



ORDINANCES  
OF THE  
**YUKON TERRITORY**

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PASSED BY THE  
**YUKON COUNCIL**

IN THE YEAR  
**1965**

FIRST SESSION

G. R. CAMERON  
COMMISSIONER

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1965 (FIRST SESSION)

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CHAPTER 1

ORDINANCES OF THE YUKON TERRITORY

1965 (First Session)

AN ORDINANCE RESPECTING THE LEGAL  
PROFESSION ACCOUNTS

(Assented to April 8th, 1965)

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

1. This Ordinance may be cited as the *Legal Profession Accounts Ordinance*. Short Title.

2. In this Ordinance, Definitions.

(a) "Barrister and Solicitor" shall include a person who is either a Barrister or a Solicitor, a firm of Barristers and Solicitors and a firm of Solicitors; "Barrister and Solicitor."

(b) "money" includes currency, Government or Bank notes, cheques, drafts, post office and express and Bank money orders; "Money."

(c) "client" is a person or body of persons, corporate or incorporate, on whose behalf a Barrister or a Solicitor receives money in connection with his practice; "Client."

(d) "clients' account" shall mean clients' or trust bank account; "Clients' account."

(e) "Legal Advisor" means a person who holds the office of Legal Advisor to the Council of the Yukon Territory. "Legal Advisor."

3. Every Barrister and Solicitor carrying on the practice of law in the Yukon Territory shall keep such books, records and accounts in connection with his practice as may be necessary to show and readily distinguish Books of account.

(a) money received from or on behalf of, and money paid to or on behalf of, each of his clients; and the amount of money held on behalf of each client; and

(b) money received and paid on his own behalf.

Clients' funds.

4. (a) Every Barrister and Solicitor carrying on the practice of law in the Yukon Territory shall have at least one bank account in a chartered bank or trust company designated both in his books and the records of the bank as a clients' or trust account.

(b) All cheques drawn on this account shall be clearly marked as clients' or trust account.

Clients' funds.

5. Every Barrister and Solicitor shall, upon receipt of the same, pay into his clients' account

(a) all money held for or received on behalf of a client;

(b) money a part of which belongs to the client and is to be held on his behalf and part of which belongs to the Barrister and Solicitor, provided that where the money may be readily divided the money which belongs to the Barrister and Solicitor need not be paid into the clients' account.

Withdrawal from clients' account.

6. No money shall be withdrawn from a client's account except

(a) money paid to a client from funds which have been deposited in a client's account to such client's credit;

(b) money paid on behalf of a client either from funds deposited in the client's account to such client's credit, or from funds belonging to the Barrister and Solicitor;

(c) money required for payment directly to the Barrister and Solicitor for or on account of services rendered to or disbursements made on behalf of a client whose money has been deposited in the client's account;

(d) money paid into the client's account by mistake.

Exemptions.

7. Sections 5 and 6 shall not apply to money which

(a) a client requests the Barrister and Solicitor in writing to withhold from the client's account;



- (b) the Barrister and Solicitor pays into a separate account opened in the name of the client or someone named by that client or his duly appointed agent;
- (c) upon receipt is paid on behalf of the client directly to the client or to a third person in the form in which it is received.

**8.** A Barrister or Solicitor shall at all times maintain on deposit in his clients' account sufficient funds to meet his gross liability in respect of trust funds deposited in that account and shall reconcile the gross trust liability in respect to trust funds with the funds on deposit in his clients' or trust account at least once in each period of three months.

**9.** Nothing in these rules shall deprive a Barrister or Solicitor of any recourse or right whether by way of lien, set-off, counter claim, charge or otherwise, against money standing to the credit of a client's account.

**10.** (1) The Legal Advisor may, when he deems it necessary, order and provide for the audit of a Barrister's or Solicitor's books and accounts and the Barrister or Solicitor shall forthwith make his books and accounts fully available for examination by the Legal Advisor or person or persons designated by him in writing to conduct the audit. Audit.

(2) The order of the Legal Advisor directing the audit shall be sufficiently served if served upon the Barrister or Solicitor personally or upon any partner or person appearing to be employed at the office of the Barrister or Solicitor or by registered post addressed to the Barrister or Solicitor.

**11.** (a) Save as hereinafter provided, every Barrister and Solicitor carrying on the practice of law in the Yukon Territory shall deliver to the Legal Advisor on or before 1st day of September in each year a Certificate in Form A in the Schedule of a chartered accountant made up to the end of a twelve-month fiscal period ended no earlier than the first day of January of that year. Auditor's Certificate.

(b) If a certificate relating to a full twelve-month fiscal period ended as aforesaid cannot be delivered by a

Barrister or Solicitor by reason of broken practice periods, practice within or without partnerships, or for any other reason approved by the Legal Advisor, such certificate shall relate to such period or periods as may be designated by the Legal Advisor, and in such case application for designation containing full particulars or the reasons therefor shall be made in writing to the Legal Advisor no later than 1st day of June in each year.

(c) Delivery of a certificate in Form A shall not be required in the case of a Barrister or Solicitor who satisfies the Legal Advisor by Statutory Declaration or otherwise that he has not had occasion to maintain a client's trust account.

12. The Legal Advisor shall direct the Territorial Treasurer of the Yukon Territory to withhold the issue of an Annual Practice Certificate to any Barrister or Solicitor who does not comply with the requirements of this Ordinance, and may apply to the Territorial Judge for an order suspending the Barrister or Solicitor from practice until he has complied fully with the requirements of this Ordinance or the directions of the Legal Advisor given pursuant to this Ordinance.

SCHEDULE

FORM A  
(Section 11)

AUDITOR'S CERTIFICATE

TO: The Legal Advisor  
Yukon Territorial Government  
Whitehorse, Yukon Territory.

I/WE have reviewed the trust books of account and trust accounting record of \* ..... for the period of twelve months ending .....

My/Our review consisted of a general survey of the accounting procedures and such tests of accounting records and other supporting evidence as I/we consider necessary in the circumstances, and I/we obtained all the information and explanations I/we require.

Based on our review and survey we report that as at the..... day of....., 19.....:

1. In my/our opinion ..... has/have kept such books, records and accounts in connection with his/their practice as are necessary to show and readily distinguish:

- (a) money received from or on behalf of, and money paid to or on behalf of each of his/their clients; and the amount of money held on behalf of each client;
- (b) money received and paid on his/their own behalf.

2. .... has at all times during the twelve months ended ..... maintained a bank account or accounts in a chartered bank or trust company designated both in his/their books and in the records of the bank or trust company as a clients' or trust account or accounts.

3. .... has satisfied us that he/they has/have at least once every three months for the period covered by this Certificate reconciled the gross trust liability in respect to trust funds as disclosed by his/their books with the funds on deposit in his/their said clients' or trust account or accounts.

4. That on the said ..... day of ..... , 19..... the funds on deposit in the said clients' trust bank or trust company account or accounts of the said ..... were sufficient to meet his their gross trust liability.

The Barristers and Solicitors who were. on the said ..... day of....., 19..... partners or associates of the above firm and whose trust accounts were reviewed were

DATED at..... ) ..... Yukon Territory, this..... ) ..... day of ..... 19 ..... ) (Qualification)

\* Where applicable, rather than repeating the name of the firm in succeeding paragraphs, reference may be made "to the above firm".

CERTIFICATE OF BARRISTER OR SOLICITOR PERSONALLY OR ON BEHALF OF HIS FIRM TO ACCOMPANY AUDITOR'S CERTIFICATE

I hereby certify that all trust accounts maintained or required to be maintained pursuant to the *Legal Profession Accounts Ordinance* of the Yukon Territory by the above named Barristers and or Solicitors were disclosed to the above named.

.....

## CHAPTER 2

## ORDINANCES OF THE YUKON TERRITORY

1965 (First Session)

AN ORDINANCE TO AMEND THE ENGINEERING  
PROFESSION ORDINANCE*(Assented to April 12th, 1965)*

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

R.O.Y.T.  
1958 c.36  
1961(1st)c.8  
1963(1st)c.7

1. Section 12 of the *Engineering Profession Ordinance* is repealed and the following substituted therefor:

"12. (1) The Council shall admit a person to membership in the Association who

Admission to  
membership.

