any person whomsoever the owner and agent of the mine in respect of which the wages were paid shall also each be guilty of an offence against this Ordinance, unless he proves that he had taken all reasonable means to prevent such contravention by publishing and to the best of his power enforcing the provisions of this section.

Payment of  
wages

(3) Notwithstanding any agreement to the contrary, every person who performs labour for wages in connection with any mine, mining claim, mining lands, or works connected therewith, shall be paid such wages not less frequently than once a month and may be paid twice a month.

## DAMAGING OTHER CLAIMS

Licensees  
not to  
damage  
other  
claims

27. No person or company shall, without right or authority, cause damage or injury to the holder of any other mining property by throwing earth, clay, stones, or mining material thereon, or by causing or allowing water which may be pumped or bailed or which may flow from a mining

claim or other mining property of such person, to flow into or upon such other mining property, and the offender in addition to any civil liability shall incur a penalty of not more than \$10 for every day such damage or injury continues, and in default of payment of the penalty and costs, may be imprisoned for any period not exceeding one month.

### PARTY WALL

28. (1) Except as provided in subsection 30 of section 26, or unless the owners agree to dispense therewith, in all mining operations there shall be left between all adjoining properties a party wall at least fifteen feet thick (being seven and one-half feet on each property), to the use of which the adjoining owners shall be entitled in common. Party walls,  
thickness of
- (2) The owners shall be entitled to use such party wall in common as roadway for all purposes, and such roadway shall not be obstructed by the throwing of soil, rock or other material thereon, or in any other way, and any person obstructing the same in addition to any civil liability shall incur a penalty of not more than \$10 for every day such obstruction continues. Use in  
common
- (3) Any such adjoining owners may, in any case, apply to the Mining Recorder, who may make an order dispensing with such party wall or roadway, or providing for the working of any material therein, or otherwise as he may deem just. Dispensing  
with
- (4) When the owner of a mine or mining property has reason to believe that a breach has been made in the party wall between his own and an adjoining property or that a trespass Examina-  
tion of  
party wall

has been committed with respect thereto, the Controller may upon application to him authorize a competent and disinterested person to examine such party wall and for such purpose enter the said mine or mining property with an assistant or assistants and use if necessary the workings and appliances thereof, and the person so appointed shall immediately after such examination report in writing his findings to the Controller. The time when such examination shall be made and the cost thereof and any damage resulting therefrom shall be fixed by the order of the Controller.

Order for  
closing  
breach  
in party  
wall

- (5) Where a breach has been made in a party wall of a mine by the owner of an adjoining mine or by his workmen, servants or agents without permission of the owner of such first mentioned mine or the authority of the Controller, the Controller upon the application of such first mentioned owner may make an order directing the owner of such adjoining mine to permanently close such breach or do such other things as the Controller may deem necessary or advisable to prevent water flowing into the mine of the applicant, and if work has been discontinued in such adjoining mine, or if for any other reason he deems it expedient, the Controller may authorize the applicant to enter upon the adjoining mine and into the works thereof and to erect bulkheads therein and do all such other things or make such use of the works of the adjoining mine as the Controller may deem necessary or advisable for the purpose of protecting the mine of the applicant and his workmen and employees from damage or danger from accumulations of water in the adjoining mine.

- (6) The Controller or Mining Recorder, for good cause shown and on such terms as may seem just, may, by subsequent order at any time change, supplement, alter, vary or rescind any order made by him under the authority of this section.

Varying  
order

#### NOTICE OF ACCIDENTS

29. (1) Where, in or about any mine, any accident occurs which causes loss of life to any person employed thereat, the owner, agent, manager or superintendent thereof shall immediately notify the Inspector or Mining Recorder resident in that part of the Yukon Territory in which the accident occurred and the Chief Inspector by telegraph.
- (2) Subject to subsection 3, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with the accident until an Inspector or an officer or constable of the Royal Canadian Mounted Police has completed an investigation of the circumstances surrounding such accident.
- (3) Where it is impossible for an Inspector to make an immediate investigation of an accident, the Chief Inspector or any Inspector may permit such wreckage, articles and things at the scene of or connected with the accident to be moved to such extent as may be necessary to permit the work of the mine, quarry, sand, clay or gravel pit to be proceeded with, when an investigation has been made by an officer or constable of the Royal

Fatal  
accidents

Scene to be  
undisturbed

Permission  
to alter  
scene

Canadian Mounted Police, provided photographs or drawings showing details of the scene of the accident have been made prior to such moving.

Notice of  
accident to  
be sent to  
Inspector

30. Where, in or about any mine, any accident occurs which causes fracture or dislocation of any bones of the body, or any other injury to any person employed therein, which in the opinion of the attending physician may result in the injured person being incapacitated for work for at least three days, the owner, agent, manager or superintendent shall within three days of the accident send notice in writing to the Inspector or, in case of the Inspector's absence, to the Mining Recorder, resident in that part of the Yukon Territory in which the mine or works are situated on the form prescribed for such purpose.

Idem.

31. Where in or about any mine,—

- (a) Any accident involving the hoist, sheaves, hoisting rope, shaft or winze conveyances, or shaft or winze timbering;
- (b) Any inrush of water from old workings or otherwise;
- (c) Any failure of an underground dam or bulk-head, as defined by Rule 35 of the rules contained in section 22;
- (d) Any outbreak of fire below ground or any outbreak of fire above ground if it endangers any structure at the mine entrance;
- (e) Any premature or unexpected explosion or ignition of explosives;
- (f) Any asphyxiation effecting a partial or total loss of physical control;
- (g) Any inflammable gas in the mine workings; or
- (h) Any unexpected and non-controlled extensive subsidence or caving of mine workings;

occurs, whether or not loss of life or personal injury is caused thereby, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after such occurrence, send notice in writing to the Inspector, or in case of the Inspector's absence, to the Mining Recorder, resident in that part of the Yukon Territory in which the mine is situate and shall furnish, upon request, such particulars in respect thereof as the Inspector may require.

32. (1) Where a rockburst occurs whether or not loss of life or personal injury is caused thereby and the location of such rockburst is determined as being within the workings of any mine, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after the location of such burst has been determined, send notice in writing to the Inspector, or in case of the Inspector's absence, to the Mining Recorder resident in that part of the Yukon Territory in which the mine is situate and shall furnish, upon request, such particulars in respect thereto as the Inspector may require. Rockburst
- (2) A record of the occurrence of all rockbursts at a mine shall be kept showing, as far as possible the time, location, extent of the burst, any injury to persons and any other information pertaining to the burst and such record shall be available at all times to the Inspector. Record of rockbursts

#### OTHER NOTICES AND INFORMATION

33. (1) The owner, manager or superintendent of a mine shall give written notice to the Chief Inspector,— Notice to Chief Inspector

- (a) of the intended installation of a power plant or hoist or intended erection of any buildings to house a power plant or hoist at least fourteen days prior to the commencement of such installation or erection;
  - (b) of the commencement or resumption after an interruption of one month or more, of mining operations within fourteen days after such commencement or resumption; and
  - (c) of the closing down of the mine and that the requirements of subsection 1 of section 22 as to the fencing of the top of the shaft, entrances from the surface, pits and openings; the requirements of Rule 55 of the rules under section 25 as to the disposal of explosives and the requirements of subsection 4 of section 35 as to the filing of plans and sections have been complied with within fourteen days of such closing down.
- (2) The owner, manager or superintendent of a mine shall furnish to the Chief Inspector or the Inspector resident in that part of the Yukon Territory where the mine is situate, all information which the Inspectors may require.

Information  
for  
Inspector

#### STATISTICAL RETURNS

34. (1) For the purpose of their tabulation under the instructions of the Controller the owner or agent of every mine, quarry or other works to which this Ordinance applies shall, on or before the 15th day of January in every year, send to the Controller a correct return for the year which ended on the 31st day of December next preceding, showing the number of persons ordinarily employed below

Statistical  
returns by  
owners and  
agents of  
mines



and above ground, respectively, and distinguishing the different classes and ages of the persons so employed whose hours of labour are regulated by this Ordinance, the average rate of wages, of each class and the total amount of wages paid during the year, the quantity in standard weight of the mineral dressed, and of the undressed mineral which has been sold, treated or used during such year, and the value or estimated value thereof, and such other particulars as the Controller may by regulation prescribe.

- (2) The owner or agent of every metalliferous mine shall, if required, make a similar return for the month or quarter at the end of each month or quarter of the calendar year. Monthly or quarterly returns
- (3) Every owner or agent of a mine, quarry or other works who fails to comply with this section, or makes any return which is to his knowledge false in any particular, shall be guilty of an offence against this Ordinance. Penalty

#### PLANS OF WORKINGS

35. (1) On any examination or inspection of a mine the owner shall, if required, produce to the Inspector or to any other person authorized by the Controller, an accurate plan and sections of the workings of the same. Plans to be produced on inspection of mine
- (2) The plan and sections shall show the working of the mine up to within six months of the time of the examination or inspection, and the owner shall, if required by the Inspector or other authorized person, cause to be marked on the plan the progress of the workings of the mine up to the time of examination or inspection, and shall also permit him to take a copy or tracing thereof. Marking subsequent progress on plan

Plan of  
working  
mines to  
be filed

- (3) An accurate plan on a scale of not more than fifty feet to the inch of every working mine in which levels, crosscuts or other openings have been driven from any shaft, adit or tunnel, and of every mine consisting of a tunnel or shaft fifty feet or more in length shall be made and a certified copy filed with the Controller on or before the 31st day of March in each year, showing the workings of the mine up to and including the 31st day of December next preceding.

Plans to be  
filed before  
abandon-  
ment

- (4) Before a mine or any part of a mine is abandoned, closed down or otherwise rendered inaccessible, all underground plans and sections shall be brought up to date and a certified copy filed with the Mining Recorder and Controller.

Responsibili-  
ty of owner

- (5) The owner of every mine, to which this section applies shall be responsible for compliance with the provisions thereof and every owner or other person who fails to comply with any of the provisions of this section, or who produces to the Inspector or other authorized person, or files or causes to be produced or filed a plan which to his knowledge is false in any particular, shall be guilty of an offence against this Ordinance.

Plans to be  
treated as  
confidential

- (6) Every such plan shall be treated as confidential information for the use of the Controller and Inspector and shall not be exhibited nor shall any information contained therein be imparted to any person except with the written permission of the owner or agent of the mine.

## POWERS AND DUTIES OF INSPECTOR

36. (1) It shall be the duty of every Inspector, and he shall have power,—
- Powers of inspector
- (a) to make such examination and inquiry as he may deem necessary to ascertain whether the provisions of this Ordinance are complied with; and to give notice to the owner or agent in writing of any particulars in which he considers such mine or any portion thereof, or any matter, thing or practice to be dangerous or defective or contrary to the provisions of this Ordinance and to require the same to be remedied within the time named in such notice;
- Inquiries as to compliance with Ordinance
- (b) to enter, inspect and examine any mine and any portion thereof at any reasonable time by day or night, but so as not to unnecessarily impede or obstruct the working of the mine.
- Inspection
- (c) to order the immediate cessation of work in and the departure of all persons from any mine or portion thereof which he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary;
- Stopping work when mine unsafe
- (d) to exercise such other powers as he may deem necessary for ensuring the health and safety of miners and all other persons employed in or about mines, smelters, metallurgical and mining works.
- General powers for protection of miners

Annual  
report

- (2) It shall be the duty of every Inspector to make an annual report of his proceedings during the preceding year to the Controller.

Special  
report

37. The Controller may direct an Inspector to make a special report with respect to any accident in or about any mine which has caused loss of life or personal injury to any person.

Inspectors  
may take  
evidence

38. In conducting the enquiry the Inspector shall have power to compel the attendance of witnesses and the production of books, documents and things, and to take evidence upon oath.

Offences

39. (1) Non-compliance with any written order of an Inspector issued in accordance with section 37 shall be deemed an offence against this Ordinance.
- (2) Failure to give written notice of the completion of any work in accordance with any written order of an Inspector issued under section 37 shall be deemed an offence against this Ordinance.

Regulations  
and Forms

40. The Controller may from time to time make such regulations and prescribe such forms as may be deemed necessary for the proper carrying into effect the provisions of this Ordinance.

#### OFFENCES, PENALTIES AND PROSECUTIONS

Liability of  
owner or  
agent

41. (1) Every owner, agent, manager, superintendent or captain who fails to comply with any of the provisions of this Ordinance shall be guilty of an offence and liable upon summary conviction to a penalty of not less than \$100.00 nor more than \$1,000.00 or to imprisonment with or without hard labour for a term not exceeding three months unless the penalty and costs be sooner paid.

- (2) Every person, other than an owner, agent, manager, superintendent or captain, engaged or employed in or about a mine who fails to comply with any of the provisions of this Ordinance shall be guilty of an offence and liable upon summary conviction to a penalty of not less than \$10.00 nor more than \$100.00, or to imprisonment with hard labour for a term not exceeding one month unless the penalty and costs be sooner paid.
- (3) Where pursuant to this Ordinance the Controller or an Inspector has given written notice to an owner or agent or any person engaged or employed in or about a mine to remedy any default under this Ordinance, such owner or agent or other person shall in addition to any other penalty incur a further penalty not exceeding \$100 for every day upon which the default continues after such notice.
- (4) Where the offence is one which might have endangered the safety of those employed in or about the mine or caused serious personal injury or dangerous accident, and was committed wilfully by the personal act, default or negligence of the accused, every person who is guilty of an offence against the provisions of this Ordinance shall, in addition to or in substitution for any pecuniary penalty that may be imposed, be liable to imprisonment with or without hard labour for a period not exceeding three months.
42. (1) No prosecution shall be instituted for non-compliance with any provision of this Ordinance or any regulation made thereunder except,—

Additional  
penalty for  
continuing  
offence

Imprison-  
ment of  
offender  
in certain  
cases

Instituting  
prosecutions

- (a) by an Inspector; or
- (b) by an officer or constable of the Royal Canadian Mounted Police; or
- (c) by the leave in writing of the Controller of the Yukon Territory.

When person  
not actual  
offender, not  
liable

- (2) No person not being the actual offender shall be liable in respect of such offence, if he proves that he did not participate in the contravention of the rule or provision for a breach of which he is charged and that he was not to blame for such breach and that according to his position and authority he took all reasonable means in his power to prevent such breach and to secure compliance with the rules and provisions of this Ordinance.

Onus of  
proof

- (3) The burden of proving that any rule contained in section 28 has been suspended shall be upon the person charged with a violation thereof and any such suspension may be proved by the evidence or certificate of an Inspector.

Procedure  
on  
prosecutions

43. (1) Every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Ordinance shall take place before a Judge of the Territorial Court of the Yukon Territory.

Limitation  
of  
prosecutions

- (2) The prosecution shall be commenced within six months after the commission of the offence.

44. "The Miners Protection Ordinance", being Chapter 65 of The Consolidated Ordinances of the Yukon Territory 1914 and amending Ordinances is hereby repealed.

## CHAPTER 3

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### AN ORDINANCE TO INCORPORATE THE CITY OF WHITEHORSE

*(Assented to May 6th, 1946.)*

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

#### SHORT TITLE

1. This Ordinance may be cited as "The Whitehorse City Charter."

#### INTERPRETATION

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

- (1) "Controller" means the Controller of the Yukon Territory. Controller
- (2) "Council" means the City Council. Council
- (3) "Judge" means a judge of the Territorial Court. Judge
- (4) "Householder" means the occupier of a house, but shall not mean or include any person who is a mere lodger or boarder in a house. Householder

## PART I.

## APPLICATION

Area of  
proposed  
city

3. This Ordinance shall apply to the area of land more particularly described as follows: Lots One (1) to Four (4) both inclusive in Group Five (5) in the Yukon Territory as the same is shown upon a plan of survey of same registered in the Department of the Interior at Ottawa as No. 8406 and in addition that portion of the right of way of the British Yukon Railway Company and the water front and shoreline of the Lewes River lying between the extension easterly to the said Lewes River of the most southerly boundary of said Lots One (1) and Two (2) and the most northerly boundary of said Lots Three (3) and Four (4).

## ASSESSMENT

Assessment

4. On or before the first day of October, A. D. 1946, the Controller shall cause an assessment to be made of and within the said area under the appropriate provisions of "The Assessment Ordinance".

## INCORPORATION

City of  
Whitehorse

5. The inhabitants of the area described in section 3 hereof shall be a body corporate under the name of "The City of Whitehorse" and shall have perpetual succession and a common seal, and shall be capable of suing and being sued in all Courts of Justice, of purchasing, acquiring and holding lands, tenements and all kinds of real and personal property for the use of such city, and of making and entering into such contracts as are necessary for the exercise of their corporate functions.

## COMMON SEAL

Seal

6. The city shall have a common seal which shall be made of suitable metal and shall have such device engraved upon it as the Council from time to time orders, and such seal shall be kept by the City Clerk.



## MAYOR AND CITY COUNCIL

7. The City of Whitehorse shall be governed by a Council consisting of a Mayor and four Aldermen.

- (1) No person shall be qualified to be Mayor of the City of Whitehorse unless he:—
- (a) Is a male British subject of twenty-Qualifications of Mayor years of age or upwards; and
  - (b) Is a rate-payer of the City of Whitehorse and has resided therein for at least six months next prior to his nomination for such office; and
  - (c) Is rated upon real property assessed at not less than two thousand dollars or upon real or personal property either separately or together at not less than \$3,000 on the last revised assessment roll.
- (2) No person shall be qualified to serve as of Alderman Alderman unless he is twenty-one years of age or upwards, a male British subject, is a rate-payer in the City of Whitehorse, and has resided therein for at least six months next previous to the date of his nomination.
- (a) Is rated upon real property assessed at not less than one thousand dollars, or upon real or personal property either separately or together at not less than \$1,000 on the last revised assessment roll.
- (3) In respect to every election of Mayor or Resident and ratepayer Aldermen held within six months after the date of the coming into force of this Ordinance, every person who has resided for six

months next prior to the nomination for such office within the area of land to which this Ordinance applies, and who was assessed to the amount required by this section in the assessment book, and rated in the rate book prepared under the assessment made in accordance with section 4 hereof shall be deemed to be a resident and a rate-payer and to be rated in accordance with the requirements of this section.

- (4) The Mayor and Council shall be elected under the provisions of this Ordinance.

#### TERM OF OFFICE OF MAYOR AND ALDERMEN

Mayoralty  
term

8. (1) The Mayor shall hold office for two years, and until his successor is sworn into office, and shall be eligible for re-election.

Retirement  
Date

- (2) The Mayor and Aldermen elected at the first election after incorporation shall retire from office on the first Monday of the second January following such election, or as soon thereafter as their successors are sworn into office.

Aldermanic  
term

- (3) An Alderman shall hold office for two years and until his successor is sworn into office, and shall be eligible for re-election.

#### PERSONS DISQUALIFIED AS MAYOR OR ALDERMEN

9. No person shall be qualified to be elected Mayor or Alderman who,—

Bankrupt

- (a) Has been decreed or adjudged a bankrupt or insolvent by virtue of proceedings taken under any Act of the Parliament of Canada relating to insolvency; or

- (b) Has made a general assignment of his property for the benefit of his creditors; or Assignment
- (c) Suffers an order of commitment to be made against him under the provisions of section 416 of Chapter 48 of the Consolidated Ordinances of the Yukon Territory, 1914, unless before being nominated he has procured a release or discharge from his creditors or from the Court having cognizance of the matter or cause. Committal

10. (1) None of the following persons shall be qualified to be elected a Mayor or Alderman, or to be appointed to any office by the Council, or hold any office under the Council:

- (a) Sheriff of the Yukon Territory. Unqualified  
persons
- (b) Any person who directly or indirectly, by himself or by or with any other person as co-partner or otherwise, enters into, or is directly or indirectly interested in, any contract, express or implied, for the supply of any goods or materials, or for the performance of any work or labor, to or for the city.
- (c) Provided that no person shall be disqualified under this provision by reason of his being a member of a joint stock company, having a contract with or employment from the city, unless such person is president or managing director of, or has a controlling interest in such joint stock company.
- (d) Any person who has been at any time convicted of any crime punishable with imprisonment in the penitentiary.

11. No person shall be qualified to be elected a Mayor or Alderman who holds any office under the City Council to which a salary or remuneration payable out of the funds of the city is attached.

Vacation of  
office

12. (1) Any Mayor or Alderman who becomes disqualified under any of the provisions of the next three preceding sections shall thereupon and thereby vacate his office, and the City Council shall by resolution declare such office to be vacant.

Void  
Nomination

(2) If any person so disqualified is nominated for the office of Mayor or Alderman, such nomination shall be void.

Penalty

(3) Any person who acts or sits as Mayor or Alderman after he becomes so disqualified shall be liable to a penalty of not less than \$50.00 for each time that he so sits or acts.

Office to be  
declared  
vacant

13. Any Mayor or Alderman who neglects or refuses to be sworn into office for thirty days after his election, or who, without leave of the City Council, absents himself from meetings of the Council for three successive months, shall thereby vacate his office as such Mayor or Alderman, and such office shall be declared vacant by the Council, and such Mayor or Alderman shall be liable to a penalty of two hundred dollars.

Penalty

Resignation

14. Any Mayor or Alderman at any time with the consent of the Council may resign his office by giving written notice to that effect to the City Clerk, whereupon such office shall be declared vacant by the Council.

#### QUALIFICATION OF VOTERS

British  
subject

15. Every person resident within the City of Whitehorse shall be qualified to vote at an election of Mayor or Alderman who,—

- (a) Is a British subject of the full age of twenty-one years.
- (b) Has been rated upon the last previous assessment in respect of property and has fully paid his rates and taxes of all kinds before the day of nominating candidates.

Qualified taxpayer

#### FIRST ELECTION AFTER INCORPORATION

16. (1) After the issue of the proclamation of incorporation of the City of Whitehorse the Controller shall forthwith appoint a Returning Officer and fix a day for holding an election of a Mayor and four Aldermen.

Returning Officer

- (2) The Returning Officer shall within ten days from the receipt of his appointment post notices as nearly as may be in form "A" in the first schedule in various public places within the city.

Notice of a Poll

17. Every candidate for the office of Mayor or Alderman shall be nominated as hereinafter provided, and the nomination paper shall be deposited with the Returning Officer before five o'clock on nomination day, which shall be one week previous to the day of election. If only one candidate for Mayor is nominated within the time specified the Returning Officer shall, at the hour when nominations close, declare such candidate elected Mayor. If no more than four candidates are nominated for Aldermen, he shall, in like manner, and at the same time, declare the whole four candidates duly elected as Aldermen. If there are more candidates than one for Mayor, or more candidates than four for Aldermen, a poll shall be had.

Nomination of candidate

18. The Returning Officer shall, before the opening of the poll, appoint as many Deputy Returning Officers and Poll Clerks as he considers necessary, and post up the names of the candidates and the offices for which they are nominated in one conspicuous place outside and one conspicuous place inside of each building in which the poll is taken.

D.R.O. and Poll Clerk

Voters List

19. (1) The Returning Officer and Deputy Returning Officers shall before the day of election obtain from the Assessor the list of voters prepared by him, which shall comprise the names of those persons duly qualified to vote at the first election. Such list shall be divided into as many parts by the Assessor as there are Deputy Returning Officers appointed, and the electors shall vote in the poll presided over by the Deputy Returning Officer in whose list their names appear.

(2) The right to vote at the election held under the provisions of Part 2 of this Ordinance and at the first election of Mayor and Aldermen shall belong to the following persons, being British subjects of the full age of twenty-one years, whose names appear on the voters' list hereinafter provided for:

Qualification of Voters

(a) All persons who were rated on the assessment made in accordance with section 4 hereof;

(b) All persons who are in their own right freeholders within the area comprised within the limits of the City of Whitehorse;

(c) All householders within such area who have resided therein for not less than six months previous to the day fixed for the revision of the voters' list, and who pay a yearly rental of not less than \$200.00.

Court of Revision

(3) The Assessor shall forthwith prepare a list in alphabetical order of all persons entitled to vote and shall post a copy of the

same in his office and in five other conspicuous places in Whitehorse. There shall be a Court of Revision consisting of such person or persons (not more than three) appointed by the Controller and such Court shall hear all applications to have the names of persons entitled to vote added to such list, or the name of any person not entitled struck off said list.

- (a) The Assessor shall attach to such list a notice of the time and place fixed by the Controller for holding of such Court. If such Court of Revision consists of more than one person, the person named by the Controller, when present, shall preside; in his absence the members shall appoint one of their number to preside, and two members of the Court shall form a quorum, and the decision of the Court shall be final. Presiding  
Officer  
  
Quorum
- (b) The Assessor shall be the Clerk of the Court and shall keep a record of all the proceedings. Clerk
- (c) Such Court shall have all the powers and privileges conferred by "The Assessment Ordinance" upon a Court of Revision sitting upon the assessment roll, as to the attendance of witnesses and imposition and recovery of penalties, and as to procedure. Powers as in  
Assessment  
Ordinance

20. The Returning Officer, Deputy Returning Officers and Poll Clerks shall, before entering upon their respective duties, be sworn to the proper and faithful discharge of the same. Oath

Polling  
hours

21. Upon the day fixed by the Controller the Deputy Returning Officers shall open the poll at nine o'clock in the forenoon and shall keep the same open until five o'clock in the afternoon. The Returning Officer shall provide a ballot box, a sufficient number of ballot papers and the necessary material to mark the ballots for each Deputy Returning Officer.

Necessary  
supplies

Poll Book

22. The Poll Clerks shall write in the poll books the name of each voter when he offers to vote.

Voting  
procedure

23. Every voter who, if required, takes the oath in the form "B" in the schedule, shall mark and deposit a ballot for one candidate for Mayor and for not more than four Aldermen. Any ballot containing more than one name for Mayor or more than four names for Aldermen shall not be counted, for Mayor or Alderman, as the case may be. The Returning Officer shall not vote except in the event of there being a tie, when he shall have the casting vote.

First  
election

24. The procedure provided herein on subsequent elections shall apply to the first election of Mayor and Alderman under this Ordinance, except as otherwise provided.

Declaration  
of result  
of Poll

25. After the close of the poll and the ballots have been counted the Returning Officer shall post up the names of the candidates with the number of votes cast for each, and shall publicly declare to be elected as Mayor and Alderman respectively the candidates having the highest number of votes.

#### VOTERS' LISTS FOR SUBSEQUENT ELECTIONS

Voters Lists  
subsequent  
to first

26. The City Clerk shall on or before the first day of November, 1948, and on or before the first day of each alternate November thereafter prepare for each polling sub-division which shall be an alphabetical list of electors and which shall comprise the names of those persons duly



qualified to vote and rated on the revised assessment roll of the city, with a short description of the property on which they are assessed, and shall post one copy of same in at least five conspicuous places within the city. A copy of said list shall be kept in the City Clerk's office open to the inspection of the public at all times during office hours.

Posting of

27. Any person who has been a resident in the city in the then current year, and who is otherwise duly qualified, whose name does not appear on the voters' list or whose name is put down in error, or whose name has been omitted from the last revised assessment roll (provided that the taxes are first paid on the property or income in respect of which he claims a vote) may either by himself or agent apply to have the list amended upon giving to the City Clerk a notice in the following form:

Amending  
Voters  
List

To the City Clerk of the City of Whitehorse:

Take notice that I intend applying to the Council to have my name added to the voters' list (or corrected, as the case may be) for the following reasons (here state the grounds according to the facts).

(Signature of Applicant),  
Applicant.

or

(Name of applicant,  
Applicant by his agent.  
(Signature of agent).

28. If a person has disposed of the property for which he was qualified as a voter under this Ordinance before the first day of November in the then current year, or if any person's name is wrongfully put down, he shall be deemed disqualified as a voter, and any person duly qualified may apply to the Council to have the name of the party so or otherwise disqualified struck off the voters' list and the name of the proper party, if any, substituted therefor by notice to the City Clerk of his intention of applying to the Council for that purpose, as provided in the preceding section.

When voter  
ceases to be  
qualified

Service of  
Notice

29. Notices served upon the City Clerk under the two preceding sections shall be served in each year on or before the fifteenth day of November.

List of  
Amendments

30. On or before the twentieth day of November the City Clerk shall make a list of all applicants for amendments to the voters' list, stating names and grounds of each of such applicants, and shall post the same in a conspicuous place in his office, and shall immediately thereafter notify the parties interested of the time and place fixed by the Council for hearing such applications.

Posting  
Notice

Revision of  
Voters  
List

31. On or before the thirtieth day of November in each year the Council shall meet as a court of revision on the voters' list and shall hear and determine all applications of which notice has been given to the City Clerk as hereinbefore provided and thereupon amend the voters' list in all cases provided for herein, as may be deemed fit and right, and the list so amended shall be the voters' list of the city for the year next ensuing.

Powers  
as in  
assessment  
Ordinance

32. (1) The Council sitting as a Court of Revision on the voters' list as aforesaid shall have all the powers and privileges conferred by the Assessment Ordinance upon a Court of Revision sitting upon the assessment roll, as to the attendance of witnesses and the imposition and recovery of penalties and as to procedure.

Appeal to  
or Judge

(2) A voter or person entitled to be a voter may appeal from the decision of the Council sitting as a Court of Revision of the voters' list to a Judge upon leaving with the City Clerk within seven days from the revision of the voters' list by the Council sitting as a Court of Revision, a notice in writing of such appeal.

- (3) Any voter or person entitled to be a voter may appeal to have the name of any other person added to or struck off the list of voters.
- (4) The Judge shall hear and dispose of all such appeals and revise the voters' list accordingly.
- (5) The decision of the Judge in regard to the right of any person to vote shall be final.
- (6) If on an appeal to strike off the list the name of a person entered therein as a voter, the Judge from the evidence adduced before him is of the opinion that the person is entitled to be on the list in any character or because of property or qualification other than that in which he is on the list, the Judge shall not strike the name of the person off the list, but shall make such correction in the list as the evidence, in his opinion, warrants, with respect to the right, character and qualification of such person. Judge may correct Voters List
- (7) The Judge shall hold the Court for hearing appeals as aforesaid at such time and place as he appoints therefor.
- (8) If there are no appeals from the voters' list as revised by the Council sitting as a Court of Revision, within the time limited, the City Clerk shall forthwith apply to the Judge to certify a copy of such list as being the revised list of voters for the city. Judge to certify list
- (9) If there are any appeals the Judge shall certify a corrected copy of the said list immediately after the list has been finally revised and corrected by him.

Recovery of  
taxes from  
persons  
added to  
Voters List

- (10) The voters' list as certified by the Judge shall be delivered to the City Clerk by the Clerk of the Territorial Court.
- (11) Only persons whose names are entered upon the voters' list as certified by the Judge shall be qualified to vote.
- (12) If a person not assessed or not sufficiently assessed is found entitled to be a voter, the city shall be entitled to recover taxes from him and to enforce payment thereof by the same means and in the same manner as if he had been assessed on the roll for the amount found by the Council sitting as a Court of Revision on the voters' list or by the Judge, and the Council sitting as a Court of Revision on the voters' list and the Judge on the hearing of appeals as aforesaid shall each make an order setting forth the names of the persons so liable and the sum for which each person should have been assessed and the property or both in respect of which the liability exists and the order shall be transmitted to the City Clerk and shall have the same effect as if the said particulars had been inserted in the assessment roll.

Time limit  
re-court of  
revision

- (13) The Council sitting as a Court of Revision on the voters' list shall hear and determine all complaints and revise and correct the list on or before the 10th day of December in every year.

Time limit  
re-appeal

- (14) The Judge shall hear and determine all appeals from the Council sitting as a Court of Revision on the voters' list, and finally revise, correct and certify to the voters' list on or before the 20th day of December in every year.

33. The Council shall at least two weeks prior to the last Monday in December, by by-law, appoint a Returning Officer for the city, define the districts or subdivisions within the city (if such are deemed necessary) and the place or places where the votes are to be polled, and appoint a Deputy Returning Officer for each of the said places where such votes are to be polled.

By-law  
appointing  
R. O. and  
D. R. O.'s

#### NOMINATION OF CANDIDATES

34. (1) Every candidate for the office of Mayor or Alderman shall be nominated in writing by two voters of the city.
- (2) The nomination papers shall be delivered to the City Clerk between the hours of ten o'clock in the forenoon and five o'clock in the afternoon of the second day of January, or if such day is a holiday then between the same hours of the next day thereafter, which is not a holiday.
- (3) No nomination paper shall be accepted by the City Clerk unless it is accompanied by the consent in writing of the candidate to be nominated, signed by him before one witness.
- (4) Every candidate for the office of Mayor shall at the time of delivering his nomination paper to the City Clerk deposit in the hands of the City Clerk the sum of one hundred dollars (\$100.00) in legal tender or in the bills of any chartered bank doing business in Canada which sum shall be forfeited to the city if such candidate fails to receive one-half of the total number of votes received by the candidate elected.

Form of  
Nomination  
Paper

Time of  
delivery

Consent of  
Nominee

Mayoralty  
Candidates  
Deposit

Aldermanic  
Candidate  
Deposit

- (5) Every candidate for the office of Alderman shall at the time of delivering his nomination paper to the City Clerk deposit in the hands of the City Clerk the sum of fifty dollars (\$50.00) in legal tender or in the bills of any chartered bank doing business in Canada which sum shall be forfeited to the city if such candidate for Alderman fails to receive one-half of the total number of the votes received by the candidate elected polling the lowest number of votes.

Evidence of  
Receipt

- (6) The receipt of the City Clerk shall in every case be sufficient evidence of the delivery of the nomination paper and of the payment of the deposit mentioned in the foregoing sub-sections 4 and 5.

Condition re  
Return of  
Deposit

- (7) The sum so deposited by any candidate for Mayor shall be returned to him if he is elected or receives one-half of the total number of votes received by the candidate elected for Mayor, and the sum so deposited by any candidate for Alderman shall be returned to him if he is elected or receives one-half of the total number of votes received by the candidate elected for Alderman polling the lowest number of votes.

Council to  
appoint  
Election  
Officials

35. All elections subsequent to the first election of Mayor and Aldermen held after the issue of such proclamation shall be conducted by a Returning Officer and such Deputy Returning Officers and Poll Clerks as are appointed by the Council.

Oath of  
R. O.

36. The Returning Officer before acting as such, shall make and subscribe the oath in form "C" in the schedule to this Ordinance.

37. Save as in this Ordinance otherwise provided, the election of Mayor and Aldermen shall be held on the seventh day after the day for nominating candidates.

Date of Election

38. No person shall be appointed Returning Officer who is not qualified to vote.

Qualification of R. O.

39. The Returning Officer shall not vote except in the case of a tie as hereinafter provided.

R. O. may not vote

40. If any person appointed Returning Officer, Deputy Returning Officer or Poll Clerk neglects or refuses to act, the Mayor shall appoint a substitute.

Substitute Officials

41. Notice of the time and place fixed for nominating candidates and of the time and place or places of holding the poll, if a poll is granted, and of the time and place of summing up the votes, shall be posted up by the Returning Officer in seven of the most public places of the city for ten days next previous to the time for the nomination of candidates.

Posting of Notices by R. O.

#### PROCEEDINGS IN CASE OF A VACANCY

42. When a vacancy occurs in the office of Mayor or Alderman the Council shall forthwith by resolution appoint a time, not less than twenty-one days after the passing of such resolution, for holding an election to fill such vacancy. Provided, however, that if such vacancy occurs within three months of the next regular annual election, the City Council may, in its discretion, leave the vacancy unfilled until such annual election.

By-Election

May be dispensed with

43. The election to fill such vacancy shall be conducted in the same manner as a regular annual election, except that the nomination papers shall be delivered to the City Clerk not later than five o'clock in the afternoon on the nomination day, which shall be one week previous to the day fixed by the Council for the polling.

Conduct of By-Election

Unexpired  
Term

44. A Mayor or Alderman elected to fill a vacancy caused by the retirement, death, resignation or removal of a Mayor or Alderman before his term of office has expired shall only serve for the unexpired term of the Mayor or Alderman whose office he was elected to fill.

#### PROCEEDINGS ON POLL BEING GRANTED

City Clerk  
to prepare  
ballot-  
papers

45. (1) When a poll has been granted the City Clerk shall forthwith cause to be printed a number of ballot papers not less than the number of voters in the city.

Form of

(2) The ballot paper for Mayor shall be a separate ballot paper from that for Aldermen, and shall be in form D in the Schedule to this Ordinance, and the ballot paper for Aldermen shall be in form DD in said Schedule.

Material for  
D. R. O.'s

46. (1) On a poll being granted, the City Clerk shall furnish each Deputy Returning Officer with,—

(a) A list in alphabetical order of the persons qualified to vote in the city or polling subdivision.

(b) One ballot box.

(c) A sufficient number of ballot papers for Mayor and Alderman, and also the necessary materials for voters to mark the ballot papers.

Record of  
and care  
of material

(2) The City Clerk shall keep a correct record of the number of ballot papers he furnishes to each Deputy Returning Officer. The materials for marking the ballots shall be kept in the polling place by the Deputy Returning Officer for the convenient use of voters from the opening to the close of the poll.



## PROCEEDINGS ON POLLING DAY

47. Every Deputy Returning Officer shall open the poll assigned to him at nine of the clock in the forenoon, and shall keep the same open until five of the clock in the afternoon; and shall during that time receive in the manner hereinafter prescribed, the votes of all voters duly qualified to vote at such polling place.

Polling  
hours

48. Every polling place shall be furnished with compartments in which voters can mark their ballots, screened from observation, and the City Clerk shall see that a sufficient number of such compartments is provided.

Polling  
Compartment-  
ments

49. (1) During the holding of the poll no person shall be entitled or permitted to be present in the polling place other than the officers appointed to hold the election, the candidates to be voted for in such polling place and their agents duly authorized in writing (not exceeding two agents for each candidate) and any voter for the time being actually engaged in voting. Provided, that the Deputy Returning Officer may have present or summon to his aid any constable or police officer for the purpose of maintaining order or preserving the public peace.

Those  
eligible  
to be  
present at  
Polling  
Place

(2) The Deputy Returning Officer may order the removal of any person from the place who is not entitled to be present, or who being so entitled, obstructs the voting, and such order shall be executed by any constable or police officer without the same being in writing and without warrant.

Removal of  
ineligible  
persons

50. Every agent for a candidate at a polling place under the next preceding section shall, on being admitted to such polling place, take an oath to keep secret the name of the candidate for whom any voter has marked his ballot

Oath of  
Agent

in his presence. Such oath shall be administered by the Deputy Returning Officer and shall be in form "F" in the Schedule.

Inspection of  
Ballot Box

51. At the hour fixed for opening the poll the Deputy Returning Officer shall show the ballot box to the candidates or their agents, or to any such persons as are present within the polling place, so that they may see that it is empty, and shall immediately thereupon lock the ballot box, place it in view for the reception of ballot papers, and keep it locked until the close of the poll.

Oath of  
D. R. O.

52. (1) The Deputy Returning Officer shall, at the opening of the poll, declare the names of the candidates, and shall at or before the opening of the poll, and before receiving a vote, take the oath in the form "F" in the Schedule.

Of Poll  
Clerk

(2) The Poll Clerk shall before or at the opening of the poll take the oath in the form "F" in the Schedule.

Who may  
administer

(3) The Stipendiary Magistrate, the City Clerk, a Justice of the Peace, or in their absence, any two electors may administer the oath.