- (a) applies for membership in the Association in the form prescribed by the Council;
- (b) has attained the age of 23 years;
- (c) has produced evidence to the Council that he is of good character and repute;
- (d) establishes to the satisfaction of the Council
  - (i) that he is a duly registered member in good standing of an association or corporation of professional engineers of any province of Canada, or
  - (ii) that he is fully qualified for admission to membership in one of the associations or corporations referred to in sub-paragraph (i) in accordance with the relevant laws governing admission to such membership;
- (e) has had at least two years actual experience in engineering work of a nature satisfactory to the Council; and

(f) pays all fees prescribed by the Council.

Issue a temporary licence.

(2) The Council may, subject to such terms and conditions as it may impose, issue a temporary licence to engage in the practice of professional engineering in the Territory to any person who

(a) is qualified for membership in the Association pursuant to subsection (1),

(b) applies for a temporary licence in the form prescribed by the Council, and

(c) pays all fees prescribed by the Council.

Licence to specify.

(3) A temporary licence shall specify

(a) the purposes for which it is issued, and

(b) the period during which it shall remain in force.

Corporations and partnerships.

(4) No corporation or partnership shall

(a) be admitted as a member in the Association, or

(b) be issued a temporary licence.

(5) Where professional engineers are employed by corporation or are members of partnerships, they individually shall assume the functions of and be held responsible as professional engineers."

## CHAPTER 3

## ORDINANCE OF THE YUKON TERRITORY

1965 (First Session)

AN ORDINANCE TO AMEND THE SCHOOL  
ORDINANCE*(Assented to April 12th, 1965)*

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

O.Y.T.  
1962(1st)c.7;  
1964(1st)c.7.

1. The *School Ordinance* is amended by adding thereto, immediately after section 88 thereof, the following section:

"88A. (1) Subject to this section, the Superintendent may grant leave of absence with pay to a teacher to the extent that he has earned that leave in accordance with subsection (2) hereinafter called "special leave"

Special  
leave.

- (a) where there is illness or a death in the teacher's family;
- (b) where circumstances other than illness or quarantine, not directly attributable to the teacher, prevent his reporting for duty; or
- (c) under such other circumstances as the Commissioner approves.

(2) Every teacher shall earn special leave at a rate of one-half day for each month of continuous employment up to a maximum of thirty days.

Earning of  
special  
leave.

Except with the approval of the Commissioner, special leave shall not be granted by the Superintendent to a teacher for a period in excess of six days."

Maximum that  
may be  
granted.

CHAPTER 4

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ORDINANCES OF THE YUKON TERRITORY

1965 (First Session)

AN ORDINANCE TO AMEND THE WORKMEN'S  
COMPENSATION ORDINANCE

(Assented to April 12th, 1965)

R.O.Y.T.  
1958 c.111;  
1959(1st)c.9;  
1961(2nd)c.8.

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 *Workmen's Compensation Ordinance* is amended by adding thereto, immediately after section 3 thereof, the following section:

Does not  
apply to an  
executive  
officer.

"3A. (1) This Ordinance does not apply to an executive officer who has notified the Commissioner in writing that he wishes to be exempt therefrom.

"Executive  
officer"  
defined.

(2) For the purposes of this section, "executive officer" means a person who is employed by a corporation and who has power to guide or control the policies or purposes of that corporation."

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## CHAPTER 5

## ORDINANCES OF THE YUKON TERRITORY

1965 (First Session)

AN ORDINANCE TO AMEND THE GAME  
ORDINANCE*(Assented to April 8th, 1965)*

R.O.Y.T.  
1958 c. 50;  
1959 (1st) c.3;  
1959 (2nd)  
c.4;  
1961 (2nd)  
c.10;  
1964 (1st)  
c.10.

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

1. Section 42 of the *Game Ordinance* is hereby repealed and the following substituted therefor:

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

(2) The Director may, upon application therefor, issue an assistant guide licence to anyone who can satisfy the Director that

- (i) he is physically sound,
- (ii) he is of good character,
- (iii) he has sufficient knowledge of the area to be hunted,
- (iv) he has sufficient knowledge of hunting methods,
- (v) he has sufficient knowledge of care of trophies in the field,
- (vi) he has sufficient knowledge of this Ordinance and the regulations, and
- (vii) he has sufficient knowledge of first aid.

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

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

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

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CHAPTER 6

ORDINANCES OF THE YUKON TERRITORY

1965 (First Session)

AN ORDINANCE TO AMEND THE LICUOR  
ORDINANCE

(Assented to April 12th, 1965)

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

R.O.Y.T.  
1958 c.67;  
1959 (1st) c.6;  
1961 (2nd)  
c.6;  
1962 (1st)  
c.16;  
1962 (5th)  
c.11;  
1962 (5th)  
c.14;  
1963 (1st) c.9;  
1963 (1st)  
c.12;  
1964 (1st)  
c.12.

1. Subsection (1) of section 2 of the *Liquor Ordinance* shall be amended by the addition thereto of the following:

“(qq) “residence” means,

“Residence.”

- (i) a building or part of a building that is *bona fide* and actually occupied and used by the owner, lessee or tenant solely as a private dwelling together with the lands and buildings appurtenant thereto that in fact are normally and reasonably used as part of the living accommodation;
- (ii) a private guest room in an hotel or motel that is *bona fide* and actually occupied as such by a guest of the hotel or motel;
- (iii) a camper unit, trailer or tent that is *bona fide* and actually used by the owner, lessee or tenant as a private dwelling, together with the land immediately appurtenant thereto that in fact is reasonably used as part of the living accommodation; or
- (iv) a vessel that is *bona fide* and actually used by the owner, lessee or tenant as a private dwelling.”

2. Section 9 of the said Ordinance is hereby repealed and the following substituted therefore:

“9. (1) Liquor stores in the City of Whitehorse shall be open for the sale of liquor from ten o'clock in the forenoon to ten o'clock in the afternoon from Monday through Saturday inclusive.

Whitehorse  
Liquor Store.

Other liquor stores.

(2) Subject as hereinafter provided liquor stores elsewhere in the Territory shall be open for the sale of liquor from ten o'clock in the forenoon to twelve noon and from two o'clock in the afternoon to six o'clock in the afternoon from Monday through Friday inclusive and on Saturday from two o'clock in the afternoon to five o'clock in the afternoon and from six o'clock in the afternoon to eight o'clock in the afternoon.

Variation.

(3) Notwithstanding the two preceding subsections the hours for liquor stores may be established by regulation of the Commissioner in the City of Whitehorse or any settlement if a licence for sale for off-premises consumption has been issued and is subsisting.

Off licences.

(4) Where the retail sale of liquor from licenced premises for off-premises consumption is allowed by order of the Commissioner, the hours for such retail sale shall be set out in the order together with other provisions to control price and serving facilities.

Trade deliveries.

(5) Sales or delivery of liquor from liquor stores may be made to licencees or their agents duly authorized in writing during such times as the Commissioner may establish by regulation.

Polling days.

(6) Nothing in this Ordinance shall authorize the sale or delivery of liquor on any legal holiday or on any day on which polling takes place at any election or plebiscite in the electoral district in which the liquor store is situate."

3. Subsection (2) of section 12 of the said Ordinance is hereby repealed and the following substituted therefor:

Licence forms.

"12. (2) Every licence granted under the provisions of this Ordinance shall be in prescribed form."

4. Subsection (1) of section 12A of the said Ordinance is hereby repealed and the following substituted therefor:

"12A.(1) In premises licensed as taverns no entertainment other than recorded music operated and controlled by the licensee is permitted but this shall not operate to prohibit darts, shuffleboard and other games of skill."

5. Subsection (2) of section 12A of the said Ordinance is hereby repealed and the following substituted therefor:

"12A.(2) A cocktail lounge located within a distance of 25 miles from the boundary of the City of Whitehorse in respect of which an entertainment licence is issued shall be classified as a cabaret-lounge, but this classification shall not be applied to cocktail lounges outside such area and such cocktail lounges will operate during the hours permitted for cocktail lounges notwithstanding entertainment is offered."