Voting on  
certificate

53. Any Deputy Returning Officer, candidate, agent or Poll Clerk who belongs to a polling division other than the one in which he is performing the duties of such, may vote at the polling station where he is so engaged, provided that he produces a certificate from the City Clerk that he is a qualified voter in the city, and the Deputy Returning Officer shall attach such certificate to the voters' list.

#### POLL

Voters  
admitted  
singly

54. Not more than one voter for each compartment shall at any one time enter the room where the poll is held.

55. Every voter shall before voting, if so required by any candidate or agent, take the oath in form "B" in the Schedule, which shall be administered by the Returning Officer, and any voter refusing to take such oath shall not be permitted to vote.

Oath  
may be  
required

56. When any person claiming to be entitled to vote presents himself at the polling place for the purpose of voting, he shall state his name, residence and occupation or addition and the Deputy Returning Officer shall proceed as follows:

Procedure  
at polling  
place

(a) He shall ascertain that the name of such person is entered or purports to be entered upon the copy of the list of voters for the polling division in which he is residing, and shall mark such person's name thereon. If the name of the voter proposing to vote is not found on the list furnished to the Deputy Returning Officer, he shall so inform such person, and the person so proposing to vote shall be permitted to leave the polling place if necessary for the purpose of procuring the required certificate, if any, and to return for the purpose of voting, but in no other case shall a voter or person proposing to vote who leaves the polling place after presenting himself, to vote, be permitted to return.

(b) He shall enter or cause to be entered in the poll book the name of such person; but shall in no instance enter on the poll book or elsewhere the name or names or anything to indicate the name or names, of the candidate or candidates for whom the voter votes.

Entry on  
Poll Book

Entry  
when sworn

- (c) If such person takes any oath or affirmation required to be taken by this Ordinance the Deputy Returning Officer shall cause to be entered opposite such person's name in the poll book the word "Sworn" or "Affirmed" according to the fact.

Entry when  
objection  
taken

- (d) When a vote is objected to by any candidate or his agent the Poll Clerk shall enter the objection in the poll book by writing opposite the name of the person whose vote is objected to the words "Objected to", entering at the same time the name of the candidate by or on behalf of whom the objection is made.

If voter  
refuses to  
take the  
oath

- (e) When such person has been duly required to take any prescribed oath or affirmation and refuses to take the same the Deputy Returning Officer shall cause to be entered opposite the name of such person in the poll book the words "Refused to be sworn" or "Refused to affirm", according to the fact, and the vote of such person shall not be received or taken, and if the Deputy Returning Officer receives such vote, he shall be liable to a penalty of one hundred dollars.

Initiailing  
and  
delivery  
of ballot

- (f) When the name of the person so claiming to vote is found on the list of voters for the polling subdivision and marked thereon, and when the proper entries respecting him have been made in the poll book in the manner prescribed, the Deputy Returning Officer shall write his initials on the back of a ballot paper for Mayor and a ballot paper for Aldermen and deliver the same to such person, unless such person has refused to take any prescribed oath or affirmation, when no ballot paper shall be delivered to him.

- (g) The Deputy Returning Officer may, and upon request of any voter shall, either personally or through his Poll Clerk, explain to the voter as concisely as possible, the mode of voting, but neither the Deputy Returning Officer nor his Poll Clerk shall influence or attempt to influence the voter to vote for any candidate at the election.

D.R.O. may explain voting procedure

57. No ballot paper shall be delivered to a voter by any Deputy Returning Officer or counted by him unless it is duly initialled by him.

Ballot must be initialled

58. Upon receiving from the Deputy Returning Officer the ballot papers the voter shall forthwith proceed into one of the compartments of the polling place and shall then and therein forthwith mark his ballot papers by marking a cross with a pencil on any part of the ballot papers within the division containing the name (or names) of the candidate or candidates for whom he intends to vote, and shall then fold the ballot papers in such a way as to show the initials of the Deputy Returning Officer, and so as to conceal the names of the candidates and the marks upon the face of such papers and leaving the compartment shall without delay, and without showing the ballot to anyone or so displaying the ballot papers as to make known the candidate for whom he voted, hand the same to the Deputy Returning Officer, who shall deposit the ballot papers in the ballot box, and the voter shall then forthwith leave the polling place.

Manner in which ballots are dealt with

59. While any voter is in any compartment for the purpose of marking his ballot paper, no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

Secrecy of ballot

60. (1) Every person who, having received a ballot paper from the Deputy Returning Officer, takes the same out of the polling place, shall be liable to a penalty of one hundred dollars.

Penalty

"Declined"  
ballots

- (2) Every person so having received a ballot paper who leaves the polling place without first depositing the same in the ballot box in the manner prescribed, shall thereby forfeit his right to vote at the election; and the Poll Clerk shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot paper, but took the same out of the polling place or returned the same, declining to vote, as the case may be; and in the latter case, the Poll Clerk shall immediately write the word "Declined" upon such ballot paper and shall preserve it and return it to the Returning Officer.

Incapacitat-  
ed voters

61. In case of an application by any voter claiming to be entitled to vote who makes oath or affirmation that he is incapacitated by blindness or other physical cause from marking his ballot paper, or that he is unable to read, the proceedings shall be as follows:

Manner in  
which  
ballots of  
such are  
dealt with

- (a) The Deputy Returning Officer shall, in the presence of the candidates or their agents, if they choose to be present, cause the vote of such person to be marked on his ballot paper in the screened compartment in the manner directed by such person and shall cause such ballot paper to be placed in the ballot box.

Entry in  
Poll Book

- (b) The Deputy Returning Officer shall cause to be stated by an entry opposite the name of such person in the poll book that the vote of such person is marked in pursuance of this section and the reason why it is so marked.

Oral oath

- (c) The oath or affirmation shall be made orally in the form "H" in the Schedule.

- (d) Such oath or affirmation shall be made by the person claiming to be entitled to vote at the time of voting before the Deputy Returning Officer.

Before  
D.R.O.

62. If a person representing himself to be a particular voter named on the list of voters applies for a ballot paper after another person has voted as such voter, the applicant shall, upon taking the oath prescribed by law to be administered to voters at the time of polling, be entitled to mark a ballot paper, but such ballot paper shall be given to the Deputy Returning Officer, and shall be placed by him in an envelope securely sealed, and upon the envelope shall be endorsed the words "Tendered ballot" and the Deputy Returning Officer shall deposit the envelope containing such ballot paper in the ballot box, and such ballot shall not be counted by the Deputy Returning Officer, and the Poll Clerk shall enter such person's name in the poll book and shall make an entry opposite such name showing the circumstances of the case.

"Tendered"  
ballot

63. Any voter who has inadvertently dealt with the ballot paper given in such manner that it cannot be conveniently used as a ballot paper, may on delivering to the Deputy Returning Officer the ballot paper so inadvertently dealt with, obtain another ballot paper, and the Deputy Returning Officer shall write the word "Cancelled" upon the ballot paper so delivered to him, and preserve it and return it to the Returning Officer.

"Cancelled"  
ballot

#### PROCEEDINGS AFTER CLOSE OF POLL

64. Immediately after the close of the poll the Deputy Returning Officer, with the assistance of his Poll Clerk, and in the presence of the candidates and their agents or such of them as are then present, shall open the ballot box and examine the ballots therein and proceed to count the votes.

Examina-  
tion of  
ballots

Void ballots

65. (1) Any ballot paper,
- (a) Not initialled by the Deputy Returning Officer, or
  - (b) On which votes are given to more candidates than are to be elected, or
  - (c) On which anything is written or marked appearing to have been designedly put thereupon, for the purpose of enabling the same to be identified as the ballot of a particular voter, or
  - (d) Which is unmarked, or
  - (e) From which it is uncertain for which candidate or candidates the voter votes,,

shall be void and shall not be counted.

To be endorsed

- (2) The Deputy Returning Officer shall endorse "Rejected" on every ballot paper which he rejects as void.

Counted ballots

- (3) The Deputy Returning Officer shall count the votes given for each candidate upon the ballot papers not rejected.

66. After the votes are counted the Poll Clerk shall make up and enter in the poll book a written statement containing the following particulars:

Summary of entries in Poll Book

- (a) Number of votes for each candidate.
- (b) Number of ballot papers rejected as voting for more candidates than are to be elected.



- (c) Number of ballot papers rejected for having a writing or mark by which the voter could be identified.
- (d) Number of ballot papers rejected as unmarked or void for uncertainty.
- (e) Number of tendered ballot papers deposited.
- (f) Number of spoiled ballot papers.
- (g) Number of ballot papers, if any, taken from the polling place.
- (h) Number of unused ballot papers.

67. The Deputy Returning Officer shall return all the ballot papers that have been used in the election to the proper ballot box, with a written statement signed by him containing all the particulars mentioned in the next preceding section, and shall cause the ballot box to be locked and sealed up, and shall deliver the same, with the contents and the keys, to the Returning Officer, to whom he shall also deliver the poll book. The Returning Officer shall after the declaration hereinafter mentioned return the same to the City Clerk.

Return by  
D.R.O.

by R. O.

68. The ballot boxes, unless it is otherwise ordered by the Court or Judge, or unless a recount has been demanded, shall remain locked and sealed, as handed to the City Clerk, for the period of twenty-one days after the election, and from thence until the determination of any legal proceedings instituted to test the validity of the election.

City Clerk  
to retain  
ballot  
boxes

#### PROCEEDINGS IN CASE OF A TIE

69. Whenever on an election of a Mayor or an Alderman or Aldermen an equality of votes is found to exist between two or more candidates, and the addition of a vote would entitle any one or more of such candidates to be declared elected, the Returning Officer when he makes the declaration hereinafter mentioned shall give such casting or additional vote in favor of one or more of such candidates.

A casting  
vote

## DECLARATION

Public  
declaration  
of result  
of Poll

70. The Returning Officer shall at the time and place fixed in the proclamation open the poll books, add up the votes polled for each candidate, and publicly declare the candidate or candidates for the office of Mayor and Aldermen having the highest number of votes to be duly elected, and shall also publicly declare the number of votes given for each of the candidates for the office of Mayor or Alderman.

Report of  
R. O.

71. The Returning Officer shall forthwith report to the City Clerk the result of the election for Mayor and Aldermen.

## OFFENCES

Offences of  
Election  
Officials,  
etc.

72. Every Deputy Returning Officer, Poll Clerk, candidate or agent of a candidate, present within the room where an election is being held, who, except as in this Ordinance is otherwise provided:

- (a) Gives to any voter a ballot paper to vote with, or
- (b) Offers or gives to such voter any advice as to the person for whom he should vote, or
- (c) Otherwise interferes with the voter in the exercise of his franchise, or
- (d) Divulges to any person the name of the candidate for whom any voter has voted.

shall be liable for every such offence to a penalty not exceeding two hundred dollars, and in default of payment, to imprisonment for a period not exceeding three months.

Penalty

73. Every person who—

Offences of  
electors

- (a) Not being entitled to vote, votes, or
- (b) Fraudulently tenders more than one ballot paper for Mayor or more than one ballot paper for Aldermen, when voting, or
- (c) Attempts to vote under the name of any other voter,

shall for every such offence be liable to a penalty not exceeding one hundred dollars, and in default of payment to imprisonment for a period not exceeding three months. Provided, that no such penalty or imprisonment, nor the conviction for any such offence, shall operate as a bar to any other penalty, prosecution or criminal proceedings whatever to which such person so offending would otherwise be liable.

Penalty

RE-COUNT

74. If within three days after the day of election any candidate by himself or his agent requests a re-count of the votes of such election, the City Clerk shall appoint a time, within three days after such request, to recount the votes at his office.

Date of recount

75. The City Clerk shall, by himself or his agent, notify every candidate at such election of such request, and of the time and place appointed to re-count the votes.

Notice

76. The City Clerk may summon the Deputy Returning Officers and Poll Clerks at such election to attend at such place at the time appointed, and may command any of them to bring with them any papers in his custody or possession relating to such election.

Summons to attend

77. The following persons shall be present at such re-count :

Whose attendance required

- (a) The City Clerk and any person he appoints to assist him, and
- (b) Each candidate and his agent appointed to attend such re-count, or, if any candidate does not attend, an agent of such candidate, or
- (c) If the candidates and their agents do not attend, then at least three voters of the city.

Procedure  
on recount

78. At the time appointed and at such place, and in the presence of such persons, the City Clerk shall proceed to re-count the votes in the ballot boxes returned to him by the Deputy Returning Officers at such election, and in so doing he shall decide upon the validity of every ballot.

Declaration  
of result

79. The City Clerk, as soon as he ascertains the result of the poll, shall declare to be elected the candidate having the highest number of votes. In the event of a tie, the casting vote shall be given, or the result of the election determined by the same person or in the same manner as provided in this Ordinance in the case of a tie on the counting of the ballots by the Returning Officer.

Casting  
vote

#### CORRUPT PRACTICES

80. The following persons shall be deemed guilty of bribery, and shall be punished accordingly:

Bribery  
defined

- (1) Every person who, directly or indirectly, by himself or any other person in his behalf, gives, lends or agrees to give or lend, or offers or promises money or valuable consideration, or gives or procures or agrees to give or procure or offers or promises any office, place or employment to or for any voter or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at an election or upon a by-law for raising money or creating a debt upon the city for any purpose whatever or who corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at such election or upon such by-law.
- (2) Every person who, directly or indirectly, by himself or by any other person in his behalf, makes a gift, loan, offer, promise or agree-

ment as aforesaid to or for any person in order to induce such person to procure or endeavor to procure the return of any person to serve in the Council or to procure the passing of any by-law as aforesaid or the vote of any voter at an election or for such by-law.

- (3) Every person who by reason of such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavors to procure the return of any person in the election or to procure the passing of any by-law as aforesaid or the vote of any voter at an election or for such by-law.
- (4) Every person who advances or pays or causes to be paid money to or for the use of any person with the intent that such money or part thereof shall be expended in bribery at an election or at any voting upon a by-law as aforesaid, or who knowingly pays or causes to be paid any money to any person in discharge or repayment, of any money wholly or in part expended in bribery at such election or the voting on such by-law.
- (5) Every voter who before or during an election or the voting on such by-law, directly or indirectly by himself or any other person in his behalf, receives, agrees or contracts for money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting for or agreeing to vote, or refraining from or agreeing to refrain from voting at such election or upon such by-law.

- (6) Every person who after such election or the voting upon any such by-law directly or indirectly by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election or upon such by-law.
- (7) Every person who hires automobiles or other vehicles for the purpose of conveying electors to or from the polls, and every person who receives pay for the use of any automobile or vehicle for the purpose of conveying any electors to or from any polls as aforesaid.
- (8) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of force, violence or restraint or inflicts or threatens to inflict by himself or by or through any other person, any injury, damage or loss, or in any manner practices intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election, or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence and be subject to the penalty hereinafter mentioned.

Undue  
influence  
defined

Lawful  
expenses

81. The actual personal expenses of a candidate, his expenses for actual professional services performed and *bona fide* payments for the fair cost of printing and adver-

tising shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention to this Ordinance.

### CONTROVERTED ELECTIONS

82. If, within twenty-one days after the election of any person to the office of Mayor or Alderman, an elector shows by affidavit to any Judge of the Territorial Court reasonable grounds for supposing that the election was not legal, or was not conducted according to law, or that the person elected thereat was not duly elected or was guilty of bribery or undue influence, and if the elector deposits with the Clerk of the Court \$200.00 as security to prosecute the writ with effect, or to pay the party against whom the same is brought, any costs which may be adjudged to be paid by such elector, the Judge shall direct a writ of summons to be issued to try the matters complained of.

When writ  
may issue

83. In case the elector alleges that he himself or some other person has been duly elected, the writ shall be to try the validity both of the election complained of and the alleged election of the elector or other person.

Dual  
purpose

84. In case the grounds of objection apply equally to two or more persons elected the elector may proceed by one writ against such persons.

One writ  
only

85. When more writs than one are brought to try the validity of an election or the validity of an election of more than one person, the Judge may consolidate the actions and may give one judgment upon all or a separate judgment upon each or more of them as he thinks fit.

Discretion  
as to  
consolidation

86. The writs shall be issued by the Clerk of the Territorial Court and shall be returnable before a Judge in Chambers at a place named in the writ upon the eighth day after service, computed exclusively of the day of service, or upon any later day named in the writ by order of a Judge.

Return of  
Writ

- Service** 87. The writ shall be served personally unless it is made to appear to a Judge that the complainant is from any cause unable to effect prompt personal service, in which case the Judge, upon being satisfied thereof by affidavit, or otherwise, may make an order for such substitutional service as he thinks fit.
- Addition of parties** 88. The Judge before whom the writ is made returnable or is returned may, if he thinks proper, at any stage of the proceedings, order the Returning Officer or any Deputy Returning Officer to be made a party thereto.
- Intervening party** 89. The Judge before whom the writ is returned may allow any elector to intervene and prosecute the action, and may grant a reasonable time for the purpose, and any intervening party shall be liable or entitled to costs in the same manner and to the same extent as any other party to the proceedings.
- Form of hearing** 90. The Judge shall in a summary manner upon statement and answer without formal pleadings hear and determine the validity of the election, and may by order cause the assessment rolls, tax roll, voters' list and any other records of the election to be brought before him, and may inquire into the facts on affidavit or by oral testimony.
- Forfeiture of seat** 91. Any candidate elected at any election who shall be found guilty of any act of bribery or using undue influence, shall forfeit his seat, and shall be rendered ineligible as a candidate at any city election thereafter.
- Penalty** 92. Any person who is adjudged guilty of bribery shall incur a penalty not exceeding \$500.00, and shall be disqualified from voting at any city election or upon a by-law, for the next succeeding four years.
- Mode of recovery** 93. The penalties imposed by the preceding section shall be recoverable with full costs of suit by any person who sues for the same in the Territorial Court, and any person against whom judgment is rendered shall be ineligible either as a candidate or a voter until the amount which he has been condemned to pay is fully paid and satisfied.



94. It shall be the duty of the Judge who finds any candidate guilty of a contravention of the section of this Ordinance relating to corrupt practices, or who condemns any person to pay any sum for any offence against the said section, to report the same forthwith to the City Clerk.

Report to  
City Clerk

95. The City Clerk shall duly enter in a book kept for that purpose the names of all persons within the city who have been adjudged guilty of an offence as aforesaid, and of which he has been notified as aforesaid.

Clerk's  
entries

96. Every person shall be bound to attend before any Judge of the Territorial Court upon being served with a writ of subpoena or subpoena *duce tecum* so to attend, and he may be punished for contempt and shall be liable to all the penalties for such non-attendance as in other cases in the Territorial Court.

Power to  
subpoena

97. All proceedings for penalties for any violation of section 79 of this Ordinance respecting bribery shall be commenced within thirty days after the election at which the offence was committed or after the offence was committed, or within thirty days after the day of voting upon a by-law as aforesaid.

Limitation  
as to time

98. In case the election complained of is adjudged invalid, the Judge shall forthwith order the person found not to have been duly elected to be removed, and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order such other person to be admitted, and in case the Judge determines that no other person was duly elected, instead of the person removed, the Judge shall order a new election to be held.

Powers of  
Court

99. In case the election of all the members of a Council is adjudged invalid, the order for their removal and for the election of new members in their place, or for the admission of others adjudged legally elected and an election to fill up the remaining seats in the Council shall be directed to the City Clerk; and the City Clerk shall have all the powers for causing the election to be held which the City Council has in order to supply vacancies therein.

Direction  
as to new  
election

Provision  
for  
disclaimer

100. Any person whose election is complained of may unless such election is complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the writ, deliver to the Clerk of the Court who issued the writ a disclaimer signed by him to the effect following:

Form of

I, A. B., upon whom a writ of summons has been served for the purpose of contesting my right to the office of Mayor (or Alderman) of the City of Whitehorse, do hereby disclaim the said office and all defence of any right I may have to the same.

Dated .....day of.....

(Signature) A. B.

Endorse-  
ment

101. Such disclaimer shall be endorsed on the outside thereof with the word "Disclaimer."

Notice of

102. The City Clerk shall forthwith communicate the same to the Council.

Costs

103. Costs shall in all cases be in the discretion of the Judge.

Returns to  
Territorial  
Court

104. The decision of the Judge shall be final, and he shall immediately, after his judgment, return the writ and judgment with all things had before him touching the same, except such as he may otherwise order, into the Territorial Court, there to remain of record as a judgment of the said Court, and he shall, as occasion requires, enforce such judgment by writ in the nature of a peremptory writ of mandamus and by writs of execution for the costs awarded.

Enforcing  
judgment

105. The Judge of the Territorial Court may by rules settle the forms of the writs of execution and mandamus under this Ordinance, and may regulate the practice respecting the suing out, service and execution of such writs and the punishment for disobeying the same or any other

writ or order of the Court or Judge and respecting the practice generally in hearing and determining the validity of such elections or appointments and provide a tariff of costs thereon, and may from time to time rescind, alter or add to such rules, but all existing rules in force in the Territorial Court shall remain in force until rescinded or altered as aforesaid.

Rules of  
Court

### MEETINGS OF THE CITY COUNCIL

106. The first meeting of the City Council after the city shall have become incorporated under the provisions of this Ordinance shall be held at such time and place as the Controller shall appoint in the proclamation incorporating said city.

First  
meeting

107. Meetings of the City Council shall be held at such times and places as the Council shall fix by by-law, and may be called by the Mayor as often as he deems necessary; and when requested so to do by two members of the Council in writing, the Mayor shall call a meeting of the Council within three days thereafter, and in the event of his refusal or neglect to do so, such two members may appoint a time and place for holding such meeting and shall notify the Mayor and the other members of the Council thereof, and the meeting so called shall have the same powers and authority as if the same had been a regular meeting of the Council or been summoned by the Mayor.

Provision  
re. subse-  
quent meet-  
ings.

108. Written notice shall be given by the City Clerk to every member of the Council of all meetings other than regular meetings at least twenty-four hours previous to such meeting, provided that an emergency meeting may be called by the Mayor at shorter notice, when necessary, but no business shall be transacted at such emergency meeting other than that indicated in the notice calling such meeting unless all members of the Council are present and no objection is taken to the discussion or transaction of business other than that stated in such notice.

Notice of  
meetings.

Appointment  
of presiding  
alderman

109. The Council shall at each first meeting after each election or so soon thereafter as practicable, and from time to time as occasion requires, appoint one of their number to discharge the duties of Mayor, who shall be called the presiding Alderman and shall, during any vacancy in the office of Mayor, or during any absence or illness of the Mayor, have all the powers and authority, and shall exercise all the functions and discharge all the duties of the Mayor.

Quorum

110. A majority of the members of the Council shall constitute a quorum.

Open  
meetings

111. All meetings of the Council shall be open to rate-payers of the city.

Presiding  
Officer

112. The Mayor or presiding Alderman shall preside at all meetings of the Council.

Voting at  
meetings

113. When a majority of the members of the City Council signify in writing a request that the Mayor put to a vote of the Council any motion not declared by the City Solicitor to be illegal, the Mayor shall forthwith put such motion to a vote of the Council, and if the Mayor refuses or neglects to put such motion to a vote of the Council, any member of the Council may put such motion, and vote himself thereon, and if a majority of the Council votes for such motion the same shall be recorded by the City Clerk in the minutes of proceedings of the Council and shall be valid and binding as a resolution of the Council.

#### OATH OF OFFICE

Oaths  
required

114. (1) The Mayor and Aldermen shall before entering upon the duties of their respective offices take and subscribe the oath of qualification and the oath of office. Such oath shall be administered to the Mayor-elect by a Judge of the Territorial Court or a

Stipendiary Magistrate of the Territory  
Such oath shall be administered to the Aldermen by the said Judge, Stipendiary Magistrate or Mayor.

- (2) A certificate of such oaths having been taken shall be entered by the City Clerk. The oaths of qualification and of office shall be in the forms "E" and "G" in the Schedule to this Ordinance.

Certificate  
re. oaths

#### DUTIES OF MAYOR

115. The Mayor shall be the chief executive officer of the city, and it shall be his duty to be vigilant and active at all times in causing the law for the government of the city to be duly executed and put into force; to inspect the conduct of all subordinate officers in the government thereof, and as far as is in his power to cause all negligence, carelessness and positive violence of duty to be duly prosecuted and punished, and to communicate from time to time to the Council all such information, and recommend all such measures as tend to the improvement of the finances, police, health, security, cleanliness, comfort and appearance of the city.

Function of  
Mayor

#### POWERS AND DUTIES OF CITY COUNCIL

116. (1) The City Council shall exclusively have, enjoy and exercise within the city all jurisdiction, power and authority conferred upon the City of Whitehorse by this Ordinance or any other Ordinance of the Yukon Territory.
- (2) All streets, sidewalks and lanes which at any time were granted and conveyed or were originally laid out or allotted or dedicated to the use of the public within the said City

Ordinance  
to apply

Streets and  
sidewalks

of Whitehorse shall become and be the public property of said city and shall be under the exclusive control and management of the City Council thereof.

- |                      |  |
|----------------------|--|
| Standing committees  | 117. The Council shall assist the Mayor in the discharge of his duties and shall appoint standing committees from among its members for such purposes as the Council by by-law determines.   |
| To report to Council | 118. (1) The various standing committees shall report from time to time to the Council any special circumstances in respect to the services under their charge, and shall further report to the Council in reference to any subject coming within their supervision whenever required by vote of the Council so to do. |
| Special committees   | (2) Special committees may be appointed for any particular purpose, matter or thing by vote of the Council, and such special committees shall report to the Council in writing upon the matters so committed to them.  |

#### FINANCE

- |                                |   |
|--------------------------------|---|
| Powers of Council in re.       | 119. The Council shall have exclusive power to vote, rate, collect, receive, appropriate and pay out of the current revenues of the city all sums of money required by the city for the following purposes, that is to say: |
| Salaries of Mayor and Aldermen | (a) The payment of salaries or compensation to the Mayor and Aldermen, but the salary for Mayor shall not exceed \$1,500.00 for any one year and the salary for Aldermen shall not exceed \$500.00 for any one year.        |
| Indigents                      | (b) The support and maintenance of the poor.  |
| Civil servants                 | (c) The payment of salaries and compensation to the officers and servants of the city.  |

- (d) The purchase of land for City Hall, fire engine houses and necessary city buildings. Land purchases
- (e) The erection of a City Hall, buildings for the use of the fire department and other city buildings. City buildings
- (f) The laying out, opening, building, making, repairing, lighting and cleaning of the streets, roads and bridges of the city. Streets, roads, bridges
- (g) The construction, repairing and cleaning of the public sewers and drains of the city. Sewers and drains
- (h) The equipment and maintenance of a fire department and the purchase, equipment, maintenance and repair of machinery and implements for extinguishing fires. Fire protection
- (i) The care and improvement of the public grounds, squares and parks of the city or property held by trustees for the use of the public. Public parks
- (j) The construction, maintenance, improvement and extension of water works and electric light plants and the maintenance of the water supply and the electric light service for the city. Water and electricity
- (k) The payment of principal and interest on money borrowed for the purposes of the city and the payment of debentures issued by the city for local improvement and interest thereon. Retirement of loans and debentures
- (l) Or other expenditure incurred in the due execution of the powers and duties by law vested in or imposed upon the city, its Mayor, Council and Officers. Other expenditures

Submission  
of  
Estimates.

120. (1) The annual assessment roll as finally passed by the Assessment Appeal Court and certified by the City Clerk shall be by him laid before the Council at its next regular meeting and the Council shall, at that meeting, or at any subsequent meeting, make estimates of all sums which are required for the lawful purposes of the city for the then current year, after crediting the probable receipts from all sources other than the rates for that year, and making due allowance in such estimates for the abatement, losses and expenses which may occur in the collection of the taxes and for taxes which may not be collected or collectable; and the Council shall authorize the levying and collection of a rate (not exceeding four cents on the dollar) on the assessed value of the property assessed in such roll as the Council deems sufficient to raise the sums required to defray the expenses of the city for the then current year, including any deficiency from any preceding year, but notwithstanding anything contained in the Assessment Ordinance or in the Dawson City Charter, the Council may authorize the levying and collection upon the assessed value of land, exclusive of the buildings and improvements thereon, of a rate greater than that authorized by the Council, to be levied and collected upon the assessed value of personal property, buildings and improvements on land.

Mill rate

Proviso

Temporary  
loans

(2) The Council may in the name of the city, from time to time, effect temporary loans from any chartered bank or from any corporation or individual for the purpose of defraying the annual current expenditure of



the city, which has been duly authorized by the Council, and rated upon the city as by law directed, and the interest on such loans shall be provided for in the annual estimates.

- (3) Such loan or loans shall not in the whole be at any time more than 50 per cent of the taxes collected on the assessment for the preceding year, and when that amount has been borrowed, shall cease until the said loans have been reduced, when the power may again be exercised to the limit mentioned, and such loan shall be repaid within the financial year.
- Limitation  
on  
borrowing  
power

#### HEALTH

121. The City Council shall within the city have all the powers and exercise all the functions and discharge all the duties conferred or imposed or appertaining to a Board of Health under The Yukon Health Ordinance, being Chapter 40 of The Yukon Consolidated Ordinances, 1914, and amending Ordinances.

Health  
Ordinance  
to apply

122. (1) The City Council in addition to the powers conferred upon or appertaining to such Board of Health shall have power to make, revoke, renew and alter sanitary orders, rules and regulations in relation to any of the following classes of subjects, that is to say:
- Additional  
powers  
in re.

- (a) For the prevention or mitigation of any infectious epidemic, endemic or contagious disease prevalent in the city in such manner as is deemed expedient.
- Epidemics

- Medical aid (b) For supplying accommodation, medical aid and medicines and such other articles as are deemed necessary.
- Quarantine (c) For domestic quarantine and for preventing the admission of persons to, or the departure of persons from, any infected building, house or place within the city, and for detaining persons or things and closing up shops, dwelling houses and buildings that have been exposed to infection, for inspection and disinfection until the danger of infection is passed.
- Disinfection (d) For the cleansing, purifying, ventilating and disinfection of dwellings, hotels, schools, churches, public buildings and places of assembly, and cars, boats, and conveyances coming into or landing passengers in the city by the owners, occupiers or agents of persons having charge of the same.
- Reporting disease, burial (e) For the reporting of all cases of disease and the safe and speedy interment of the dead, and the conduct of funerals.
- Sanitation (f) For the frequent and effectual cleansing of public and private buildings, yards and outhouses, by the owners, occupiers, tenants or agents of the same.
- Nuisances (g) For the removal of nuisances or anything declared by the Council to be detrimental to the public health.

- (h) For the establishment, management, and maintenance of an infectious disease hospital, the isolation of patients out of the hospital and their removal to and detention in the same. Isolation  
Hospital
- (i) For the appointment of sanitary police, to be paid by the city for the purpose of carrying out and enforcing the regulations and orders of the Council. Sanitary  
Police
- (j) For the doing of any work, act, matter or thing at the cost and expense of any person or corporation who has been ordered or required by the Council to do the same and has neglected or refused to do so, and for collecting and recovering the amount so expended by distress and sale of the goods or property of the person or corporation so neglecting or refusing, or by action at law, or otherwise. Expend-  
tures,  
Recovery of
- (2) The Council may fix penalties for the violation of any such sanitary orders, rules and regulations, not exceeding \$100.00 for any one offence. Penalties
- (3) Such sanitary rules, orders and regulations shall come into force immediately upon being made, and shall remain in force until disapproved of by the Council or repealed or altered by the Council. Regulations

## STREETS

Streets,  
etc., vested  
in City

123. All public streets, roads, highways, lanes, sidewalks, bridges, squares and thoroughfares, all public sewers, drains and ditches, and all public wells in the city are hereby vested absolutely in the city, and the Council shall have full control over the same.

Available  
fund

124. All sums of money required for the street service of the city shall be taken from and borne by the general revenues of the city.

Streets  
Committee

125. The City Council shall annually appoint from among its members a committee on streets.

Powers of  
Council re.  
streets

126. The Council shall have power to maintain, improve, repair, widen, extend, alter, stop up, light, water and oil the streets, roads, lanes, bridges and public squares in the city and shall have full power and authority to lay out, open and construct all such streets, roads, lanes, bridges and public squares as the Council deems necessary or expedient, and for such purposes, and also for obtaining materials for carrying out any such purposes, may when necessary or expedient, enter upon and take any land required and remove any buildings, projections, walls, fences or other things, or any portion thereof.

Plan of  
survey  
filing

127. When it is proposed by the City Council to lay out or open a street, road, lane or public square or to widen, divert or straighten any street, road or lane, the Council shall cause a survey and plan of such street, road, lane or square to be made, and the plan when completed shall be filed in the City Clerk's office.

Minimum  
width

128. The Council shall not lay out or open, nor accept the dedication to the city of any street which is less than fifty feet in width.

129. (1) No person shall break up the soil of any street or erect or place on any street, sidewalk, road, lane, park or square within the city any telegraph, telephone, electric light or other poles without first making application to the Council in writing, specifying the purposes for which such breaking up is required, and obtaining their permission therefor in writing; and the Council may impose such terms upon the person applying as the security of the public appears to them to require. Trespass and encroachment on streets
- (2) Every person who violates the provisions of this section, or the terms imposed by the committee shall for every such offence be liable to a penalty not exceeding twenty dollars, and in default of payment, to imprisonment for a period not exceeding sixty days. Penalty
- (3) This section shall not apply to any property the control of which is vested in commissioners or trustees for any public use. Exception
130. (1) No person shall move any building upon or over a public street without permission first obtained from the committee on streets or the Council and payment of such sum for the privilege as the committee or Council determines. Permission to move buildings
- (2) Every person who violates the provisions of this section shall be liable to a penalty of not more than twenty dollars, and in default of payment, to imprisonment for a period of not more than twenty days. Penalty
131. Every person who piles, deposits or places on any road, street, sidewalk, lane or other public place of the city, any manure, compost, earth, wood, lumber or other substance or material whatsoever, shall be liable to a penalty Obstructions

Penalty not exceeding ten dollars for each offence, and in default of payment to imprisonment for a period not exceeding thirty days. Every twenty-four hours that such manure, compost, earth, wood, lumber or other substance or material remains piled, deposited or placed on such road, street, lane or other public place of the city shall be a separate offence.

Temporary use of street for building purposes

132. Any person building or repairing a house or other building in the city may be permitted to use and occupy for such time as the Council or committee deems necessary, a space of not more than twenty-five feet in width from the line of the street toward the center, and extending the length of the house or building so being erected or repaired, for the purpose of piling lumber, stone, brick, sand or lime, and for mixing lime and sand, or doing such other work as is necessary for the erection or repair of such house or building, if he encloses the portion of the street so used and occupied by a substantial fence, and also provides a suitable path or sidewalk at least two and a half feet in width around such fence, and keeps the same lighted.

Fire Prevention Ordinance to apply

133. The provisions of "The Fire Prevention Ordinance," being Chapter 1 of the 1944 Ordinances of The Yukon Territory, and amending Ordinances shall *mutatis mutandis* apply to the City of Whitehorse.

#### SEWERS

Construction and protection

134. The City Council shall have power and authority to lay out, excavate, dig, make, build, maintain, repair and improve all such drains, sewers and water courses, as the Council deems necessary or expedient, and to make by-laws and regulations respecting the same, and for the purpose of protecting and keeping the same free from obstruction.

Entry for such purpose

135. (1) When the Council deems it necessary for the public health, or for any other purpose, to construct a sewer upon or across the land of any private person or corporation, or

number of persons, they may, after resolution to that effect, enter upon such property from time to time and as often as is necessary, and do all such acts as are necessary for the construction and repair of a suitable sewer or drain across such land.

- (2) The City Council upon application of any private person or corporation or number of persons, may, by resolution, empower and authorize such private person or corporation or number of persons, to construct such sewer or drain if the Council deems it necessary for the public health, or for any other purpose, and unless otherwise provided by such resolution of Council, the provisions of this Ordinance shall apply to the construction of such sewer or drain. Authority to private persons
- (3) Such sewer or drain shall be at least four feet below the surface and shall be covered with earth and stones. Depth

#### BY-LAWS AND ORDINANCE

136. The City Council, in addition to any powers by this Ordinance conferred upon the Council to make by-laws and ordinances, shall have power to make by-laws in respect to all matters coming within the following classes of subjects, and may from time to time amend or repeal such by-laws, that is to say: Power of Council in re

- (1) Regulating its own proceedings and preserving order at Council meetings. Council meetings, etc.
- (2) The management of such real property as is required for the public use of the inhabitants of the city and other property of the city. Real property

Other  
public  
property

- (3) Regulating the management and providing for the security of public property of any kind belonging to the city, and providing for the permanent improvement of the city in all matters as well ornamental as useful.

City  
officials

- (4) Appointing such city officers and servants under such names as the Council may deem necessary for carrying out the work of the city, defining their duties and the manner in which they shall account for money received by them, and regulating the salaries, wages and emoluments to be paid to such officers and servants.

Bonds of  
indemnity  
by city  
officials

- (5) Regulating the amounts in which bonds shall be given by city officers concerned in the collection, receipt or expenditure of money, the form thereof, the manner in which they shall be given, and the nature of the security to be given when not otherwise provided.

Census

- (6) Taking the census of the city.

Polling  
divisions

- (7) Dividing the city into two or more polling divisions and for establishing polling places therein and varying the same from time to time.

Peace,  
health, good  
order

- (8) Preserving peace, health and good order within the city.

Dogs

- (9) Restraining and regulating the running at large of dogs, and imposing a tax on the owners, possessors or harbourers of dogs.

Impounding  
of

- (10) Impounding dogs running at large contrary to any by-law.



- (11) Imposing fines upon the owners, possessors or harbourers of dogs, who without provocation, injure any person or property, and restraining and killing dogs which are fierce and dangerous. Dangerous dogs
- (12) Compelling the owners or occupiers of houses to have ladders leading to and on the roofs of such houses. Fire escapes
- (13) The prevention of the firing of guns or other firearms, or the setting off of squibs or other fireworks, or the burning of inflammable materials, the carrying of fire, lighted candles or lamps, without being covered or secured. Fire-arms, fireworks, etc.
- (14) Preventing and regulating the keeping and transporting of gunpowder or other explosive or dangerous substances. Explosives
- (15) Preventing or regulating the use of fire, open lights or candles in garages, shops and other places where combustible substances are kept and preventing or punishing smoking in such places. Open fires
- (16) Regulating the carrying on of businesses or trades with high fire hazards or otherwise prejudicial to public safety. Fire hazards
- (17) Regulating the time and mode of cleaning chimneys. Chimneys
- (18) The prevention of the occurrence, increase or spreading of fires. Fire protection

Safety in  
building  
construction

(19) Providing for the safety, security and advantage of the inhabitants by such rules, regulations and restrictions as are deemed expedient to be observed by all persons in the erection of buildings within the populous parts of the city.

Cruelty to  
animals

(20) Preventing cruelty to animals, and the destruction of birds not being inconsistent with any statute or ordinance in that behalf.

Vehicles,  
driving of

(21) Regulating the driving of vehicles within the city.

Speed

(22) Regulating the speed of vehicles within the city.

Fences

(23) Prohibiting the building of barbed wire fences along the roads and streets of the city, and regulating the manner of building other fences for the purpose of preventing accidents or injuries therefrom to animals and persons.

Signboards

(24) Prohibiting the use of swinging signboards or other signs or signboards of a dangerous nature.

Pound

(25) Providing sufficient yards and enclosures for the safe keeping of such animals as it is the duty of the poundkeeper to impound.

Running  
at large,  
animals

(26) Restraining and regulating the running at large or trespassing of any animals, and providing for impounding them, and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, penalty and expenses are not paid according to law.