6. Subsection (5) of section 12A of the said Ordinance is hereby repealed.

7. Subsection (8) of section 12A of the said Ordinance is hereby repealed and the following substituted therefor:

"12A.(8) Any licensee permitting entertainment in licensed premises for which an entertainment licence is required without having such a license in force is guilty of an offence."

8. Subsection (9) of section 12A of the said Ordinance is hereby repealed.

9. Subsection (1) of section 12B of the said Ordinance is hereby repealed and the following substituted therefor:

"12B.(1) The Commissioner, subject to such conditions as he may impose, to ensure public safety and good operating standards, may grant to the operator of a dining-room or other premises where food is prepared and served for consumption on the premises a licence to sell beer and wine with meals, and for the purposes of this section liqueurs shall be deemed to be wines and may be sold in conjunction with meals."

10. Subsection (2) of section 12B of the said Ordinance is hereby repealed and the following substituted therefor:

"12B.(2) Licences granted under subsection (1) shall expire at midnight on the 31st day of March next following the day on which it was issued."

11. Subsection (5) of section 12B of the said Ordinance is hereby repealed and the following substituted therefor:

**Staff.**

“12B.(5) The employment in premises licensed in subsection (1) of this section of kitchen help or serving staff who have attained their eighteenth birthday is hereby permitted and, subject to the general supervision of an adult person, such staff may dispense and sell beer and wine which shall include liqueurs to patrons.”

**12.** Subsection (6) of section 12B of the said Ordinance is hereby repealed and the following substituted therefor :

**Entry.**

“12B.(6) An inspector may enter and inspect premises licenced under the provisions of subsection (1).”

**13.** Subsection (9) of section 12B of the said Ordinance is hereby repealed and the following substituted therefor :

**Records.**

“12B.(9) Any licensee failing to keep proper records or refusing to make them available to the inspector or furnishing false information in such records is guilty of an offence.”

**14.** Section 12C of the said Ordinance is hereby repealed.

**15.** Subsection (3) of section 12D of the said Ordinance is hereby repealed.

**16.** Section 23 of the said Ordinance is hereby repealed.

**17.** Section 24 of the said Ordinance is hereby repealed and the following substituted therefor :

“24. (1) In the Municipality of Whitehorse no liquor licence in respect of a tavern or cocktail lounge shall be granted except to a hotel that has at least thirty furnished and serviced bedrooms regularly available for the accommodation of the travelling public.

(2) In support of an application for a licence in the area of the City of Whitehorse the applicant must produce to the Commissioner a certified copy of a resolution of the City Council approving the granting of a licence.”

**18.** Section 25 of the said Ordinance is hereby repealed and the following substituted therefor :

“25. No liquor licence in respect of premises in any municipality or settlement outside the City of White-

horse shall be granted unless the premises have at least twenty furnished and serviced bedrooms regularly available for the accommodation of the travelling public."

**19.** Subsection (3) of section 29 of the said Ordinance is hereby repealed and the following substituted therefor:

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

**20.** Section 31 of the said Ordinance is hereby amended by the addition thereto of the following subsection.

"31. (6) In premises where draft beer is retailed the beer must be supplied in a glass with a capacity of twelve fluid ounces and it shall be an offence to supply less than ten ounces of draft beer in such glass."

**21.** Paragraph (b) of subsection (2) of section 45 of the said Ordinance is hereby repealed and the following substituted therefor:

"45.(2) (b) Have or keep liquor not purchased from a liquor store but this does not operate to prohibit the keeping of beer or wine if made by a member of the household where the beer or wine is kept if such person is the holder of a valid permit to make such beer or wine, and it shall be lawful for such permit-holder to dispense such home-brewed beer or wine in reasonable quantities without charge to members of his family and *bona fide* guests." Home brew.

**22.** Section 48 of the said Ordinance is amended by the deletion therefrom of the words "and not, in any case, in that part of the vehicle intended for the accommodation of the driver and other persons being carried therein." Motor vehicle transportation.

**23.** Subsection (4) of section 50 of the said Ordinance is hereby repealed and the following substituted therefor:

"50.(4) The possession by a person in a public place of liquor in any container other than a package of Evidence.

which the seal is unbroken, or other than a beer bottle from which the cap has not been removed, is *prima facie* proof that such person is consuming liquor in such public place.”

**24.** Subsection (2) of section 51 of the said Ordinance is hereby repealed and the following substituted therefor:

Saving for  
parents and  
others.

“51.(2) Subsection (1) does not apply to the supplying of liquor to a person under the age of twenty-one years by a parent or guardian in a private dwelling for consumption therein for beverage or medicinal purposes or to any such person by his physician or dentist for medicinal purposes or under prescription and it shall not be an offence for a person under the age of twenty-one to consume liquor so supplied.”

**25.** The said Ordinance is further amended by adding thereto the following section:

“52A. The Commissioner may by order allow the retail sale of liquor in any licensed premises for off-premises consumption and may make all necessary regulations to establish hours, prices and serving facilities at such licensed premises.”

**26.** Subsection (6) of section 77 of the said Ordinance is hereby repealed and the following substituted therefor:

“77.(6) A person violating any of the prohibitions contained in subsection (5) of this section is guilty of an offence and liable on summary conviction to a fine not exceeding \$200.00 or to imprisonment to a term not exceeding four months or to both such fine and imprisonment.”

**27.** Subsection (1) of section 86 of the said Ordinance is amended by the deletion of “and” at the end of paragraph (c); the deletion of the “period” at the end of paragraph (d) and the substitution therefor of “; and” and the addition thereto of the following:

“86.(1) (e) on each Imperial gallon of draft beer, ten cents.”

**28.** Paragraph (e) of subsection (1) of section 88 of the said Ordinance is amended by the deletion of “and” at the end thereof.



**29.** Paragraph (f) of subsection (1) of section 88 of the said Ordinance is amended by the deletion of "period" at the end thereof and the substitution therefor of "; and" and the addition thereto of:

"88.(1)(g) for controlling liquor advertising."

**30.** The Schedule to the said Ordinance is hereby repealed and the following substituted therefore:

---

**SCHEDULE**  
**FEEES FOR LICENCES AND PERMITS**

**1. Licences**

(a) Beer Licence	
(i) to a tavern .....	\$100.00
(ii) to a club .....	100.00
(iii) to a canteen or mess .....	5.00
(b) Liquor Licence	
(i) to a cocktail lounge .....	250.00
(ii) to a club .....	250.00
(iii) to a mess .....	5.00
(iv) off-premises sale from licensed premises .....	10.00
(c) a licence to sell beer and wine in a restaurant .....	25.00
(d) an entertainment licence where permitted occupancy is up to forty persons .....	25.00
where permitted occupancy is over forty persons .....	50.00

**2. Permits**

(a) Banquet permit .....	2.00
(b) Special Occasion permit .....	5.00

## TABLE OF PUBLIC ORDINANCES OF THE YUKON TERRITORY

1958 to 1965 (First Session)

Showing all the chapters of the Revised Ordinances 1958 with  
amendments thereto up to and including 1965 (First Session)

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"    Watson Lake.....		1959 (2nd) c.3
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"    Carmacks.....		1961 (1st) c.1-1964 (2nd) c.4- s.2 added
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Interpretation.....	58	1959 (1st) c.5-s.37 added
Intestate Succession.....	59	1962 (1st) c.19-s.5
Judicature.....	60	1960 (3rd) c.5-s.14; 51(1) 1961 (1st) c.7-s.51(1) 1964 (2nd) c.8-s.17(a); 37
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Loan Agreement (1961) No. 1.....	new	1961 (2nd) c.21
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	new	1959 (2nd) c.1 1960 (1st) c.6-s.99(aa) added; 28B; Sched. B(d); Sched. B(g) added 1961 (1st) c.6-s.109; 124(3); 133; 144; 238(b) 1961 (2nd) c.5-s.71(3) 1961 (2nd) c.9-s.122; 194

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ORDINANCES  
OF THE  
**YUKON TERRITORY**

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PASSED BY THE  
**YUKON COUNCIL**

IN THE YEAR  
**1965**  
SECOND SESSION

G. R. CAMERON  
COMMISSIONER

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1965 (SECOND SESSION)

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CHAPTER 1

ORDINANCES OF THE YUKON TERRITORY

1965 (Second Session)

AN ORDINANCE RESPECTING LOCAL IMPROVEMENT DISTRICTS

(Assented to December 14th, 1965)

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 *Local Improvement District Ordinance*. Short title.

INTERPRETATION.

- 2. In this Ordinance, Definitions.
  - (a) "District" means an area of the Territory established as a Local Improvement District under this Ordinance; "District."
  - (b) "fiscal year" means the twelve months ending the 31st day of March; "Fiscal year."
  - (c) "land" includes lands, tenements, hereditaments and buildings; "Land."
  - (d) "local improvements" means the supply of water, electricity or gas, and the provision of sewage and garbage collection services and other services normally found in organized communities; "Local improvements."
  - (e) "occupant" includes the resident occupier of land or, if there is no resident occupier, the owner or leaseholder thereof; "Occupant."
  - (f) "taxpayer" means a person whose name appears on the Tax Roll pursuant to the *Taxation Ordinance*, in respect of property within a District or a proposed District; and "Taxpayer."
  - (g) "trustee" means any person elected or appointed a trustee of a District under this Ordinance. "Trustee."

**ESTABLISHMENT OF DISTRICTS.**

Establishment of District.

**3.** (1) Whenever the Commissioner is satisfied that conditions in any area of the Territory, not contained in a municipality, warrant participation by taxpayers and occupants of land in that area in the operation of local improvements therein, he may by order establish a Local Improvement District.

Notice.

(2) The Commissioner shall give notice of his intention to establish a District

(a) by registered mail to all taxpayers of the proposed District; and

(b) in at least one issue of the *Yukon Gazette*.

Appeal.

(3) Any taxpayer of the proposed District may, within three weeks from the mailing of the notice provided for by subsection (2) or the publication of the notice in the *Yukon Gazette*, whichever occurs later, appeal in writing to the Commissioner against the establishment of the District.

Contents of establishment order.

**4.** An order establishing a Local Improvement District shall specify

(a) the name and boundaries of the District;

(b) the date and location of the first annual general meeting of the District;

(c) the name of the first three trustees appointed by the Commissioner; and

(d) the terms of office of the first appointed trustees.

Body corporate.

**5.** (1) The Taxpayers and occupants of a District established under section 3 shall be a body corporate having as its corporate name the name specified by the Commissioner in the order establishing the District.

Powers.

(2) The District shall have the power to purchase, acquire and hold land for the purpose of this Ordinance.

**TRUSTEES.**

Board of Trustees.

**6.** (1) Each District shall have a Board of Trustees consisting of three trustees.



(2) The Commissioner shall appoint the first three trustees of a District as follows:

Appointment of first trustees.

- (a) one to hold office until the first annual general meeting of the District;
- (b) one to hold office until the second annual general meeting; and
- (c) one to hold office until the third annual general meeting.

(3) Except for the first appointees, each trustee shall be elected to hold office for a term of three years.

Term of office.

(4) One trustee shall be elected at each annual general meeting.

Election at general meeting.

(5) Every person resident within a District who is a Canadian citizen or other British subject and has attained the age of twenty-one years and who

Qualifications of trustees.

- (a) is a taxpayer or spouse of a taxpayer in respect of real property within the District, with an assessed value of five hundred dollars or more, and
- (b) is not in arrears in the payment of his property taxes,

is eligible to hold office as a trustee.

(6) Every person resident within a District who is a Canadian citizen or other British Subject and has attained the age of twenty-one years and who

Qualifications of voters.

- (a) is a taxpayer or spouse of a taxpayer, or
- (b) is an occupant or spouse of an occupant who
  - (i) has resided within the area for not less than six months immediately prior to the date of the election, and
  - (ii) is liable for payment, directly or indirectly, of a yearly rental of not less than one hundred and eighty dollars in respect of his occupancy of real property within the District,

is eligible to vote at an election of trustees.

(7) The election of trustees shall be by secret ballot.

Secret ballot.

Election procedures.

(8) The procedures to be followed in the election of trustees shall be established from time to time by by-law.

Re-election of trustees.

(9) A trustee is eligible to be re-elected.

By-election.

7. (1) Subject to subsection (2), when the office of a trustee is vacant, the Board of Trustees shall within one month call a general meeting of the District for the purpose of holding an election to fill the vacancy.

By-election at annual meeting.

(2) Where the office of a trustee becomes vacant within one month before the next annual general meeting, the election to fill the vacancy shall be held at that meeting.

Appointment to fill vacancy.

(3) Where there is no candidate for the vacant office described in subsection (1) or, where for any other reason the vacant office is not filled by an election, the Commissioner shall appoint an individual to hold the office of trustee.

To serve for balance of term.

(4) An individual elected or appointed to fill the vacancy described in subsection (1) shall serve for the balance of the term of the office to which he is elected or appointed.

By-election procedures.

(5) An election to fill a vacancy in the office of a trustee shall be conducted in the same manner as the regular election of a trustee.

**ANNUAL GENERAL MEETING OF DISTRICT.**

Annual general meeting.

8. (1) An annual general meeting in each District shall be held during the first week in April in each year.

Board of Trustees to fix time and place.

(2) The Board of Trustees shall fix the time and place of each annual general meeting subsequent to the first meeting.

Notice of meeting.

(3) The Board of Trustees shall give notice of the time and place of the annual general meeting

(a) by posting notices in conspicuous places in the District; and

(b) by advertising in three issues of a newspaper circulating in the District beginning with an issue published not more than three weeks and not less than two weeks before the time set for the meeting.

Chairman of meeting.

(4) The Chairman of the Board of Trustees shall be the chairman of the annual general meeting and, in the

absence of the Chairman, the trustees shall appoint one of their number to act as chairman of the meeting.

(5) At the annual general meeting the Board of Trustees shall present a report of their activities during the past fiscal year and the meeting may pass resolutions for the guidance of the trustees.

Business of meeting.

**MEETINGS OF BOARD OF TRUSTEES.**

9. (1) The Board of Trustees shall meet at least once a month.

Board of Trustees meet once a month.

(2) The Board of Trustees shall hold its first meeting in each fiscal year not later than thirty days after the day on which the annual general meeting of the District was held.

First Board meeting in year.

(3) Two trustees shall constitute a quorum of the Board of Trustees, and a vacancy in the membership of the Board does not impair the right of the remaining members to act.

Quorum.

(4) The Board of Trustees, at its first meeting in each year and at its first meeting after a vacancy occurs in the office of chairman, shall designate one of its members to be chairman of the Board.

Chairman.

(5) The chairman may vote on any matter coming before the Board of Trustees and any question on which there is an equality of votes shall be deemed to be defeated.

Voting.

(6) Where the chairman is absent from any meeting of the Board of Trustees, the Board shall appoint one of its members to act as chairman.

Absence of chairman.

(7) Adequate records shall be maintained of all business transacted during a meeting of the Board of Trustees.

(8) The Board of Trustees may from time to time

Officers and salaries.

(a) appoint a secretary and such other officers and employees as in their discretion they may consider necessary to operate and maintain local improvements and to keep the records of the District; and

(b) subject to the approval of the Commissioner, fix the salaries or wages of the persons so appointed.

Annual allowance.

(9) The Board of Trustees may by resolution approve the payment of an annual allowance to each trustee that shall not exceed two hundred and fifty dollars per year.

**COMMISSIONER.**

Transfer of local improvements.

10.(1) The Commissioner may transfer local improvements in a District to that District.

Operation as agent.

(2) The Commissioner may authorize the trustees of a District to operate and maintain any local improvements in that District on his behalf and on such terms and conditions as he prescribes.

(3) The Commissioner shall on request being made therefor by trustees supply the trustees with all necessary accounting information including statements of revenues and expenditures and financial projections that the Commissioner has or can reasonably make available in respect of the district represented by the trustees.