- (27) For appraising the damages to be paid by owners of animals impounded for trespassing contrary to the laws of the city. Damage by animals
- (28) For determining the fees to be allowed to poundkeepers and others in carrying out the provisions of any ordinance or by-law with respect to animals impounded. Pound fees
- (29) Providing for the defraying out of the city funds, if it is necessary, the expense of lighting the city or any part thereof, with gas, electricity, oil, or by other means, and compelling the owners or occupiers of real property to allow such work to be done and to permit such fixtures as are necessary to be placed in or about their premises at the cost of the city. City lighting
- (30) Preventing the violation of, or in any way unlawfully interfering with cemeteries, graves, tombs, tombstones or vaults where the dead are buried. Cemeteries
- (31) Preventing the injuring or destroying of trees or shrubs planted or preserved for shade or ornament, and the defacing of public or private property by printed or other notices. Protection of trees, etc.
- (32) Making and regulating the use of public wells, cisterns and reservoirs. Public wells
- (33) Regulating the size and number and construction of doors in churches, theatres and halls or other places of public worship, public meetings or places of amusement, and the street gates leading thereto, and also the size and structure of stairs and stair railings in all such buildings and the strength of beams, joists and their supports. Public meeting places

- Policing (34) Appointing and regulating a police force within the city.
- Gaols (35) The establishment, management, maintenance and regulation of gaols and detention homes.
- Slaughter houses, etc. (36) Regulating the slaughter of animals and the sale of meat.
- Tainted meat, etc. (37) Seizing and destroying all tainted and unwholesome meat, fish, poultry or other articles of food.
- Contracting for water supply, etc. (38) Contracting with any waterworks or water company for a supply of water for fire purposes and other public uses, for hydrants or otherwise, as may be deemed advisable, and for the renting of any such hydrants for any number of years not in the first instance exceeding three, and renewing any such contract from time to time for such period not exceeding three years, as such Council may desire, and every such Council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid, and also to erect the same, and purchasing and renting for a term of years or otherwise fire apparatus of any kind, and fire appliances and appurtenances belonging thereto respectively.
- Purchase of hydrants and fire apparatus
- Indecent placards (39) Preventing the posting of indecent placards, writing or pictures, or the writing of indecent words or making indecent pictures or drawings on walls or fences in streets or in public places.

- (40) Preventing and punishing vice, drunkenness, immorality and indecency on the public streets, highways and other public places. Punishment of vice, etc.
- (41) The protection of and the prevention of injury to streets, squares sidewalks and pavements, and of the posts, railings, trees and other defences and ornaments thereof. Protection of streets
- (42) Preventing the encumbering of streets, sidewalks, roads or highways, or crossings within the city, protecting any such street, sidewalk, road or highway from encroachment and injury, and providing for the confiscation, sale, removal or destruction of every encumbrance thereon. Obstructions on streets
- (43) Providing for the removal of all fences, houses, steps, erections, projections or obstructions whatsoever, or any part or parts thereof, which now or at any time hereafter project over or into any street, road, sidewalk or highway in the city, at the expense of the owners or occupants of the property in connection with which such fence, house, steps, erection, projection or obstruction is used or found. Removal of encumbrances
- (44) Preventing the leading, riding or driving of horses, cattle or dogs upon sidewalks or other places not proper therefor. Use of sidewalks
- (45) Compelling persons to remove all snow and ice from the roofs of the premises owned or occupied by them; and to remove and clear away all snow, ice and dirt and other obstructions from sidewalks, streets and alleys belonging to such premises; providing for the cleaning off and the removal of all snow, ice, dirt and other obstructions from the sidewalk and streets adjoining Removal of snow and ice

vacant property, or the property of persons who for twenty-four hours neglect to remove the same at the expense of the owner or occupant; and in case of non-payment charging such expense as a special rate upon the premises, to be recovered in like manner as other city rates; the Council may in any such by-law define the area within the city within or over which the by-law shall be operative.

Regulation  
of traction  
treads and  
loads

- (46) Regulating the type of traction treads to be used and weights of loads to be carried on different classes of vehicles and automotive equipment and prohibiting the use of streets of the city to vehicles and automotive equipment having traction treads and for carrying loads other than as prescribed.

Poles, signs  
etc.

- (47) Regulating or prohibiting the erection and preservation of lamp posts, telegraph, telephone and electric light poles, signboards, awnings and other fixtures within the city

Public  
nuisances

- (48) Preventing and abating public nuisances.

Nuisance  
grounds

- (49) Providing for places for the deposit of ashes, cleanings of yards and streets and other filth and ordure, and compelling the owners or occupants of property within the city to remove all such ashes, cleanings, filth and ordure to such places of deposit.

Street  
cleaning

- (50) The removal of all filth and encumbrances on the streets, sidewalks roads and alleys within the city and places adjacent thereto

Dumping of  
rubbish

- (51) Preventing persons from throwing any dirt, filth or rubbish on any street, road, lane or highway.

- (52) Regulating and preventing the erection and continuance of slaughter houses. Slaughter houses
- (53) The regulation and prevention of unusual or unnecessary noises in the streets. Noise
- (54) The prevention of persons loitering on or about any steps or entrances of stores or shops, or on the streets or street corners. Loitering
- (55) The establishing and regulating of markets, market houses, city scales and fairs. Markets and fairs
- (56) Regulating all vehicles, vessels and other things in which anything may be exposed for sale or marketed in any street or public place. Market stands
- (57) Regulating the manner of selling meat, fish, vegetables, fruit, grain, hay, straw and fodder. Sale of meat, etc.
- (58) Restraining and regulating the manner of selling vegetables, fruit, country produce, poultry or animals openly exposed for sale or in market, and all other articles and things by hucksters and runners living in the city. Exposure of meat, etc., for sale  
Hucksters
- (59) Regulating the weight of bread and providing for the seizure of bread contrary to such regulations. Bread
- (60) The weighing and measuring of coal, wood, lumber, shingles, logs, timber, hay, straw and grain and fixing the charges therefor. Fuel, etc.
- (61) Licensing persons using automotive equipment, bicycles and other vehicles. Vehicle licenses

Auctioneers,  
peddlers,  
etc.

(62) Licensing and regulating auctioneers who are ratepayers within the city, and licensing and regulating auctioneers, junk dealers and peddlers and hawkers and traders of goods who are not ratepayers within the city, with power to discriminate between those who are ratepayers and those who are not, as to the amount of the license fee to be charged.

Taxi  
drivers, etc.

(63) Regulating and licensing carters, hackmen, wagoners, cartmen, taxi-drivers and bus drivers, fixing the price to be paid to them for hauling loads or transporting passengers in the city and the quantity of weight to comprise a load.

Transporta-  
tion  
businesses

(64) Regulating and licensing taxi and/or bus transportation businesses and the owners of same and other owners of taxis, automobiles and/or buses letting out the same for hire or profit.

Circuses,  
etc.

(65) Restraining, prohibiting and licensing and authorizing a committee of the Council to license all exhibitions, circuses or other shows for hire or profit.

Bowling  
alleys,  
billiard  
rooms, etc.

(66) Restraining, prohibiting, regulating and licensing bowling alleys, billiard tables, pool tables, skating rinks, shooting galleries and merry-go-rounds, concerts or other places of recreation and amusement kept for hire or profit.

License  
fees  
generally

(67) Fixing and regulating the fee to be paid for licenses issued under any by-law of the city.



- (68) Allowing a rebate on all taxes paid before a time to be named in the by-law; such rebate shall not exceed ten per cent., and the time fixed by the by-law shall not be less than thirty days from the passage of the by-law. Rebate on taxes
- (69) Exemption from taxation for the then current year. Tax exemption
- (70) Exemption from taxation for a longer period than one year, subject to ratification as hereinafter provided. Extended exemption
- (71) Compromising upon such terms as may be agreed upon for the payment of arrears of taxes. Tax arrears
- (72) The purchase or otherwise acquiring and holding any lands situated outside the limits of the city which may be required for a nuisance ground for the purpose of disposing of the sewage and other refuse of the city. Nuisance grounds
- (73) The erection and regulation of hospitals or granting aid to same. Hospitals
- (74) Building, erecting or buying or leasing, controlling and operating telephone plant, electric light and power plant, gas and water works plant, or purchasing stock in any incorporated company, carrying on, or formed for the purpose of carrying on any of the said businesses, subject to the ratification of the ratepayers. Telephone, electric light plants, water works, etc.

Purchase of  
land

- (a) For all purposes connected with the carrying on of any of the above works the city is hereby authorized to purchase any lands, either within or without the city, and to enter into any contract necessary for the proper carrying on of said businesses, and generally to conduct said works and businesses arising in connection therewith, either by the Council or by commissioners or agents appointed for the purpose, as fully and freely and with all the powers and rights they would have if specially incorporated for the purpose of carrying on said business.

Contracting  
re. public  
utilities

Appoint-  
ment of  
Public  
Utility  
Commis-  
sioners

- (b) In case the city engage in any of the businesses hereinbefore referred to, the Council shall have power to appoint by by-law commissioners for the purpose of carrying on such businesses, or any of them, and all necessary contracts in connection therewith may be done and performed in the name of the said commissioners, who shall be called "Electric Light Commissioners," "Telephone Commissioners" or, as the case may be, and by that name shall have all the powers for properly carrying on the businesses which are herein granted to the city.

Sanctioning  
street  
railway  
system, etc.

- (75) Sanctioning and permitting the track of any railroad, street railway or tramway to be laid in, on or along any street or avenue of the city, and to provide compensation for any damage that may be done to prop-

erty on said streets or avenues; the amount of said damage, if any, to be settled in the manner provided herein in regard to the expropriation of land; and to regulate the use of locomotive engines, and of steam or other motive power, and any or every portion of any railroad within the city, and to provide and regulate the speed of cars upon any and every part of any railroad within the city, and to impose a penalty not exceeding \$500.00 for any breach of such by-law.

- (76) Subject to the provisions of any Act of the Parliament of Canada respecting railways, regulating the speed of railway trains and engines along or across any of the streets or avenues of the city, and preventing the obstructing of any streets or avenues by leaving, keeping or allowing to stand thereon any engine, train, car or cars or truck for a longer period than five minutes at a time, and preventing the loading or unloading of any car or truck alongside or from any street-crossing or sidewalk in the city, and blowing of whistles or ringing of bells while the engine is going along or crossing a street or avenue, except under conditions mentioned in such by-law, and imposing a penalty for breach of such by-law not exceeding \$500.00.
- (a) In any proceedings taken for infraction of by-laws, passed under the two preceding sub-sections, service of the necessary documents upon any resident employee of the railroad shall be good service upon the owners of the railroad and both the owners of

Regulating  
speed of  
trains, etc.

Service of  
process

the railroad and the person in charge of the engine, car, truck or train shall be liable for the penalty provided in the by-law, and proceedings may be taken against either or both.

Naming and numbering streets

- (77) Naming or numbering the streets or avenues and changing the name and numbers or any of them, of streets and avenues now existing or hereinafter laid out within the city.

General powers

- (78) Providing for any other purpose, matter or thing specially within the powers, duties or control of the City Council.

By-laws to be consistent with Ordinances

137. The by-laws for the foregoing purposes, or any of them, shall not be inconsistent with any Statute or Ordinance in force in this Territory.

Proof of By-laws

138. The production of a copy of any such by-law purporting to be certified by the City Clerk under his hand and the seal of the city to be a true copy of the by-law passed by the City Council, shall, without proof of the official character of the City Clerk, or of the said seal, be sufficient evidence of such by-law.

Penalties for infraction of By-laws

139. The Council may prescribe a penalty not exceeding \$100.00, inclusive of costs, for the violation of any by-law under the provisions of this Ordinance, and may provide that in default of payment of such penalty, the offender may be imprisoned, with or without hard labour, for such period, not exceeding three months, as the Council in such by-law prescribe. The Stipendiary or other Magistrate may impose the whole or such part of the penalty or punishment fixed by the by-law as he deems fit.

140. Every person who violates any by-law of the city, unless the penalty is otherwise fixed by the by-law, shall, upon conviction thereof before a Stipendiary or other Magistrate, be liable to a penalty not exceeding \$50.00, and in default of payment, to imprisonment for a period not exceeding thirty days.

General  
penalty  
provision

141. When the Council, by by-law or otherwise, directs that any matter or thing shall be done, the Council may, by the same or another by-law, or otherwise, in default of its being done, by any person or corporation required to do the same, cause such matter or thing to be done at the expense of the person or corporation in default and may recover the expense thereof with costs from such person or corporation as a private debt.

By-law  
enforce-  
ment

142. No repeal, alteration or amendment of any by-law adopted by the Council shall be made unless two weeks' notice in writing has first been given to the Council of such intended repeal, alteration or amendment.

Notice of  
repeal,  
alteration,  
amendment

143. Any by-law regulating the procedure at Council meetings may be suspended, wholly or in part, by the unanimous consent of all the members of the Council present, without the notice in the next preceding section provided.

By-law re-  
procedure

144. The procedure and other provisions of the Criminal Code of Canada, being Chapter 36 of the Revised Statutes of Canada, 1927, and amending Acts relating to summary convictions, shall apply to every case in which any person commits or is suspected of having committed any offence for which a penalty is provided by this Ordinance.

Application  
of Criminal  
Code

## OFFICERS

### THE CITY CLERK

145. The City Council at their first meeting after the city shall have become incorporated, shall appoint an officer who shall be called the City Clerk who shall hold office during pleasure.

Appoint-  
ment

Recording  
duties

- (2) The City Clerk shall truly record in a book all resolutions, decisions and other proceedings of the Council and shall, if required by the Aldermen present, record the name and vote of every Alderman voting on any matter submitted, and shall keep the books, records and accounts of the Council, and shall preserve and file all accounts acted upon by the Council and also the original and certified copies of all by-laws and of all minutes and proceedings of the Council, all of which he shall keep in his office, or in the place appointed by by-law of the Council.

As Assessor  
and  
Collector

146. The City Clerk shall, until the Council otherwise prescribes by by-law, perform the duties appertaining to the office of assessor and collector, and any other duties that are from time to time required of him by the Council.

Deputy

147. The City Clerk may, with the concurrence of the Council, appoint a deputy to perform any or all of the duties, and he shall be responsible for the acts of such deputy.

Inspection of  
records

148. The books, records and accounts of the City Council and of any committee appointed by the City Council, and of the City Clerk or clerk of any committee of the city, shall be open, without fee, to the inspection of any rate-payer of the city at all reasonable times and hours.

City  
Treasurer

149. The City Clerk shall be the Treasurer of the city, and as such shall receive and safely keep all moneys belonging to the city, and shall pay out the same to such persons and in such manner as the laws of the Territory and the lawful by-laws and resolutions of the Council of the city, whose officer he is, direct; but no member of the Council shall receive any money from such Treasurer for any work performed, or to be performed, and the Treasurer shall not

be liable to an action for any moneys paid by him in accordance with any by-law or resolution passed by the Council, unless where another disposition of the moneys is expressly made by law.

150. (1) The Treasurer shall keep and make the necessary entries in all such books as shall from time to time be required by the Council, on recommendation of the Auditor hereinafter provided for, or otherwise. to keep books
- (2) The Treasurer shall open an account in the name of the city in such of the chartered banks of Canada, or at such other place of deposit as may be approved of by the Council, and shall deposit to the credit of such account all moneys received by him, and all cheques issued on said account shall be signed by the Mayor and the Treasurer. Bank account
- (3) The various books required shall be provided at the expense of and shall be the property of the city. Books to be property of city

151. Every Treasurer shall also prepare and submit to the Council half yearly a correct statement of the moneys at the credit of the city. Statement half-yearly

152. In case any Treasurer is dismissed from office or absconds, it shall be lawful for his successor to draw any moneys belonging to the city. Power of successor

#### AUDIT OF ACCOUNTS

153. The financial year of the city shall end on the 31st day of December, and all accounts of the moneys received and disbursed by the city for the year shall be made up by the Treasurer and submitted to the Auditor not later than one week after the end of the year. Fiscal year

Annual  
audit

- (1) The Controller shall, annually, on or before the 31st day of December, appoint one Auditor. The Auditor shall examine and report upon all accounts affecting the city, or relating to any matter under its control within its jurisdiction for the year in which he is appointed; and shall prepare an abstract in duplicate of the receipts, showing the different sources of the same, and of the expenditures under the different heads thereof, and also of the assets and liabilities of the city. The Auditor shall prepare a report in duplicate which shall contain a summary of all accounts audited by him, and shall file such reports and abstracts in the office of the Treasurer on or before the 6th day of January, and thereafter one copy shall be open to the inspection of any ratepayer during office hours, and he may, by himself or his agent, at his own expense, take a copy thereof or abstract therefrom.

Auditor's  
report

Prohibition

- (2) The Auditor shall not remove any books, vouchers or accounts from the office of the Treasurer.

Ineligible  
as  
Auditor

154. No person who at any time during the year in which such Auditor is appointed is or has been a member of the Council or a contractor with or officer appointed by the Council (other than an Auditor) shall be appointed as such Auditor.

Passing  
accounts

155. The Council shall, upon the report of the Auditor, finally pass and allow the accounts of the Treasurer, if the same are found to be correct, to the satisfaction of the Council.

Publication  
of Auditor's  
report

156. The Treasurer shall print and publish the Auditor's report and abstract, in such form as the Council directs.



## ASSESSMENT AND COLLECTION OF TAXES

157. The provisions of "The Assessment Ordinance" being Chapter 5 of the Consolidated Ordinances of the Yukon Territory, 1914, and amending Ordinances shall *mutatis mutandis* apply to the City of Whitehorse.

Assessment  
Ordinance  
to apply

- (1) In and for the City of Whitehorse the members of the assessment appeal court shall consist of three persons, one appointed by the Council of the said city, one appointed by the Commissioner of the Yukon Territory and the other appointed by the senior judge of the Territorial Court, for the time being in the Territory and the person appointed by the Council of the said city shall, when present, preside at all meetings of the Court, and in his absence, the members present shall appoint one of their number to preside; the said Court for the City of Whitehorse shall meet for the hearing of appeals at such time and place as is appointed by the Council of the said city.

Assessment  
Appeal  
Court,  
constitution  
of

meetings of

## LOCAL IMPROVEMENT AND ASSESSMENT

158. The term "local improvement" shall be taken to mean the opening, widening, straightening, extending, grading, levelling, macadamising, paving or planking on any street or public lane, alley, way or place, sidewalk or bridge forming part of a highway; or the curbing, sodding or planting of any street or public lane, alley, square or other public way or place; or the making, deepening, enlarging or prolonging of any common ditch, drain or sewer; or the reconstruction, but not the repair and maintenance of any of the said works.

Local  
Improve-  
ment, defined

159. The term "special frontage assessment" shall be taken to mean a rate charged according to the lineal measure along the front of the several lands fronting on the street or

Special  
frontage  
assessment  
defined

place whereon or wherein the improvement is to be made for the purpose of paying for such local improvement, which rate shall be computed by dividing the total charge to be provided by special frontage assessment on said lands by the number of lineal feet frontage of such lands on the street or place whereon or wherein the local improvement is to be made.

160. The City Council may pass by-laws:—

Powers of  
Council re.  
local  
improve-  
ments

(1) For ascertaining and finally determining what portion, if any, of the cost of any local improvement should be borne by the city at large.

Special  
frontage  
rate

(2) For assessing, by way of a special frontage assessment, the cost, or a portion of the cost, of any local improvement upon the lands fronting upon the street or place wherein or whereon the local improvement is to be made, and for levying such cost, or portion thereof, by a special rate upon such lands.

Payment of  
rates

(3) For regulating the time or times and manner in which the rates for such improvements are to be paid.