**DUTIES AND POWERS OF TRUSTEES.**

Trustees are executive.

11. The Board of Trustees are the executive of a District and shall operate and maintain any local improvements in that District which are owned by the District or which they have been authorized to operate and maintain on behalf of the Commissioner.

Powers of trustees.

12. Subject to the approval of the Commissioner, the Board of Trustees shall have power to make by-laws

- (a) adopting procedures for the election of trustees;
- (b) regulating proceedings and preserving order at the meetings of the Board of Trustees and at the annual general meeting;
- (c) providing for the construction or acquisition of any buildings or works necessary for the operation and maintenance of any local improvement in their District;
- (d) prescribing the fees and charges that shall be levied for local improvements;
- (e) providing for the collection of the fees and charges; and

- (f) adopting such procedures as are necessary to enable it to perform its functions as set forth in this Ordinance.

**13.**(1) The Board of Trustees may from time to time call special general meetings of the District.

Special general meetings.

(2) The Board of Trustees shall give notice of the time, place and purpose of the special general meeting in the manner prescribed in subsection (3) of section 8.

**14.** The Board of Trustees shall act as an Advisory Council and, at the request of the Commissioner, shall advise him on local improvements and other matters concerning the District.

Board of Trustees as Advisory Council.

**GENERAL.**

**15.** The Board of Trustees may incur debts in the course of operating and maintaining local improvements that shall not exceed five thousand dollars unless otherwise authorized by the Commissioner.

Debt.

**16.** The Board of Trustees shall carry insurance to the extent required by the Commissioner to cover property damage and public liability arising out of the operation of the District.

Insurance.

**17.**(1) The Commissioner may appoint an Inspector of Local Improvement Districts who shall have such powers and duties as the Commissioner may assign to him.

Inspector.

(2) In the absence of any other person so appointed, the Territorial Treasurer shall be the Inspector of Local Improvement Districts.

May be Territorial Treasurer.

**18.**(1) Upon receipt of a petition signed by

Petition for dissolution.

- (a) a majority of the persons in a District eligible to vote at an election of trustees for that District, or

- (b) the Inspector of Local Improvement Districts, the Commissioner may, by order published in the *Yukon Gazette*, dissolve that District.

(2) A petition for dissolution of a District shall provide to the satisfaction of the Commissioner for the

Provisions of petitions.

winding-up of the corporation and for the payment and discharge of all debts and obligations of the District.

Assets of  
District.

(3) Upon the dissolution of a District all property and assets of that District shall be transferred to the Commissioner of the Yukon Territory under such terms and conditions as the Commissioner considers necessary.

Regulations.

(4) The Commissioner may make such regulations as he considers necessary for the dissolution and winding-up of a District.



CHAPTER 2

---

ORDINANCES OF THE YUKON TERRITORY

1965 (Second Session)

AN ORDINANCE TO AMEND THE CREDIT  
UNION ORDINANCE

*(Assented to December 14th, 1965)*

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

R.O.Y.T.  
1958 c.25.

1. Section 3 of the *Credit Union Ordinance* is hereby repealed and the following substituted therefor:

"3. The "Registrar" means the Registrar of Joint-stock Companies or other officer performing the duty of Registrar of Companies under the *Companies Ordinance*.

"Registrar."

CHAPTER 3

ORDINANCES OF THE YUKON TERRITORY

1965 (Second Session)

AN ORDINANCE TO AMEND THE LIQUOR ORDINANCE

(Assented to December 14th, 1965)

R.O.Y.T.  
1958 c.67;  
1959(1st)  
c.6;  
1961(2nd)  
c.6;  
1962(1st)  
c.18;  
1962(5th)  
c.11;  
1962(5th)  
c.14;  
1963(1st)  
c.9;  
1963(1st)  
c.12;  
1964(1st)  
c.12;  
1965(1st)  
c.6.

Hours of  
sale in  
liquor stores.

Hours for off-  
premises sale.

Sale pro-  
hibited during  
polling days.

Liquor store  
hours for sale  
to licensees.

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

1. Section 9 of the *Liquor Ordinance* is repealed and the following substituted therefor:

“9 (1) Subject to this section liquor stores shall be open for the sale and delivery of liquor Monday to Saturday.

(a) in the City of Whitehorse from nine o'clock in the forenoon to six o'clock in the afternoon; and

(b) elsewhere from ten o'clock in the forenoon to twelve noon and from two o'clock in the afternoon to six o'clock in the afternoon.

(2) Where a licence for the sale of liquor for off-premises consumption subsists in any locality the Commissioner may, by order, vary the hours during which liquor may be sold in that locality for off-premises consumption.

(3) Nothing in this section authorizes the sale or delivery of liquor on a holiday or on the polling day of any election or plebiscite in the electoral district in which the liquor store is situate.

(4) The sale and delivery of liquor from liquor stores to licensees or their agents authorized in writing shall be made during such times as the Commissioner may establish.”

2. The said Ordinance is further amended by adding thereto immediately after section 12B thereof the following:



“12C. (1) The Commissioner may issue a licence allowing the retail sale of liquor in any licenced premises for off-premises consumption and may make all necessary regulations to establish hours, prices and serving facilities at such licenced premises and the fee for such off-premises licence shall be as set out in the Schedule hereto.

(2) Before issuing a licence under this section the Commissioner shall appoint a panel of three members who shall enquire into the public need for such licence in the light of other available outlets in the district, and who shall make recommendations to the Commissioner regarding the granting of such licence.”

3. Paragraph (b) of subsection (1) of section 19 of the said Ordinance is repealed and the following substituted therefor:

“(b) he is the true owner or a lessee having a written lease for not less than one year of the premises;”

4. Sections 24 and 25 of the said Ordinance are repealed and the following substituted therefor:

“24. (1) In the municipality of Whitehorse no liquor licence shall be granted except to a hotel that

Liquor  
licences  
Whitehorse.

(a) held a liquor licence on the 31st day of March, 1965, and that has at least fifteen furnished and serviced bedrooms regularly available for the accommodation of the travelling public in the case of a cocktail lounge or ten rooms in the case of a tavern;

(b) has at least thirty furnished and serviced bedrooms regularly available for the accommodation of the travelling public.

(2) In support of an application for a licence in the municipality of Whitehorse, the applicant must produce to the Commissioner a resolution of the City Council approving the granting of a licence.

25. In any municipality or settlement outside the municipality of Whitehorse no liquor licence shall be granted except to a hotel that

Liquor  
licences  
Outside  
Whitehorse.

- (a) held a liquor licence on the 31st day of March, 1965, and that has at least fifteen furnished and serviced bedrooms regularly available for the accommodation of the travelling public in the case of a cocktail lounge or ten rooms in the case of a tavern;
- (b) has at least twenty furnished and serviced bedrooms regularly available for the accommodation of the travelling public."

5. (1) Subsection (1) of section 31 of the said Ordinance is repealed and the following substituted therefor:

"31. (1) Subject to subsection (2)

- (a) a tavern may be opened once each weekday and once opened must remain open for not more than fourteen consecutive hours between the hours of nine o'clock in the forenoon and twelve o'clock midnight except on the occasion of New Years Eve when the tavern may remain open until the hour of three o'clock in the forenoon of New Years Day unless New Years Day shall fall on a Sunday;"
- (b) a cocktail lounge, or a club may be opened once each weekday for the sale of liquor during a continuous period ending not later than two o'clock in the forenoon of the following day and may not be reopened during the ten hour period immediately succeeding the close of business, except on the occasion of New Years Eve when a cocktail lounge may remain open until the hour of three o'clock in the forenoon of New Years Day unless New Years Day shall fall on a Sunday;
- (c) a cabaret lounge may be opened once each weekday for the sale of liquor

during a continuous period ending not later than two o'clock in the forenoon of the following day and may not be reopened during the twelve hour period immediately succeeding the close of business except on the occasion of New Years Eve when a cabaret lounge may remain open until the hour of three o'clock in the forenoon of New Years Day unless New Years Day shall fall on a Sunday;

- (d) a mess or canteen may be opened during the hours endorsed on its licence."

(2) Section 31 of the said Ordinance is further amended by the addition thereto of the following:

"31. (7) The licensee of any premises licenced under this section shall give at least two weeks clear notice in writing to the Commissioner of his intention to close the licenced premises for any period exceeding 96 consecutive hours and in any such notice the licensee shall set out the time and date he proposes to re-open his licenced premises."

6. Subsection (3) of section 34 of the said Ordinance is repealed and the following substituted therefor:

"(3) No person under the age of twenty-one years shall enter or be found in or upon that part of any licenced premises where liquor is sold or kept for sale except a restaurant where liquor is sold or kept for sale and the presence of persons under twenty-one years of age in premises where liquor is being dispensed under a Banquet Permit or Special Occasion Permit is hereby authorized."

No minors  
in part of  
licenced  
premises.

7. Section 39 of the said Ordinance is repealed.

8. Subsection (1) of section 86 of the said Ordinance is amended by adding thereto, immediately after paragraph (b) thereof, the following:

"(bb) on each one-half bottle of wine, five cents;"

9. Section 52A of the *Liquor Ordinances* is hereby repealed.

CHAPTER 4

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ORDINANCES OF THE YUKON TERRITORY

1965 (Second Session)

AN ORDINANCE TO AMEND THE EVIDENCE  
ORDINANCE

*(Assented to December 14th, 1965)*

R.O.Y.T.  
1958 c.37.

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

1. Section 68 of the *Evidence Ordinance* is repealed and the following substituted therefor:

Appointment.

“68. The Commissioner may, by one or more commissions, appoint notaries public for the Territory, but no person shall be so appointed unless he is a Canadian citizen and resides in the Territory.”

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CHAPTER 5

ORDINANCES OF THE YUKON TERRITORY

1965 (Second Session)

AN ORDINANCE TO AMEND THE MOTOR  
VEHICLES ORDINANCE

(Assented to December 14th, 1965)

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

R.O.Y.T.  
1958 c.77;  
1960 (3rd)  
c.3;  
1961 (1st)  
c.5;  
1961 (2nd)  
c.7;  
1962 (1st)  
c.21;  
1962 (5th)  
c.8;  
1963 (2nd)  
c.9;  
1964 (1st)  
c.9.

1. Subsection (2) of section 14 of the *Motor Vehicles Ordinance* is amended by deleting the word "Commissioner" where it appears therein and substituting therefor the word "Registrar"

2. Section 20 of the said Ordinance is amended by inserting immediately after the word "vehicle" where it appears therein, the words "or trailer".

3. Paragraph (e) of section 24 of the said Ordinance is amended by inserting, immediately after the word "Registrar" where it occurs therein, the phrase "within ten days".

4. Subsection (4) of section 25 of the said Ordinance is repealed and the following substituted therefor:

"(4) Subsection (1) does not apply to a member of a visiting force as defined in the *Visiting Forces (North Atlantic Treaty) Act of Canada*, if such member is in possession of

Exemption  
for member  
of a visiting  
force.

(a) a valid driving permit issued by the Government of his country or a subdivision thereof; or

(b) a military driving permit issued by the Department of National Defence."

5. Subsection (3) of section 76 of the said Ordinance is repealed and the following substituted therefor:

Speed  
outside  
municipal-  
ities.

“(3) No person shall drive a motor vehicle upon a highway in the Territory outside municipalities or settlements at a greater rate of speed than sixty miles per hour unless otherwise posted.”

6. Subsection (2) of section 147 of the said Ordinance is repealed and the following substituted therefor :

“(2) Where a motor vehicle has been impounded under section 146, and

- (a) the Registrar is satisfied that at the time of the accident the motor vehicle was a stolen motor vehicle ;
- (b) the only damage resulting from the accident is to the person or property of the owner and of the driver ; or
- (c) the driver, owner or other person in charge of the motor vehicle produces to an officer evidence that he is the holder of a motor vehicle liability insurance policy with liability coverage at least equivalent to that prescribed by section 8 in respect of the motor vehicle that is in full force

the Registrar shall order the release of the motor vehicle from impoundment unless it is required to be impounded by some other provision of this or any other Ordinance, or unless it is required by the Crown as evidence in the prosecution of a criminal offence.”

7. The said Ordinance is further amended by adding thereto, immediately after section 151A thereof, the following heading and section :

“Appointment of Tester

Appointment  
of tester.

151B. (1) The Commissioner may appoint one or more qualified persons as testers of speedometers or other speed measuring devices used on motor vehicles or elsewhere for determining the speed of motor vehicles.

(2) In any prosecution under this Ordinance, a certificate bearing date not more than thirty days prior or subsequent to the date of the offence charged in the information or complaint, signed by a tester appointed under subsection (1) and stating the result of a test of the speedometer or other speed measuring device mentioned therein, shall be received as *prima facie* evidence of the facts stated therein and of the authority of the person issuing the certificate without proof of appointment or signature."

Certificate  
of tester.

8. Section 164 of the said Ordinance is repealed and the following substituted therefor:

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

General  
penalty.

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

CHAPTER 6

ORDINANCES OF THE YUKON TERRITORY

1965 (Second Session)

AN ORDINANCE TO AMEND THE GARNISHEE ORDINANCE

(Assented to December 14th, 1965)

R.O.Y.T.  
1958 c.2.

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

1. Section 17 of the *Garnishee Ordinance* is repealed and the following substituted therefor:

Exemption  
from  
attachment.

“17 (1) Except as herein provided no debt due or accruing due to an employee for or in respect of wages or salary is liable to attachment under this Ordinance unless such debt exceeds the sum of six dollars per day for the period in respect of which the wages or salary are owing on the day the garnishee summons is served on the garnishee, and then only to the extent of the excess.

Additional  
relief.

(2) Where the defendant or judgment debtor maintains dependants residing in the Yukon Territory he may, within twenty days after the service upon him of the garnishee summons, apply in Form B to the court for an order at the discretion of the court increasing such sum of six dollars to a sum not being greater than ten dollars per day and shall file in support thereof an affidavit of circumstance.

Appointment  
of day.

(3) The court shall, upon being satisfied that the affidavit of circumstance discloses reasonable grounds for the application, appoint a day to consider the application and examine the applicant as to his circumstances.

Notice.

(4) Notice in Form C of such appointment shall be served on the plaintiff or judgment creditor or his solicitor in any way that a writ of summons may be served at least two clear days before the appointed day and served therewith shall be a copy of the application and affidavit of circumstance.



(5) The applicant must appear in person on the day appointed and in default no relief shall be granted.

(6) No appeal shall be taken from any refusal to appoint a day to consider the application or any order made by the court.

(7) Where the plaintiff or judgment creditor claims that an employee, in addition to a fixed money wage or salary is given board or lodging or the use of a house, or any other thing of value, in part payment of compensation for his service, the plaintiff or judgment creditor may apply, on not less than five days' notice, to the judge for an order appraising the money value of such board or lodging, use of house or other thing, and the value thus ascertained shall be deducted from the amount of the exemption to which the defendant or judgment debtor would otherwise be entitled."

Other benefits.

2. The Ordinance is hereby further amended by the addition thereto of the following section:

"19. The Schedule to the Ordinance is hereby amended by adding thereto the following forms:

Forms.

FORM B

Section 17(2)

Application for Relief

Court No.

In the Court,  
Between of , plaintiff,  
and  
of , defendant,  
and  
of , garnishee.

The defendant herein applies to the court for an order increasing his relief from six dollars per day and files in support an affidavit of circumstance.

Dated the day of , 196 .

FORM C

Section 17 (4)

Notice of Appointment to  
Consider Application for Relief

Court No.

In the	Court,	
Between	of	, plaintiff,
	and	
	of	, defendant,
	and	
	of	, garnishee.

Take Notice that at \_\_\_\_\_ a.m. or as soon there-  
after as the matter may be heard on the \_\_\_\_\_ day of  
\_\_\_\_\_, 196\_\_\_\_, the court will consider the  
defendant's application for relief. Filed herewith  
is a copy of applicant's affidavit of circumstance.