Borrowing  
for local  
improve-  
ments

(4) For borrowing, by way of temporary loan upon the credit of the city at large, any moneys required to meet the cost of any local improvement, provided that such temporary loan shall mature within six months from the making thereof; and for borrowing by the issue of debentures upon the credit of the city at large, the moneys required to meet the cost of any local improvement or required to pay any temporary loan made for that purpose:

Provided, that the amount of such temporary loan or loans by way of debentures shall not increase the general debt of the city beyond the limits thereof fixed by any Ordinance in that behalf; and

Proviso

Provided, that such debentures shall mature within the probable life of the local improvement.

Proviso

161. An assessment or levy shall be made under a by-law passed under clause 2 of the last preceding section, upon petition to the Council of at least two-thirds in number of the persons registered or assessed as owners of the lands fronting on the street or place whereon or wherein the improvement is proposed to be made, representing at least one-half of the value of such land, excluding improvements thereon.

Action upon petition re. local improvement

162. The request of the petition may be acceded to by the Council, either in respect to the whole or a part of the street or place proposed to be improved.

Discretion in re. petition

163. After the Council has resolved to grant the request of any such petition, in whole or in part, as aforesaid, it shall be lawful for the said Council, in the same or the succeeding year, to carry on the proposed improvement or service to completion before making the assessment therefor, and such petition so presented shall stand good as authority for undertaking any such improvement, and making such assessment or assessments, and passing all necessary by-laws, whether the improvements shall have been or shall be undertaken and completed by the Council to whom such petition is presented or by the Council in the succeeding year.

Petition sufficient authority

164. (1) The City Council may by resolution direct that the cost of the construction of any sidewalk or portion thereof which is hereafter

Assessment without petition

constructed at the cost and expense of the said city, shall by special frontage assessment be charged against the several lots of land opposite which the sidewalk or portion thereof is constructed as aforesaid, notwithstanding that the Council has not been petitioned to do so.

"Sidewalk  
Improvements"  
assessment

- (2) At the time for levying the annual rate next after the passing of any such resolution the City Assessor shall add a column to the tax roll headed "Sidewalk Improvements" and shall insert therein opposite the respective lots of land directed to be charged as aforesaid, the respective amounts by such resolution directed to be charged against such lots of land, which amounts shall be a lien and tax against said lots of land; and shall levy the said amounts in the same manner and with the like penalties and remedies that other rates or taxes against land may be levied.

"Land"  
defined

- (3) The word "land" wherever used in the next two preceding sections shall be construed to mean land adjoining the same side of the street as that on which the sidewalk or portion thereof is so constructed.

Right of  
appeal

165. There shall be a right of appeal against every assessment and rating made under the authority of any by-law passed under the local improvement sections of this Ordinance to a Court of Revision, to be composed of three members of the Council, to be appointed by the Council.

Notice of  
special rate  
to be given

166. Notice of every proposed special frontage rate shall be given by the Assessor to the persons registered or assessed as owners or addressed to the last postoffice address of each such owner known to the Assessor of the city,

of every parcel of land to be charged therewith, by registered letter, and according as the improvement has actually been made or is only contemplated, and the notice shall set forth :

Contents of  
Notice

- (a) The probable lifetime of the proposed improvement as being the period over which the cost will be spread.
- (b) The probable or actual cost of the improvement.
- (c) The portion, if any, of the costs to be borne by the city at large.
- (d) The portion of the cost to be provided by special frontage assessment.
- (e) The frontage of the property upon which the special frontage assessment is to be levied stated in lineal feet.
- (f) The rates of special frontage assessment per foot frontage.
- (g) The amount chargeable to each lot or parcel of land assessed according to the rate per foot frontage.
- (h) The value of the land chargeable with the special frontage rate, exclusive of all improvements thereon.
- (i) The time fixed for sittings of the Court of Revision for the hearing of appeals in respect of the assessment and proposed special rate; such sittings to be not earlier than fifteen days from the date of mailing of the notices.

Proof of  
Notice

167. A memorandum by the Assessor in any proper book or roll kept for that purpose of the mailing of such notices and the date thereof shall be *prima facie* evidence of the mailing of such notices in accordance with the last preceding section on the date mentioned in the memorandum.

Final  
decision  
in Court  
of Revision

168. The decision of the Court of Revision shall be final and conclusive upon all matters respecting the assessment and special rate, and the Court of Revision shall have power, in the event of the assessment of any party being decreased or increased on appeal, to raise or lower proportionately the assessment of the other parties assessed without any further notice.

Form of  
Local Im-  
provements  
Borrowing  
By-law

169. Every by-law passed for borrowing money for local improvements shall recite:

- (a) The amount of the debt which such by-law is intended to create, and the object in general terms for which it is to be created.
- (b) The total amount required to be raised annually by special rate for paying the debt and interest under the by-law.
- (c) The total value of the land, exclusive of improvements, charged with the special assessment, and if any portion of the debt is to be borne by the city at large, the value of the whole rateable property according to the last revised assessment roll.
- (d) The annual special rate per foot frontage for the paying of the interest and creating a yearly sinking fund for the payment of the debt or portion thereof not payable by the city at large, as the case may be, or for discharging the instalments of such princi-

pal and interest in case the debt is to be so payable, and if any portion of the debt is to be borne by the city at large, the annual special rate on the dollar for the payment of the portion of the debt chargeable to the city at large, or for discharging the instalments of such principal and interest, as the case may be.

- (e) That the debt is contracted upon the credit and security of the city at large, but as to so much as is not to be paid by the city at large, the city is to collect the same only by way of special frontage tax as aforesaid.

170. No by-law passed hereunder shall require the assent of the electors. Provided, however, that if the Council in any case of local improvements provided that more than one-third of the total cost of improvements shall be paid by the city at large and such sum shall be greater than can be properly paid out of the current revenues of the year during which the improvement is made, then, and in every case, the Council shall pass a separate by-law for the portion of money to be provided by the city at large, and said by-law shall, before being finally passed, receive the assent of the electors.

How by-law  
to be dealt  
with

#### VOTING ON BY-LAWS

171. In case a by-law requires the assent of the electors of the city before the passing thereof, the following proceedings shall be taken for ascertaining such consent:

Procedure  
when  
by-law  
requires  
electoral  
assent

- (1) The Council shall, by the by-law, fix a day and hour for taking the votes of the electors and such places in the city as the Council shall in their discretion deem best, and shall name a returning officer and deputy returning officers to take the votes at each place

where the votes are to be taken, and the day so fixed for taking the votes shall not be less than three, nor more than four, weeks after the first publication of the proposed by-law as hereinafter provided.

Publication  
of By-law

172. The Council shall, before the voting thereon by the ratepayers, publish a copy of the by-law in some public newspaper published within the city, which publication shall be continued in at least one number weekly of such newspaper for two consecutive weeks, and shall also put up a copy of the by-law at four or more of the most public places of the city.

Publication  
of Notice

173. Appended to each copy so published shall be a notice, signed by the City Clerk, stating that such copy is a true copy of a proposed by-law, which will be taken into consideration by the Council after being voted on by the electors, and stating the date of the first publication and the day, hour and place or places fixed for taking the votes of the electors.

Polling  
procedure

174. At such day and hour a poll shall be taken, and all proceedings thereat and for the purposes thereof, including a recount, shall be conducted in the same manner as nearly as may be, at an election for Mayor and Alderman.

Form of  
ballot

175. The ballot papers shall be printed with "For the By-Law," and "Against the By-Law," and shall, by the voter, be marked with a cross on the right side thereof, opposite the words "For the By-Laws," or "Against the By-Law," as he may desire to vote.

Time of  
return

176. The Council shall, in the by-law, fix the time and place when and where the returning officer of the city shall sum up the number of votes given for or against such by-law.

Represent-  
atives

177. On the application of any person interested in promoting or opposing the passage of the by-law, the Mayor shall authorize the attendance of one person on behalf of the party applying at each polling place and at the final summing up of the votes.



178. Every ratepayer shall be entitled to vote on any by-law requiring the assent of the electors, who at the time of tendering the vote is of the full age of twenty-one years, and is named on the last voters' list of the city, and who has neither directly nor indirectly received, nor is in expectancy of receiving, any reward or gift for the vote which he tenders, and who is at the time of the tender a freeholder in his own right of real property within such city, and is rated on the last revised assessment roll as such freeholder for not less than \$400.00.

Qualifica-  
tion of  
voters

179. Any ratepayer offering to vote on the by-law may be required by the Deputy Returning Officer, or by any ratepayer entitled to vote on the by-law, to make, before his vote is recorded, the following oath or affirmation, or any part thereof:

Oath  
may be  
required

"You swear that you are of the full age of twenty-one years; that you are the person named as..... in the voters' list; that you are a freeholder in your own right of real property within the city, and rated on the last revised assessment roll as such freeholder for not less than \$400.00; that you have not voted before on the by-law now before the electors; that you have not directly or indirectly received any reward or gift, nor do you expect to receive any for the vote which you tender."

Declaration  
of result  
of Poll

180. The Returning Officer after he has received certified returns from the Deputy Returning Officers of the number of votes given at each polling place, shall at the time and place appointed by the by-law, in presence of the persons authorized to attend, or such of them as may be present, sum up from such statements the number of votes for and against such by-law, and shall then and there declare the result and forthwith certify to the Council under his hand whether the majority of the electors entitled to vote, who have voted upon the by-law, approved or disapproved of the same.

Council  
must pass  
by-law  
with: in two  
weeks

Entry  
on and  
expropria-  
tion for  
water  
services

181. Every by-law which is carried by the required majority of the duly qualified electors who have voted thereon shall, within two weeks thereafter, be passed by the Council which submitted the same.

#### POWER TO TAKE LAND FOR CERTAIN PURPOSES

182. Whenever it becomes necessary in the judgment of the Council to construct, enlarge, improve or repair any reservoir or to lay down, take up or repair any water pipes belonging to the city, the Council may enter upon and take the lands or property of any person, corporation or number of persons from time to time, and as often as is necessary for the purposes aforesaid, or any of them, and when any lands or property are so taken, shall cause a plan of such lands or property, or of so much thereof as is required for the purposes aforesaid, to be made, and shall notify the owner or owners of the lands or property which are proposed to be entered upon or taken.

for civic  
buildings

183. The City Council may enter upon and take any land within the city required for the purpose of a city hall, fire hall, city market, lockup or other city building for any purpose whatever, and may remove therefrom any buildings, projections, walls, fences or other things, or any portion thereof.

Notice to  
owner

184. (1) Before entering upon or taking any land or removing any building, projection, wall, fence or other thing for any purpose under the authority of this Ordinance, or of any Ordinance of the Territory, the Council shall notify the owner of the said land, building, projection, wall, fence or other thing that such land or such removal is required by the city.
- (2) Such notice shall contain a description of the land proposed to be entered upon or taken, or of the building, projection, wall, fence or other thing proposed to be removed, and a statement of the purpose for which the same is required.

185. (1) If the City Council and such owner cannot agree upon the compensation to be paid to the owner for such land, or for such damage that may be caused by entering upon such land, or by removing such building projection, wall, fence or other thing, the Council shall appoint one arbitrator and shall notify the owner to appoint one arbitrator. Compensation may be determined by arbitration
- (2) If such owner neglects or refuses to appoint an arbitrator for ten days after the service of the said notice, the Mayor shall appoint an arbitrator to act on behalf of the owner, and the two arbitrators so appointed shall choose a third arbitrator. Appointment of arbitrators.
- (3) If the said arbitrators cannot agree upon the third arbitrator, he shall be appointed by the Controller upon the application of either party. Controller may appoint third
186. (1) The three arbitrators so appointed and chosen, having been first duly sworn to the faithful discharge of their duties before the Mayor or Stipendiary Magistrate, shall give notice to the person whose land it is proposed to enter upon or take, or whose building, projection, wall, fence or other thing it is proposed to remove, or to his agent, of the time and place at which they will meet to fix the amount of compensation to be paid. Procedure on arbitration
- (2) At the time and place so appointed they shall proceed to fix and award the amount of the compensation to be paid to the owner of said land, building, projection, wall, fence or other thing, and shall make a return thereof to the City Clerk within thirty days after their appointment.

Awards to  
be final

- (3) The award of the arbitrators, or any two of them, shall be final and conclusive and binding on all the parties interested.

Right of  
city upon  
payment  
or tender

187. Upon the payment or tender to the owner of the amount so awarded, or upon the payment thereof to the Clerk of the Territorial Court for the Territory under the provisions of this Ordinance, the city shall become the owner in fee simple of the said lands, if such lands have been taken, or shall be entitled to enter upon such lands for the purpose designated by the Council, or to remove such building, projection, wall, fence or other thing.

Council  
may  
suspend or  
abandon  
project

188. (1) If the amount of compensation awarded appears to the Council excessive, when compared with the utility of the work, the Council may suspend or abandon such work at any time, and if such lands have not been entered upon the Council may, within one month after the making of the award, notify the owner of such suspension or abandonment. In such case the city shall not be bound to accept such land or pay the amount of compensation awarded.

Time limit  
on payment  
of compen-  
sation

- (2) If the City Council decides to proceed with such work they shall within six months after the arbitrators' award has been filed with the Clerk of the Court, pay to the owner the amount of compensation awarded to him.

Payment  
into court  
in certain  
cases

189. (1) The Council may pay the amount awarded by the arbitrators into the office of the Clerk of the Territorial Court, and deliver to the Clerk a copy of the award in the following cases:
- (a) If there are any claims or encumbrances on the lands taken or entered upon; or

- (b) If the owner of the land is unknown; or,
  - (c) If the person to whom the compensation is awarded to be paid cannot be found; or,
  - (d) If there is any dispute as to the ownership of such land, building, projection, wall, fence or other thing taken or removed; or,
  - (e) If there is any dispute as to the person to whom compensation should be paid for the taking or removal thereof; or,
  - (f) If for any other reason the Council deems it advisable.
- (2) The person or persons entitled to such amount shall, on establishing his or her right, on a summary application to the said Court or a Judge thereof, be entitled to have the same paid over to him or them on order of the Court or Judge.

Payment  
out of  
Court

190. The award shall contain a description of the land and a copy thereof, certified under the hand of the Clerk. shall be filed with the Clerk of the Court and on application shall thereupon be made to said Court or a Judge thereof for an order vesting the title to said land in the city, and such order, on being granted, shall be registered in the Land Titles Office for the Yukon Land Registration District, and a certificate of title issued thereon.

Award to be  
basis of  
Visiting  
Order

Registration

191. If the owner of the land which it is proposed to enter upon or take, or of the building, projection, wall, fence or other thing which it is proposed to remove, is not known, or if there is a dispute as to the ownership thereof, the notices required to be given to such owner may be given by advertisement in a newspaper published in the city.

Publication  
of notice  
in certain  
cases

Qualifica-  
tion of  
arbitrators

192. . The arbitrators shall be ratepayers, but shall not be interested in the land entered upon or taken, nor in the building, projection, wall, fence or other thing to be removed, nor in the lands lying along any street, road, lane or square proposed to be entered, opened or repaired, but they may be residents of the city.

Arbitrators'  
remunera-  
tion

193. The arbitrators shall receive such compensation, to be paid by the city, as the Council determines.

#### MISCELLANEOUS PROVISIONS

Proof of  
appoint-  
ment  
of City  
Officers

194. When, at the trial of any action or complaint in any Court, it is necessary to prove the appointment of any officer of the city, a certificate, under the hand of the City Clerk and seal of the city, stating the time and manner of the appointment of such officer and of his having been sworn into office, shall be sufficient proof of the appointment, and of his having been sworn into office, without any proof of the handwriting or signature of such City Clerk, or of the seal or of the official character of such City Clerk.

Who may  
administer  
oaths

195. When no provision is made in this Ordinance for the administering of any oath or affirmation required to be administered or taken, the same may be administered by the Mayor, the Stipendiary Magistrate, or any Justice of the Peace; and when an oath or affirmation is directed to be administered by or taken before any officer or person, the authority to administer such oath or affirmation is included.

Provisions  
as to notice  
before  
action  
against  
City, etc.

196. No action *ex delicto* shall be brought against the city or against the City Council or any member thereof, or against the Committee on Streets or any member thereof, or against any person acting under the authority of any such City Council committee or member, unless within six months next after the cause of action has accrued, and upon one month's previous notice thereof in writing served upon the defendant, or in the case of an action against the city, upon the City Clerk, in which notice the cause of action and the Court in which it is to be brought shall be explicitly stated, and upon the back thereof shall be endorsed the name and place of abode of the party intending to sue.

197. All Ordinances of the Yukon Territory affecting matters over which the City Council is given jurisdiction by this Ordinance shall remain in full force and effect until other provisions are made therefor by said Council.

Territorial  
Ordinances  
in effect

#### APPLICATIONS TO QUASH BY-LAWS

198. In case a resident of the city, or any other person interested in a by-law, order or resolution of the Council thereof, applies to a Judge and produces a certified copy of the by-law, order or resolution, and shows by affidavit that the same was received from the City Clerk and that the applicant is resident or interested as aforesaid, the Judge, after at least ten days from service on the city of an order to show cause in this behalf, may quash the by-law, order or resolution, in whole or in part, for illegality, and, according to the result of the application, award costs for or against the city.

Procedure  
for  
an Order to  
show cause  
on ground  
of illegality

199. No application to quash or annul any such by-law, order or resolution, in whole or in part, shall be entertained by any Judge unless such application is made within two months from the final passing of such by-law, order or resolution.

Time  
limitation

200. Any by-law the passage of which has been procured through or by means of any corrupt practices as defined by this Ordinance, shall be liable to be quashed upon application to be made in conformity with the provisions hereinbefore contained.

Corrupt  
practices

201. Before determining any application for the quashing of a by-law upon the ground that the passing of the same has been procured by means of any corrupt practices as defined by this Ordinance and if it is made to appear to a Judge that probable grounds exist for a motion to quash such by-law, the Judge may thereupon make an order for an inquiry to be held upon such notice to the parties affected as the Judge may direct concerning the said grounds, before himself, or whom he may appoint to conduct such inquiry.

Judge may  
order an  
inquiry

Procedure  
with regard  
to such

and require that upon such inquiry all witnesses, both in support and against such by-law, be orally examined and cross-examined upon oath; and the said Judge, upon the taking or return of said evidence, as the case may be, may, upon notice to such of the parties concerned as he thinks proper, proceed to hear and determine the question, and if grounds therefor appear to him to be satisfactorily established, he may make an order for quashing said by-law, and order the costs attending such proceedings to be paid by the parties, or any of them, who have supported said by-law; and if it appears that the application to quash said by-law ought to be dismissed, the Judge may so order, and in his discretion award the costs to be paid by the persons applying to quash the said by-law.

Judge may  
quash  
by-law  
costs

Stay of  
proceedings  
pending  
hearing

202. After an order has been made by a Judge directing an inquiry and after a copy of such order has been left with the City Clerk, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the inquiry has been directed; but if the matter is not prosecuted to the satisfaction of the Judge, he may remove the stay of proceedings.

Action vs.  
the City in  
re. illegal  
procedure

203. In case a by-law, order or resolution is illegal, in whole or in part, and in case anything has been done under it which by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring action has been given to the city; and every such action shall be brought against the city alone, and not against any persons acting under the by-law, order or resolution.

No personal  
liability

Tendering  
amends

204. In case the city tenders amends to the plaintiff or his advocate, if such tender is pleaded and (if traversed) proved, and if no more than the amount tendered is recovered the plaintiff shall have no costs, but costs shall be taxed to the defendant and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases.



205. No by-law shall be set aside for corrupt practice<sup>Proviso</sup> provided the passage thereof was not affected by such corrupt practices.