-----"  
Clerk

\_\_\_\_\_

CHAPTER 7

ORDINANCES OF THE YUKON TERRITORY

1965 (Second Session)

AN ORDINANCE TO AMEND THE INTESTATE  
SUCCESSION ORDINANCE

*(Assented to December 14th, 1965)*

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

R.O.Y.T.  
1958 c.59;  
1962 (1st)  
c.19.

1. Section 3 of the *Intestate Succession Ordinance* is hereby repealed and the following substituted therefor:

“3. Subject to the provisions of section 18

(1) Where a person dies intestate leaving a widow and one child, one-half of his estate shall go to the widow.

Widow's share where widow and child survive intestate.

(2) Where a person dies intestate leaving a widow and children, one-third of his estate shall go to the widow.

Widow's share where widow and children survive intestate.

(3) Where a child of an intestate has died leaving issue and such issue is alive at the date of the intestate's death, the widow shall take the same share of the estate of the intestate as if the child had been living at that date.”

Widow's share where widow and issue of children survive intestate.

2. The said Ordinance is further amended by the addition thereto of the following:

“Part II

*Special Relief*

18. Where a person domiciled in the Territory dies intestate leaving a spouse and a child or children under the age of twenty-one years, an application may be made to the Court by the spouse for an order directing that all the estate shall go to the spouse or such other order as the Court may see fit, the provisions of section 3 notwithstanding.

19. Any application hereunder may be made by notice of motion styled in the matter of the estate of the deceased.

20. Notice of any application shall be served upon the Public Administrator of the Yukon Territory and such other persons as the Court may direct and notice of the application shall be advertised in the *Yukon Gazette* at least 14 clear days before the notice is returnable.

21. Subject to this Ordinance the practice and procedure of the Court upon applications in chambers shall, so far as the same are found to be applicable, apply to proceedings under this Ordinance.

22. An application shall be supported by an affidavit of the applicant setting forth fully all the facts in support of the application.

23. In addition to the evidence adduced by the applicant, the Court may direct such other evidence to be given as it deems necessary."



CHAPTER 8

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ORDINANCES OF THE YUKON TERRITORY

1965 (Second Session)

AN ORDINANCE TO AMEND THE YUKON  
HOUSING ORDINANCE

*(Assented to December 14th, 1965)*

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

O.Y.T.  
1961(2nd)  
c.3;  
1962(1st)  
c.12;  
1964(1st)  
c.2.

1. Sections 5 and 6 of the *Yukon Housing Ordinance* are hereby repealed.
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**TABLE OF PUBLIC ORDINANCES  
OF THE YUKON TERRITORY**

1958 to 1965 (Section Session)

Showing all the chapters of the Revised Ordinances 1958 with amendments thereto up to and including 1965 (Second Session).

SUBJECT MATTER	R.O. 1958 Chapter No.	AMENDMENTS
Adoption .....	1	
Agisters and Livery Stable Keepers .....	2	
Amusement Tax .....	3	
Annual Vacations .....	4	
Annuity Plan .....	5	
Apprentice Training .....	new	1964 (2nd) c.1
Arbitration .....	6	
Area Development .....	7	
Assignment of Book Debts .....	8	1963 (2nd) c.8-s.4
Bills of Sale .....	9	
Blasting .....	10	1964 (1st) c.5-s.5; 35
Bulk Sales .....	11	
Business Licence .....	12	1960 (1st) c.7-s.5(2); 9(2) added 1961 (1st) c.3-s.15 added; Sched. 1962 (1st) c.11
Cancer Diagnosis & Treatment .....	new	
Cemeteries .....	13	
Change of Name .....	14	
Chiropractic .....	15	
Choses in Action .....	16	
Citizenship Instruction Agreement .....	17	
City Frontage Tax (Whitehorse) .....	new	1960 (1st) c.3
City Frontage Tax (Dawson) .....	new	1964 (1st) c.1
Collection .....	18	
Companies .....	19	1962 (1st) c.13-s.298(3) 1964 (2nd) c.11-s.97A added; 101; 106; 111A added.
Conditional Sales .....	20	1964. (2nd) c.9-s2(ba) added; 2(g) added; 3(1)(2); 3(4)(5); 3A added; 7(1); 8; 12; 14; added; 16 & 17 added.
Contributory Negligence .....	21	
Controverted Elections .....	22	
Co-operative Associations .....	23	
Cornea Transplant .....	new	1962 (5) c.2
Coroners .....	24	
Corporation Securities .....	new	1963 (1st) c.3 1963 (2nd) c.6-s.13
Credit Unions .....	25	1965 (2nd) c.2-s.3
Creditors Relief .....	26	
Curfew .....	27	
Defamation .....	28	1963 (2nd) c.10-s.4

## TABLE OF PUBLIC ORDINANCES

SUBJECT MATTER	R.O. 1958 Chapter No.	AMENDMENTS
Dental Profession .....	29	1964 (2nd) c.10-s.22A, 22B added; 23, 25, 26, 27 added.
Dependants Relief .....	new	1962 (1st) c.9
Devolution of Real Property .....	30	
Disabled Persons Allowance .....	31	1962 (1st) c.16-s.3(1); 4(a) 1964 (1st) c.4-s.3(1); 4(a)
Distress .....	32	
Dog .....	33	
Elections .....	34	1960 (3rd) c.4-s.4; 5(b)(c); 8; Sched.
Employment Agencies .....	35	
Engineering Profession .....	36	1961 (1st) c.8-s.2(bb)(i) added; 8; 12(i)(d)(e)(f); 12(2)(3) (4)(5); 13; 14(1); 16; 17(1) (2); 18; 20; 22; 25(2) added; 26(1)(3); 31; 32. 1963 (1st) c.7-s.17A added 1965 (1st) c.2-s.12
Evidence .....	37	1965 (2nd) c.4-s.68
Exemptions .....	38	
Factors .....	39	
Fair Practices .....	new	1963 (2nd) c.3
Fatal Accidents .....	40	
Ferries .....	41	
Financial Administration .....	42	1963 (1st) c.10-s.21 1964 (2nd) c.7-s.29; 30; 30A added
Financial Agreement .....	43	
Financial Agreement 1962 .....	new	1962 (1st) c.4
Fire Investigation .....	44	Repealed by 1962 (5th) c.3
Fire Prevention .....	45	Repealed by 1962 (5th) c.3
Fire Prevention .....	new	1962 (5th) c.3
Fitness and Amateur Sport .....	new	1962 (5th) c.1
Floral Emblem .....	46	
Forest Protection .....	47	1963 (1st) c.11-s.11; 16(1)(a) 1st of July, 1963
Franchises:		
Mayo Utilities — Telephone .....		1952 (1st) c.6-1953 (1st) c.11- s.1; 2.
Electrical—Whitehorse .....		1954 (2nd) c.2
"    Haines Junction .....		1958 (1st) c.13
"    Watson Lake .....		1959 (2nd) c.3
"    Carcross .....		1960 (3rd) c.1-1964 (2nd) c. 5-s.2 added
"    Carmacks .....		1961 (1st) c.1-1964 (2nd) c. 4-s.2 added
"    Teslin .....		1963 (1st) c.1-1963 (2nd) c. 11-s.2; 3 added 1964 (1st) c.13 Assent Reserved.
Frustrated Contracts .....	48	
Fuel Oil Tax .....	new	1962 (1st) c.6 1962 (5th) c. 15-s.3 1964 (2nd) c.6-s.3(3); 3(3a) added

**TABLE OF PUBLIC ORDINANCES**

SUBJECT MATTER	R.O. 1958 Chapter No.	AMENDMENTS
Fur Export .....	49	1961 (2nd) c.11-Sched. A
Game .....	50	1959 (1st) c.3-s.2(1); 8; 9A & 9B added; 14A added; 25(2); 27(1); 34(1); 36; 42(2); 49(1); 74(3)(4)(5); 81(b) 1959 (2nd) c.4-s.39(1) 1961 (2nd) c.10-s.78(3)(4) added; Sched. A; 9A added. 1964 (1st) c.10-Sched. A 1965 (1st) c.5-s.42
Garage Keepers .....	51	
Garnishee .....	52	1965 (2nd) c.6-s.17
Hospital Aid .....	53	Repealed by 1959 (1st) c.1
Hospital .....	new	1959 (1st) c.1 1960 (1st) c.4-s.2(b); 6. Repealed 1964 (2nd) c.13
Hotel Keepers .....	54	
Illegitimate Children .....	55	
Insane Persons .....	56	
Insurance .....	57	1959 (1st) c.4-Part III repealed 1962 (5th) c.7-s.48 1963 (2nd) c.5-s.131A added
Interpretation .....	58	1959 (1st) c.5-s.37 added
Intestate Succession .....	59	1962 (1st) c.19-s.5 1965 (2nd) c.7-s.3; Part II added
Judicature .....	60	1960 (3rd) c.5-s.14; 51(1) 1961 (1st) c.7-s.51(1) 1964 (2nd) c.8-s.17(a); 37
Jury .....	61	1961 (3rd) c.1-s.9; 14(5); 19(2)
Labour Provision .....	62	1961 (3rd) c.3-s. 3A added 1962 (1st) c.15-s.4; 6 1962 (5th) c.9-s.10; 11 added 1963 (2nd) c.12-s.7
Landlord and Tenant .....	63	
Legal Profession .....	64	1962 (1st) c.14-s.26 added 1965 (1st) c.1
Legal Profession Accounts .....	new	
Legitimation .....	65	
Limitation of Actions .....	66	
Liquor .....	67	1959 (1st) c.6-s.12(1); 30(1); 30(3); 76(3) added 1961 (2nd) c.6-s.37(1) 1962 (1st) c.18-s.2(1)(y); 9; 12A; 12B; 12C; 12D; 12E; added, 12(2); 15(9)(10) (11)(13) added; 50(2); 31(1) (a)(b)(c); 31(2); 37(2); 76; 77.



**TABLE OF PUBLIC ORDINANCES**

SUBJECT MATTER	R.O. 1958 Chapter No.	AMENDMENTS
Liquor (con't.)		1962 (5th) c.11-s.12A(1). 1962 (5th) c.14-s.8(2) 1963 (1st) c.9-s.12A(7)(9); 12B(7); 12D(4); 15. 1963 (1st) c.12-s. 45 1964 (1st) c.12-s.7A added; 8; 9; 12; 12B; 12D; 14A added; 20; 31. 1965 (1st) c.6-s.2(1); 9; 12(2); 12A(1)(2)(5)(9); 12B(1)(2) (5)(6)(9); 12C; 12D(3); 23; 24; 25; 29(3); 31; 45(2) (b); 48; 50(4); 51(2); 52A added; 77(6); 86(1)(e); 86(1) (f) added; Schedule. 1965 (2nd) c.3-s.9; 12C added; 19(1)(b); 24; 25; 31(1); 31 (7); 34(3); 39; 86(1)(bb); 52A.
Loan Agreement (1961) No. 1 .....	new	1961 (2nd) c.21
Loan Agreement (1961) No. 2 .....	new	1961 (2nd) c.4
Loan Agreement (1961) .....	new	1961 (3rd) c.4
Loan Agreement (1962) No. 1 .....	new	1962 (1st) c.2
Local Improvement District .....		1965 (2nd) c.1
Low Cost Housing .....	new	1962 (1st) c.1 1963 (1st) c.8-s.2; 3(2)(a); 3(2)(c); 3(3)(a); 3(3)(d); 4(1)(a) added.
Low Rental Housing Agreement .....	new	1962 (1st) c.3 1963 (1st) c.13 1963 (1st) c.13 Repealed 1962 (1st) c.8
Lords Day (Yukon) .....	new	1962 (1st) c.8
Maintenance .....	68	
Marriage .....	69	
Married Womens Property .....	70	
Masters and Servants .....	71	Repealed 1963 (2nd) c.2
Mayo Seaplane Base Agreement .....	new	1963 (2nd) c.4
Mechanics Lien .....	72	
Medical Profession .....	73	
Miners' Lien .....	74	1963 (2nd) c.7-s.4; 7A added 1964 (1st) c.11-s.7A
Mining Safety .....	75	
Motion Picture .....	76	
Motor Vehicles .....	77	1960 (3rd) c.3-s.5(2); 6(3)(6) (11)(12); 7(2); 8(1); 11(3); 13(c); 14(2); 15(2)(4); 19(1) (2); 22(1)(2)(6)(8); 27(2) (3) added; 29; 34(1); 34(3) added; 41(1)(4); 49A; 49B added; 138A added; 163(2); Sched. A & B. 1961 (1st) c.5-s.2; 49B 1961 (2nd) c.7-s.76(2) 1962 (1st) c.21-s.22(3); 22(6) (7); s.3 of Sched. A 1962 (5th) c.8-Sched. A1 &2 1963 (2nd) c.9-s.8; 25; 76; Sched. A 1964 (1st) c.9-s.151A added.

**TABLE OF PUBLIC ORDINANCES**

SUBJECT MATTER	R.O. 1958 Chapter No.	AMENDMENTS
Motor Vehicles (con't.)		1965 (2nd) c.5-s.14(s); 20; 24(e); 25(4); 76(3); 147(2); 151B added; 164
Motor Vehicle Fuel Tax .....	78	Repealed by 1962 (1st) c.6
Municipal .....	79	Repealed by 1959 (2nd) c.1
	new	1959 (2nd) c.1 1960 (1st) c.6-s.99(aa) added; 288; Sched. B(d); Sched. B(g) added. 1961 (1st) c.6-s.109; 124(3); 133; 144; 238(b) 1961 (2nd) c.5-s.71(3) 1961 (2nd) c.9-s.122; 194 1961 (3rd) c.2-s.194 1962 (1st) c.22-s.194; 195; 228(1); 240. 1962 (5th) c.10-s. 34; 118; 194 1962 (5th) c.13-s.97A added; 121 1962 (5th) c.16-s.240(1) 1963 (1st) c.5-s.240 1964 (1st) c.8-s.232 1964 (2nd) c. 12-s.194; 195
Newspaper .....	80	
Noise Prevention .....	81	
Old Age Assistance and Blind Persons Allowance .....	82	1961 (1st) c.2-s.4(c) 1962 (1st) c.17-s.3(1)(2); 4(a)(b) 1964 (1st) c.3-s.3(1)(2); 4(a)(b)
Optometry .....	83	
Partnership .....	84	
Pawn Brokers and Second Hand Dealers .....	85	
Petroleum Products .....	86	
Pharmaceutical Chemists .....	87	
Police Magistrate's Courts .....	88	
Poll Tax .....	89	Repealed 1962 (1st) c.5
Pounds .....	90	
Presumption of Death .....	new	1962 (5th) c.5
Protection of Children .....	91	
Public Health .....	92	1959 (1st) c.8-s.2(g); 2(w); 3(x) added; Part II; 14; 17. 1961 (1st) c.9-Sched. A 1962 (5th) c. 12-s.3; 5; 6; 7; 8; 9; 10; 10A; 10B; Heading before II.
Public Printing .....	93	
Public Service .....	94	1962 (1st) c.20-s.11; 12 1962 (1st) c.23-s.18(1)(2)(3)(4) 1964 (1st) c.6-s.19
Reciprocal Enforcement of Judgments .....	95	
Reciprocal Enforcement of Maintenance Orders	96	
Recording of Evidence by Sound .....	new	1963 (2nd) c.1
Royal Canadian Mounted Police Agreement.....	new	1964 (2nd) c.2
Sale of Certain Lands (Whitehorse) .....	new	1960 (1st) c.1
Sale of Goods .....	97	

## TABLE OF PUBLIC ORDINANCES

SUBJECT MATTER	R.O. 1958 Chapter No.	AMENDMENTS
Saw Logs Driving .....	98	
School .....	99	Repealed by 1962 (1st) c.7
	new	1962 (1st) c.7
		1964 (1st) c.7-s.88
		1965 (1st) c.3-s.88A added
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		1965 (1st) c.4-s.3A added
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