206. This Ordinance shall not come into force until the same shall be brought into force by Proclamation of the Controller pursuant to the provisions of any Ordinance which may be passed providing for a plebiscite or vote of the people of Whitehorse (being the area described in section 3 hereof) upon the question of bringing the same into force.<sup>Proclamation pursuant to Plebiscite</sup>

SCHEDULE  
FORM A  
PROCLAMATION  
CITY OF WHITEHORSE

Public notice is hereby given to the electors of the City of Whitehorse that a poll has been granted for the election now pending for the said city, and that such poll will be open on (here insert day for election, being same day of the week as for nomination in the next following week) the.....day of..... 194 .....from the hour of nine o'clock in the morning till five of the clock in the afternoon, at (describe the polling station, or, as the case may be), in each of the following polling divisions; that is to say:

For the Polling Division No. 1 (or other designation), consisting of those electors whose surnames commence with the letters from.....to..... (or bounded as follows, or otherwise describing it clearly), at (describe the polling station and so continuing for all the other polling divisions and stations in the city).

And I will at (describe the place), on (day of the week), the.....day of.....19....., at..... o'clock in the.....noon, sum up the votes and declare the result of the election.

Given under my hand at Whitehorse this..... day of....., 194.....

.....  
Returning Officer.

## FORM B

## OATH OF VOTER

You do solemnly swear that you are the person named, or purporting to be named, by the name of.....on the voters' list now shown to you; that you have not before voted at this election, and that you have not received or been promised any consideration whatsoever for voting at this election, and that before the day of nomination for this election you have paid all taxes in arrears due by you to the City of Whitehorse, and that you are a British subject of the full age of twenty-one years. So help you God.

## FORM C

## OATH OF RETURNING OFFICER

I,....., do swear that I have not received any sum of money, office, employment or gratuity, or any bond, bill or note, or any promise of gratuity by myself or another, to my use or advantage, for making any return at this election; that I will return to the City Clerk a true and faithful account of the votes polled in this election, and that I will faithfully discharge my duty at the election to the best of my knowledge and judgment.

## FORM D

## BALLOT PAPER

Election of a Mayor for the City of Whitehorse.

FOR MAYOR
Jones, John
Low, Sam
Patrick, James

FORM DD

BALLOT PAPER

Election of the Aldermen for the City of Whitehorse.

FOR ALDERMEN
Abel, James
Bruce, Don
Ferguson, Jerry
Milton, Tom
Peters, James

FORM E

OATH OF QUALIFICATION

I,....., do swear that I am a British subject; that I had at the time of my election or appointment to the office of.....in the City of Whitehorse (as the case may be), and still have, in my own right, such an estate as does qualify me to act in the said office, and that such estate is (naming the nature of it), and is of the value of..... dollars over and above all charges, liens and encumbrances affecting same.

.....  
 (Signature)

## FORM F

OATH OF DEPUTY RETURNING OFFICER, POLL CLERK  
CANDIDATE OR AGENT

I,....., do swear that I will not at any time disclose to any one the name of any person who has voted at the election to be held in the City of Whitehorse on the .....day of....., A. D. 194..... and that I will not unlawfully attempt to ascertain the candidate or candidates for whom any elector has voted, and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person for whom any elector has voted. So help me God.

## FORM G

## OATH OF OFFICE

I,....., do swear that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of.....to which I have been elected or appointed (as the case may be), in the City of Whitehorse, and that I have not received any payment or reward, or promise of such, for the exercise of any partiality or neglect or undue execution of the said office, and that I have not myself nor on behalf of any other person, either directly or indirectly, any interest in any contract with or on behalf of the said city.

## FORM H

## OATH OF ILLITERATE PERSON

I,....., a voter named in the list of voters for Polling Subdivision No..... (or City of Whitehorse), do hereby declare that I am unable to read (or that I am from physical incapacity) unable to mark a ballot paper (as the case may be).

## CHAPTER 4

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### AN ORDINANCE TO AMEND "THE POLL TAX ORDINANCE."

*(Assented to May 6th, 1946.)*

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

"The Poll Tax Ordinance," being Chapter 1 of the Ordinances of the Yukon Territory, 1918, and amending Ordinances, is hereby amended by adding the following section immediately after section 17 thereof:

"18. This Ordinance shall not apply nor shall the poll tax be collected from any person who has been awarded a pension under "The Pension Act," being Chapter one hundred and fifty-seven of the Revised Statutes of Canada, 1927, and amending Acts in respect of service in the war with the German Reich as said expression is interpreted in said Pension Act."

## CHAPTER 5

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### AN ORDINANCE TO AMEND "THE FOREST FIRES ORDINANCE."

*(Assented to May 6th, 1946.)*

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

1. Section 10 of "The Forest Fires Ordinance," being Chapter 37 of The Consolidated Statutes of the Yukon Territory, 1914, and amending Ordinances, is hereby amended by striking out the last line thereof and substituting the following:

"To a fine not exceeding \$50.00 and in default of payment thereof to imprisonment for any term not exceeding two months."

2. Section 11 of the said Ordinance is hereby repealed.

## CHAPTER 6

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### AN ORDINANCE TO AMEND "THE DENTAL ORDINANCE."

*(Assented to May 6th, 1946.)*

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

1. Subsection 1 of section 4 of "The Dental Ordinance," being Chapter 7 of The Ordinances of the Yukon Territory, 1920, and amending Ordinances, is hereby repealed and the following substituted therefor:

- (1) Every person who possesses a diploma of graduation in dental surgery from any dental college in Canada or from any University in Canada having a special dental department or from any dental college or university having such department in Great Britain or in any of the British Dominions or in the United States of America.

## CHAPTER 7

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### AN ORDINANCE RESPECTING FAIR WAGES

### AND HOURS OF LABOUR FOR SHOP

### EMPLOYEES

*(Assented to May 6th, 1946.)*

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

#### SHORT TITLE

1. This Ordinance may be cited as "The Fair Wages Ordinance."

#### INTERPRETATION

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

"Fair wages"

- (a) "Fair Wages" means such wages as are generally accepted as current for competent workmen in the district in which the work is being performed for the character or class of work in which such workmen are respectively engaged; but shall in all cases be such wages as are fair and reasonable;

"Employee"

- (b) "Employee" means any person of either sex, who is in receipt of or entitled to any compensation for labour or services performed for another.

"Employer"

- (c) "Employer" means any person who, in his own behalf or as a manager, superintendent, overseer or agent for any person, firm, company, or corporation, has charge of any shop and employs persons therein;



- (d) "Shop" means a place where retail or wholesale trade is carried on, and shall extend to and include places or establishments where service is also dispensed for profit to the public, inclusive of, hotels, inns, taverns, restaurants, refreshment houses, garages, laundries, tailors, boot repair, barber shops, beauty parlours; "Shop"
  
- (e) "Controller" means the Controller of the Yukon Territory; Controller"
  
- (f) "Take-home pay" means the total amount of compensation paid to an employee for labour or services performed, irrespective of whether he is paid by the hour, day, week, month or any other period of time. "Take-home-pay"

3. In the case of a person holding a position of supervision or management or employed in a confidential capacity, the provisions of this Ordinance shall not apply to him so long as the duties performed by him are entirely of a supervisory or managerial character and do not comprise any work or duty customarily performed by other employees. Persons excepted

4. The working hours of each employee employed in or about any shop in the Yukon Territory shall not exceed eight hours in each day of twenty-four hours, nor forty-four hours in each week of seven days, except as hereinafter provided. Hours of labour

5. An employee may be employed and work during the time over and in excess of such daily limit of eight hours and of such weekly limit of forty-four hours, only if the employee is compensated at a rate of not less than time and one-half for each hour of such overtime. Overtime compensation

Fair wages

6. For each of the said eight hours of work and forty-four hours per week each employee shall be paid fair wages not less than the take-home wages paid him at time of enactment of this Ordinance.

Effect of Ordinance on alternative wage and hours arrangements

7. (1) Nothing in this Ordinance shall affect any provision in any Ordinance, agreement or contract of service or any custom which insures to employees more favourable conditions than those provided by this Ordinance.

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

Hours record

8. (1) Every employer shall keep in his principal place of business in the Territory a true and correct record in the English language of the hours worked each day by each of his employees.

(2) Every employer shall, on demand of the Controller or his duly authorized representative, produce for inspection all records kept by him relating to hours of labour of any person employed by him.

Penalties

9. Every employer who violates any provision of this Ordinance, shall be liable, on summary conviction, to a fine of not less than twenty-five dollars and not more than one hundred dollars for each employee affected and in default of payment thereof to imprisonment for a term not exceeding three months.

Coming into effect

10. This Ordinance shall come into effect on June 1st, 1946.

## CHAPTER 8

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AN ORDINANCE TO EXEMPT J. B. KUNZE AND  
E. KUNZE FROM PAYMENT OF LICENSE FEE  
ON ELECTRIC LIGHT PLANT IN MAYO  
AREA FOR STATED PERIOD.

*(Assented to May 6th, 1946.)*

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

1. The license provided for in the proviso to section 20 of "The Assessment Ordinance," being Chapter 5 of The Consolidated Ordinances of the Yukon Territory, and amending Ordinances, shall not be levied against Jack Bonnar Kunze and Ed. Kunze, carrying on business in co-partnership in the Mayo area, Yukon Territory, under the firm name and style of Mayo Light Plant in respect of the said Light Plant operated by them for the year ending March 31, 1947.

## CHAPTER 9

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AN ORDINANCE TO PROVIDE FOR A PLEBISCITE ON THE QUESTION OF BRINGING INTO FORCE "AN ORDINANCE TO INCORPORATE THE CITY OF WHITEHORSE."

*(Assented to May 6th, 1946.)*

Preamble

*Whereas*, The Yukon Council at its present session has passed an Ordinance entitled "The Whitehorse City Charter."

*And Whereas*, The said Ordinance provides that it shall not come into force until brought into force by Proclamation of the Controller pursuant to the provisions of any Ordinance that may be passed providing for a plebiscite or vote of the people of Whitehorse upon the question of bringing the same into force.

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

Short title

1. This Ordinance may be cited as "The Whitehorse Plebiscite Ordinance."

Area affected

2. This Ordinance shall apply to the area of land more particularly described as follows: Lots One (1) to Four (4) both inclusive in Group Five (5) in the Yukon Territory as the same is shown upon a plan of survey of same registered in the Department of the Interior at Ottawa as No. 8406 and in addition that portion of the Right of Way of the British Yukon Railway Company and the water

front and shoreline of the Lewes River lying between the extension easterly to the said Lewes River of the most southerly boundary of said Lots One (1) and Two (2) and the most northerly boundary of said Lots Three (3) and Four (4).

3. On or before the first day of July, A. D. 1946, the Controller of the Yukon Territory shall cause to be issued a writ directing a plebiscite or vote to be taken on the question to be submitted hereunder. Such writ shall be dated and shall be returnable on such day as the Controller determines and shall be issued by the Territorial Secretary under his hand and the seal of the Territory to such person resident within the area described in section 2 hereof as the Controller appoints and such person shall be the Returning Officer at the plebiscite or voting to which such writ relates. Provide, always that if the person to whom the writ has been addressed refuses or is unable to act he shall (under penalty hereinafter provided) forthwith after the receipt of such writ notify the Controller by the most speedy means available of such refusal or inability when the Controller may appoint some other person as Returning Officer, who shall act under the writ already issued.

Writ  
directing  
Plebiscite

and  
appointing  
R. O.

4. The Controller shall fix a date not later than the first day of August, 1946, for the plebiscite or vote to be taken on the question to be submitted hereunder and the date so fixed shall be specified in the writ provided for in the last preceding section.

Date fixed  
by  
Controller

(1) The writ shall be in Form A to Schedule 1 of this Ordinance and shall be transmitted by registered mail by the Territorial Secretary addressed to the Returning Officer therein named.

Form  
of Writ

5. The Returning Officer shall on receiving the aforesaid writ forthwith indorse thereon the date on which he received the same and before taking action under this Ordinance shall take before a Justice of the Peace or Com-

Indorsement  
by and oath  
of R. O.

missioner for taking Affidavits the oath of office set out in Form B in said Schedule 1 and shall forthwith thereafter cause a certificate (Form C in said Schedule) made by such Justice of the Peace or Commissioner of the said oath having been taken, to be filed with the Territorial Secretary.

Election  
Clerk

6. The Returning Officer, by a warrant under his hand in Form D in said Schedule 1 shall appoint an election clerk and may at any time during the taking of the vote appoint in the same manner another election clerk if the one so appointed resigns or is unable to perform his duties as such clerk.

Duties

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

When  
acting as  
R. O.

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

Prohibition

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

Oath of  
office

8. The Election Clerk, before acting as such, shall take the oath of office in Form E in said Schedule 1 before the Returning Officer or any person authorized to administer an oath within the Territory and a certificate as in Form F in said Schedule of his having taken such oath shall be delivered to him by the person before whom such oath is taken, which certificate he shall cause to be forwarded to the Territorial Secretary.

Certificate

Penalty

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

POLLING DIVISIONS

10. The Returning Officer shall with all reasonable dispatch after receiving the writ provided for in section 3 hereof:

- (i) Subdivide the area specified in section 2 hereof into as many polling divisions as he deems necessary for the convenience of voters and number them consecutively, provided always that no such polling division shall have a greater voting population than 200 nor less than 15. Provided, further, however, that if a polling division should include a greater number of voters than 200 the fact shall not be held to invalidate the poll held in that polling division nor shall it render the Returning Officer liable to a penalty, unless it can be shown that one or more duly qualified voters have been deprived of the opportunity to vote by reason of such larger number of voters having been included within the polling division.

Number of voters in polling division
- (ii) Provide suitable and conveniently situated buildings for use as polling places.

Polling places
- (iii) Procure or cause to be procured as many boxes hereinafter called "ballot boxes" as there are polling places within said area.

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

Specifications of
- (v) The number of the polling place at which the ballot box is to be used shall be plainly painted

Number to be plainly marked

or otherwise securely marked thereon so that it may be easily distinguished from the ballot box of any other polling place.

Penalty

- (vi) If the Returning Officer fails to furnish ballot boxes in the manner herein provided he shall incur a penalty of \$100.00 in respect of every ballot box which he has failed to furnish in the manner prescribed.

#### PROCLAMATION

Posting of  
Proclamation

11. At least seven days before the day fixed for the plebiscite or taking of the vote hereunder the Returning Officer shall provide and cause to be posted up in some conspicuous place in the immediate neighbourhood of each polling place a Proclamation in Form G in said Schedule 1 in which proclamation shall be set forth:

Contents of

- (a) The date when the polls will be opened at the several polling places and the time during which such polls shall remain open.
- (b) The numbers and whereabouts of the places at which the several polls shall be held.
- (c) A statement that the vote or plebiscite hereunder will be taken at the aforesaid polling place.
- (d) A copy of the ballot containing the question to be submitted hereunder.

#### INSTRUCTIONS FOR VOTERS

Instructions  
for voters

12. The Returning Officer shall also cause to be posted up near to the aforesaid Proclamations copies of Form "H" for the guidance of voters.

#### BALLOTS

Specifica-  
tions re.  
ballot-  
papers

13. The Returning Officer shall cause to be printed and furnished for the purposes of this plebiscite a sufficient number of ballot papers for each polling place, and the ballot



papers shall be provided with a counterfoil and a stub, and there shall be a line of perforation between the ballot and the counterfoil and between the counterfoil and the stub. The ballot papers shall be numbered with the same number on the back of the stub and of the counterfoil and shall be bound or stitched in books of convenient size.

14. The said ballot papers shall be in the following form: Form of ballot-papers

		Yes	No
Ballot on the incorporation of the City of Whitehorse under "The Whitehorse Plebiscite Ordinance"	Are you in favour of the incorporation of the City of Whitehorse as provided in "An Ordinance to incorporate the City of Whitehorse" passed at the last session of the Yukon Council?		

DEPUTY RETURNING OFFICERS

15. For the purpose of taking the vote herein provided for the Returning Officer shall, by writing over his signature appointing a Deputy Returning Officer for each polling place and shall thereby require the Deputy Returning Officer to open and hold the poll in such division at the time and place fixed in the Proclamation referred to in section 11 hereof, and according to the provisions of this Ordinance. Appointment of D.R.O.'s

(1) Every Deputy Returning Officer shall, before acting as such, take and subscribe before the Returning Officer or any person authorized to administer oaths within the Territory, the oath in Form I in said Schedule 1. Oath of D.R.O.'s

16. The provisions of "The Ordinance Respecting Elections," being Chapter 7 of the Ordinances of the Yukon Territory, 1919, and amending Ordinances in so far as they relate to the powers and duties of Deputy Returning Officers shall *mutatis mutandis* apply and extend to Deputy Returning Officers herein provided for. Election Ordinance to apply

Poll Book

17. The poll books to be supplied the Deputy Returning Officer shall be in Form "J" in said Schedule 1 of this Ordinance.

Poll Clerk

18. The Deputy Returning Officer shall, before the hour for opening the polls on the day of the plebiscite, appoint under his signature a Poll Clerk to assist him in taking the votes or to act in his stead if necessary with all the powers and liabilities of the Deputy Returning Officer, and such Poll Clerk before acting as such shall take the oath in Form K of said Schedule 1 before the Deputy Returning Officer, the Returning Officer, or any person authorized to administer oaths within the Territory.

Oath of

Election Ordinance to apply

19. The provisions of the hereinbefore recited Ordinance Respecting Elections, in so far as they relate to the powers and duties of Poll Clerks shall *mutatis mutandis* apply and extend to all Poll Clerks herein provided for.

#### POLLING PLACE

Privacy required

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

21. In the outer room shall be kept the poll book and ballot box.

Poll Book may be inspected

- (1) The poll book shall be open to inspection on demand by any representative or agent duly appointed under the provisions of this Ordinance for a reasonable time for the purpose of checking an entry.

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

Ballot box to be conspicuously placed.

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

Secrecy of ballot

23. In the said inner room or compartment of the polling place there shall be a table suitable for use in marking ballots; there shall be posted on the walls a copy of the "Instructions for Voters" provided in Form "H" in the said Schedule 1 and a copy of the Proclamation provided in section 11 of this Ordinance.

Contents of voting compartment

### REPRESENTATIVES

24. The affirmative side and the negative side of the question submitted hereunder shall each appoint in writing a representative who shall be a qualified voter to represent them during the proceedings hereunder, and each representative so appointed shall forthwith after his appointment file his credentials with the Returning Officer.

To be qualified voters

To file credentials

- (1) Each representative of the affirmative and negative sides shall be entitled to appoint no more than two agents to represent him at each polling place on the day of the voting, and every such agent shall, before acting as such, produce and file with the Deputy Returning Officer, his appointment as such, signed by the representative appointing him.

May appoint Agents

Proviso

- (2) In the absence of such appointment or order, or no such appointed agent being present at any polling place, the affirmative and negative sides respectively may be represented at such polling place by no more than two electors present and voting at such polling place and any voter so acting as such agent shall hand in his name to the Deputy Returning Officer, who shall cause an entry thereof to be made in some convenient place in the poll book.

#### WHO MAY VOTE

Basic qualification

25. Every person shall be qualified to vote who, not being an Indian, is a British subject of the full age of twenty-one years and who is either:

Freeholder or Tenant

- (a) In his own right a freeholder within the area described in section 2 hereof; or
- (b) A householder within said area who has resided therein for not less than six months previous to the polling day, and who pays a yearly rental of not less than \$200.00.

Oath required

26. Every voter shall, before receiving a ballot paper, take the oath of qualification set forth in Form L in said Schedule 1.

Signature may be required

- (1) The Deputy Returning Officer may, and if so requested by a duly qualified representative of either the affirmative side or the negative side of the question submitted hereunder, shall, require any voter to take and subscribe the said oath set forth in Form L.

Procedure on receipt of ballot-paper

- (2) Upon taking such oath of qualification as hereinbefore provided, the voter shall be entitled to receive from the Deputy Returning

Officer a ballot in the form prescribed by this Ordinance, and the said ballot shall, subject to the provisions of this Ordinance, be dealt with by the Deputy Returning Officer and by the voter in the same manner as required by the hereinbefore recited "Ordinance Respecting Elections."

Election Ordinance applies

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

Entry in Poll Book

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

Manner of marking ballot

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

Imperative direction

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

Subject to this Ordinance, the Election Ordinance shall govern proceedings

30. After summing up and ascertaining the result of the vote hereunder, the Deputy Returning Officer shall post in the polling place a certificate of the number of the affirma-

D.R.O.'s certificate and return

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

R. O. shall  
make  
return to  
Controller

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

Proclama-  
tion by  
Controller

32. If a majority of the votes polled is in the affirmative, the Controller shall forthwith publish a Proclamation declaring that "An Ordinance to Incorporate the City of Whitehorse shortly entitled "The Whitehorse City Charter," shall come into force on a date to be named in the said Proclamation.

SCHEDULE I.

FORM A.

WRIT IN RESPECT OF A PLEBISCITE

To.....of the district of Whitehorse,  
in the Yukon Territory:

*Whereas*, The Controller of the Yukon Territory has seen fit under and by virtue of the provisions of "The Whitehorse Plebiscite Ordinance" to order a writ in respect of a plebiscite for the area comprising: Lots One..... (as in Sec. 3 of Whitehorse Charter) addressed to you whom he has been pleased to select to perform the duties of Returning Officer;

You are therefore commanded that you do cause a plebiscite or vote to be taken under the provisions of the Whitehorse Plebiscite Ordinance to ascertain the will of the voters of said area as to whether or not "The Whitehorse City Charter" should be brought into force such vote to be taken within the confines of said area on the.....day of..... next; and that you do cause the result of such vote when so taken to be certified to me on the.....day of.....

Given under my hand and seal of said Territory at Dawson, in the said Yukon Territory, this.....day of....., A. D. 1946.

Territorial Secretary.

INDORSEMENT

Received the within writ on the.....day of....., 1946.

Returning Officer

## FORM B.

## OATH OF RETURNING OFFICER (Sec. 5)

I, the undersigned....., Returning Officer appointed under the provisions of The Whitehorse Plebiscite Ordinance, do solemnly swear that I will act faithfully in that capacity without partiality, fear, favour or affection. So held me God.

Sworn before me at  
Whitehorse, in the  
Yukon Territory, this  
.....day of....., 1946.

.....  
Returning Officer.

.....  
Signature of Officer Administering Oath.

## FORM C.

## CERTIFICATE OF RETURNING OFFICER HAVING TAKEN

## OATH OF OFFICE (Sec. 5)

I, the undersigned.....hereby certify that on the.....day of....., 1946, the Returning Officer appointed under the provisions of "The Whitehorse Plebiscite Ordinance" took and subscribed before me the oath of office in such case required of a Returning Officer by Section 5 of said Ordinance.

In testimony whereof I have delivered to him this certificate.



FORM D.

APPOINTMENT OF ELECTION CLERK )Sec. 6)

To....., Whitehorse, Y. T., .....  
(Occupation)

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

Given under my hand this.....day of....., A. D. 1946.

Returning Officer.

FORM E.

OATH OF ELECTION CLERK

I, the undersigned.....appointed election clerk, under the provisions of the Whitehorse Plebiscite Ordinance do solemnly swear that I will act faithfully in my said capacity of election clerk and also that of Returning Officer if required to act as such according to law without partiality, fear, favour or affection. So help me God.

.....  
Signature of Official  
Administering Oath.

.....  
Signature of Election Clerk.

## FORM F.

CERTIFICATE OF ELECTION CLERK HAVING TAKEN THE  
OATH OF OFFICE

I, the undersigned, hereby certify that on the.....day  
of....., A. D. 1946, .....Election Clerk  
appointed under the provisions of the Whitehorse Plebi-  
scite Ordinance took and subscribed before me the oath of  
office required in such case of an election clerk by the said  
Ordinance.

In witness whereof I have delivered to him this certifi-  
cate under my hand.

.....  
Signature of Officer Administering Oath.

## FORM G.

## PROCLAMATION OF RETURNING OFFICER

## P R O C L A M A T I O N

Yukon Territory }  
To-wit }

Public notice is hereby given to the voters of Whitehorse,  
being the following described area: Lots One (1) to Four  
(4) both inclusive in Group (5) in the Yukon Territory  
as the same is shown upon a plan of survey of same regis-

tered in the Department of the Interior at Ottawa as No. 8406 and in addition that portion of the Right of Way of the British Yukon Railway Company and the water front and shoreline of the Lewes River lying between the extension easterly to the said Lewes River of the most southerly boundary of said Lots One (1) and Two (2) and the most northerly boundary of said Lots Three (3) and Four (4), that in obedience to the Whitehorse Plebiscite Ordinance I require the presence of said voters at a poll to be open and held on the.....day of....., A. D. 1946, from the hour of nine o'clock in the forenoon until the hour of six o'clock in the afternoon in each of the following polling places, that is to say—

Polling Place No. 1.....at.....  
 (Clearly describe the polling station)

and so continue for all other polling places in the said area.

to determine whether or not "An Ordinance to Incorporate the City of Whitehorse" shortly entitled "The Whitehorse City Charter" passed at the last session of the Yukon Council shall be brought into force.

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

Ballot on the incorporation of the City of Whitehorse under "The Whitehorse Plebiscite Ordinance."	Are you in favour of the incorporation of the City of Whitehorse as provided in "An Ordinance to incorporate the City of Whitehorse" passed at the last session of the Yukon Council?	Yes	No

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

.....  
 Returning Officer.

## FORM H.

## INSTRUCTION FOR VOTER UNDER SECTION 12

RE MANNER OF VOTING UNDER THE WHITEHORSE  
PLEBISCITE ORDINANCE

1. Every man or woman not being an Indian who is a British subject of the full age of twenty-one years and who is either:

- (a) In his own right a freeholder within the area described in section 2 hereof; or
- (b) A householder within said area who has resided therein for not less than six months previous to the polling day, and who pays a yearly rental of not less than \$200.00;

shall be entitled to vote.

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

3. The voter on entering the polling booth shall state his name, occupation and residence to the Deputy Returning Officer, and after taking the oath of qualification as required by the abovementioned Ordinance and receiving a ballot as provided for the purpose of this plebiscite, the voter shall go to the compartment provided for the secret marking of the ballot and with a pencil provided in the compartment if he so desires to vote in favour of the incorporation of the City of Whitehorse under the provisions of "The Whitehorse City Charter" as passed by the Yukon Council at its last session, mark with a cross, thus, "X" in the space underneath the word "Yes." If he desires to vote against such incorporation he shall mark the cross in the space beneath the word "No."

4. The voter shall, before leaving the compartment, fold up the ballot paper so as to show the initials of the Deputy Returning Officer on the back of it, and so that the

number on the counterfoil can be seen without opening it, and shall then leave the compartment, and, without showing the face of the ballot to anyone, shall deliver such ballot, so folded, to the Deputy Returning Officer, to be by him put in the proper ballot box in the presence of the voter, and shall then forthwith leave the polling place.

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

6. If the voter places on the ballot paper any mark other than such cross or any mark by which he can be identified, his ballot will be void and will not be counted.

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

8. Any voter who fails to return to the Deputy Returning Officer the ballot paper handed him by such officer or hands the Deputy Returning Officer any paper other than the ballot paper so delivered to him or by any means causes to be put into the ballot box any other paper than the ballot handed him by the Deputy Returning Officer, shall be liable to a fine not exceeding five hundred dollars and costs, or to be imprisoned for a term not exceeding one year or both.

9. The ballot to be used is in the following form:

Ballot on the incorporation of the City of Whitehorse under "The Whitehorse Plebiscite Ordinance."	Are you in favour of the incorporation of the City of Whitehorse as provided in "An Ordinance to incorporate the City of Whitehorse" passed at the last session of the Yukon Council?	Yes	No.

FORM I.

OATH OF DEPUTY RETURNING OFFICER (Section 15-1)

I, the undersigned....., appointed Deputy Returning Officer for polling place number.....of the proposed City of Whitehorse, do solemnly swear that I will act faithfully in my said capacity as Deputy Returning Officer without partiality, fear, favour or affection. So help me God.

Sworn before be at.....  
in the Yukon Territory,  
this.....day of.....,  
A. D. 19.....

.....  
Signature of Deputy Returning Officer.

.....  
Signature of Officer Administering Oath.

FORM J.

POLL BOOK (Sec. 24)

Yukon Territory, District of Whitehorse.

Polling Place No. ....

Whitehorse Plebiscite held on the

day of

A. D. 19.....

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

Remarks at opening of poll.

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

Summary of Count of Ballots:  
 Rejected ballots .....  
 Spoiled ballots .....  
 Counted in favour .....  
 Counted not in favour.....  
 Total ballots counted .....

I, ....., Deputy Returning Officer (or Poll Clerk acting as Deputy Returning Officer) for Polling Place..... hereby certify and declare: That the entries appearing in this poll book are correctly made, that the number of ballots cast at the polling place..... on this..... day of....., 19....., according to the provisions of the Whitehorse Plebiscite Ordinance and an Ordinance respecting Elections was.....; That I have opened the ballot box for the aforesaid polling division in the presence of..... and have counted the ballots therein and that there were..... ballots therein; that I have counted the number of rejected ballots therein and that there were..... such ballots therein; that I have counted the number of accepted ballots therein and that there were..... such ballots therein; that I opened and examined the said accepted ballots and that..... were so marked that the intent of the voter using such ballots had been made plain; that of the accepted ballots cast by which the intent of the voter had been made plain..... have been counted as having been cast in favour of the question submitted and..... have been counted as having been cast as not being in favour of the question submitted.

Dated at..... this..... day of....., 19..... (Signatures) C. D. Deputy Returning Officer.

## FORM K.

## OATH OF POLL CLERK (Sec. 18)

I, the undersigned....., appointed Poll Clerk for polling place number....., of the proposed City of Whitehorse, do solemnly swear that I will act faithfully in my capacity as Poll Clerk and also in that of Deputy Returning Officer if required to act as such according to law without partiality, fear, favour or affection. So help me God.

Sworn before me at..... }  
 in the Yukon Territory, }  
 this.....day of..... }  
 A. D. 19..... }

.....  
 Signature of Poll Clerk.

.....  
 Signature of Officer Administering the Oath

## FORM L.

## OATH OF QUALIFICATION (Sec. 26)

You swear that you are legally qualified to vote upon this plebiscite, that you are a British subject of the full age of twenty-one years, that you are, either:

- (a) In your own right a freeholder within the area comprised within the limits of the proposed City of Whitehorse; or
- (b) A householder within such area and have resided therein for not less than six months previous to this date and pay a yearly rental of not less than \$200.00.

and that you have not voted before at this or any other polling place. So help you God.



## CHAPTER 10

---

### AN ORDINANCE TO AMEND "THE ASSESSMENT ORDINANCE."

*(Assented to May 6th, 1946.)*

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

1. Section 14 of "The Assessment Ordinance, being Chapter 5 of The Consolidated Ordinances of the Yukon Territory, 1914, and amending Ordinances, is hereby repealed and the following substituted therefor:

"14. There shall be levied and collected annually on every railway within the Yukon Territory a tax equal to \$125 per mile of railway actually operated."

2. The said Ordinance is further amended by adding the following section immediately after section 56 therein: "56A." The provisions of this Ordinance in so far as they create a liability in any ratepayer in the area comprised or to be comprised in the City of Whitehorse for payment of rates, taxes and licenses hereunder to the Government of the Yukon Territory shall cease to have effect and shall become inoperative as and from the date upon which the City of Whitehorse shall or may become incorporated by proclamation of the Controller of the Yukon Territory. Forthwith after incorporation of the City of Whitehorse as aforesaid the Territorial Treasurer shall refund to every ratepayer in said city the amount of any rates, taxes or licenses which he has paid in excess of the proportionate amount of same due and payable to the Government of the Yukon Territory calculated as at the date of said incorporation."

## CHAPTER 11

---

### AN ORDINANCE TO AMEND THE GASOLINE AND FUEL OIL TAX ORDINANCE."

*(Assented to May 6th, 1946.)*

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

1. The "Gasoline and Fuel Oil Tax Ordinance," being Chapter 6 of The Ordinances of the Yukon Territory, 1940, and amending Ordinances, is hereby amended by striking out the definition of "gasoline" and "fuel oil" where the same appears in section 2 of said Ordinance and substituting the following therefor:

"Gasoline" means the liquid derived from petroleum or natural gas commonly known or sold as gasoline.

2. The said Ordinance is further amended by striking out the words or expressions "fuel oil," "and fuel oil" and "or fuel oil," wherever the same appear in any section of said Ordinance.

## CHAPTER 12

---

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

*(Assented to May 6th, 1946.)*

*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, 1946; 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, 1947; 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 1947;

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 five hundred and sixty thousand two hundred seventy dollars and eighteen cents for defraying the several charges and expenses of the Public Service of the Yukon Territory for the year ending March 31st, 1946, 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 one thousand five hundred and five dollars and ninety-two cents for defraying the several charges and expenses of the Public Service of the City of Dawson for the year ending March 31st, 1946, 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 six hundred and two thousand seven hundred dollars for defraying the several charges and expenses of the Public Service of the Yukon Territory for the twelve months ending March 31st, 1947, as set forth in Schedule "B" of this Ordinance.

3. From and out of the funds at the disposal of the Yukon Council there shall and may be paid and applied a sum not exceeding forty-two thousand nine hundred dollars for defraying the several charges and expenses of the Public Service of the City of Dawson for the twelve months ending March 31st, 1947, as set forth in Schedule "C" of this Ordinance.

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

## SCHEDULE "A"

Further sums granted to the Controller by this Ordinance for the twelve months ending March 31st, 1946, and for the purposes for which they are granted:

## SCHOOLS:

Generally .....	\$ 451.79	
Dawson .....	486.79	
Destruction Bay .....	1,503.58	
Teslin .....	1,483.03	
Auto Transportation .....	978.00	
	<u>          </u>	\$ 4,903.10

## HOSPITALS, CHARITIES AND PUBLIC HEALTH:

Public Health and Care In-		
digents .....	\$ 3,463.75	
Whitehorse Public Cemetery	172.41	
	<u>          </u>	3,636.16

## MISCELLANEOUS:

Printing and Stationery.....	\$ 82.09	
Cost-of-Living Bonus .....	1,494.27	
Contingencies .....	15,564.22	
	<u>          </u>	17,140.58

ROADS .....		18,931.92
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GOVERNMENT LIQUOR STORE ORDINANCE .....		515,658.33
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	<u>          </u>	\$560,270.18
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## CITY OF DAWSON:

Printing and Stationery.....	\$ .52	
Streets and Sidewalks .....	1,030.82	
Cost-of-Living Bonus .....	474.58	
	<u>          </u>	\$ <u>1,505.92</u>

## SCHEDULE "B"

Sums granted to the Controller by this Ordinance for the twelve months ending March 31st, 1947, and the purposes for which they are granted:

## SALARIES AND TRAVELLING EXPENSES

Salaries .....	\$ 10,200.00	
Accumulated Holiday allowance and gratuity, J. H. McNeill....	3,365.00	
Travelling Expenses.....	1,800.00	
	<u>          </u>	\$ 15,365.00

## YUKON COUNCIL

Sessional Indemnity and Trav- elling Expenses .....	\$ 1,450.00	
Election New Council .....	2,350.00	
	<u>          </u>	3,800.00

## SCHOOLS

School Generally .....	\$ 5,325.00	
Dawson School .....	19,000.00	
St. Mary's School .....	3,600.00	
Whitehorse School .....	27,500.00	
Mayo School .....	4,010.00	
Carcross School .....	3,425.00	
Destruction Bay School.....	2,460.00	
Teslin School .....	2,460.00	
Auto Transportation .....	2,800.00	
	<u>          </u>	70,580.00

## HOSPITALS, CHARITIES AND PUBLIC HEALTH

Grant, St. Mary's Hospital .....	\$ 72,000.00	
Grant, Whitehorse Hospital .....	25,000.00	
	<u>          </u>	
Carried forward .....	\$ 97,000.00	\$ 89,745.00

Brought forward .....	\$ 97,000.00	\$ 89,745.00
Salary, Medical Health Officer and Services Indigents, Dawson District .....	1,800.00	
Salary, Medical Health Officer and Services Indigents, Whitehorse District .....	1,200.00	
Public Nursing Service, Mayo....	1,800.00	
Public Health and Care of In- digents .....	36,000.00	
Venereal Diseases Prevention....	750.00	
Care Indigent Half-breed and White Children at St. Paul's Hostel .....	5,000.00	
Whitehorse Public Cemetery— Painting Fence .....	400.00	
	<hr/>	143,950.00

## GRANTS

Dawson Library and Reading Room .....	\$ 900.00	
Whitehorse Library and Read- ing Room .....	900.00	
Mayo Library and Reading Room .....	450.00	
Yukon Law Library .....	150.00	
Dawson Branch, B. C.-Yukon Chamber of Mines .....	750.00	
Yukon Fish and Game Associa- tion .....	500.00	
City of Dawson .....	18,000.00	
City of Whitehorse in re Incor- poration .....	10,000.00	
	<hr/>	31,650.00
Carried forward .....		<hr/> \$265,345.00

Brought forward ..... \$265,345.00

MISCELLANEOUS EXPENDITURES

Territorial Agent; Whitehorse....\$	750.00	
Town of Whitehorse .....	27,360.00	
Territorial Assay Office .....	5,700.00	
Printing and Stationery .....	4,000.00	
Consolidation of Ordinances.....	5,000.00	
Cost-of-Living Bonus .....	9,000.00	
Contingencies .....	2,500.00	
Cost of Plebiscite re incorpora- tion of City of Whitehorse....	545.00	
	<hr/>	54,855.00

BOUNTY ON WOLVES AND COYOTES

Bounty on Wolves and Coyotes ..... 12,500.00

ROADS, BRIDGES AND PUBLIC WORKS

Ferry Service, Yukon River at Dawson .....	\$ 5,000.00	
Dawson to Miller Creek and In- ternational Boundary .....	5,000.00	
Dawson to Granville via Domin- ion and Sulphur Creek Roads	11,000.00	
Bonanza, Eldorado, Quartz Creek and Indian River.....	4,000.00	
Klondike Road; Mouth of Hun- ker Creek to North Fork Ferry .....	3,500.00	
Clear Creek Road .....	2,000.00	
Completion of Road to connect Klondike Road with Clear Creek Road at Barlow.....	23,000.00	
Renewal and Repair Bridges, Mayo District .....	25,000.00	
Mayo District Roads .....	17,000.00	
Whitehorse District Roads .....	5,000.00	
	<hr/>	
Carried forward .....	\$100,500.00	\$332,700.00



Brought forward .....	\$100,500.00	\$332,700.00
Road from Alaska Highway to Whitehorse Rapids .....	5,000.00	
Coverland Road, Dawson and Mayo to Alaska Highway, not otherwise provided.....	5,000.00	
Thistle Creek and Henderson Creek Roads .....	4,000.00	
Britannia and Canadian Creek Roads .....	4,000.00	
Winter Roads .....	9,000.00	
Maintenance Road Equipment, Garages, including gasoline and oils .....	18,000.00	
Sundry Roads and General Ex- penses .....	3,350.00	
Aviation Fields; Improvements and Maintenance .....	5,000.00	
Purchase of Equipment .....	116,150.00	
	<hr/>	270,000.00
Total Estimated Expenditure.....		<u>\$602,700.00</u>

## SCHEDULE "C"

## CITY OF DAWSON

Fire Department .....	\$ 15,831.00
Hydrant Service .....	14,469.00
Street Lighting .....	2,825.00
Printing and Stationery.....	250.00
Salaries .....	1,120.00
Cost-of-Living Bonus to Em- ployees .....	450.00
Contingencies .....	100.00
Streets and Sidewalks .....	7,855.00
	<hr/>
	\$ 42,900.00

3. In the event of there being a surplus of moneys 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 moneys shall forthwith, on the acceptance of such work<sup>s</sup> 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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