

No. 1.]

BILL.

[1885.]

An Act to Incorporate the City of Stratford, and for other purposes.

WHEREAS the corporation of the the Town of Stratford Preamble.
 have, by their petition, represented that the said town
 contains a population of ten thousand souls, and that the said
 population is rapidly increasing, and that the said town, by
 5 reason of its increased and extensive railway facilities, its large
 manufacturing and mercantile interests, and its situation in the
 midst of a rich agricultural district, is now and will continue
 to be an important commercial centre ; and whereas the said
 corporation, by their petition, have prayed that the said town
 10 may be erected into a city, to be called "The City of Strat-
 ford," and whereas the said corporation have, by their said
 petition, further represented that they have incurred debts and
 liabilities, secured by the debentures of the corporation, amount-
 ing to the sum of two hundred thousand dollars exclusive of the
 15 indebtedness of the said town for public and separate school de-
 bentures; and whereas it has become necessary for the said corpora-
 tion to erect a bridge on Huron-street in the said town over the
 river Avon, which said bridge will cost not less than fifteen
 thousand dollars, for which debentures of the corporation will
 20 have to be issued; and whereas a large portion of the said
 debenture debt of two hundred thousand dollars will shortly
 become due and payable and the said corporation has, by its
 petition, further prayed that the said debt may be consolidated
 and that the said sum of fifteen thousand dollars, for the pur-
 25 pose of building the said bridge, may be added thereto and
 incorporated therewith, and that they may be authorised to
 issue debentures for that purpose; and whereas the said
 corporation have further petitioned for power to commute the
 taxes to be paid by the Grand Trunk Railway Company to the
 30 said city in this Act mentioned: and whereas the Grand
 Trunk Railway Company of Canada has assented to the pro-
 visions of this Act affecting the same; and whereas the said
 corporation has further petitioned for power to purchase cer-
 tain lands from the Roman Catholic Episcopal corporation of
 35 the Diocese of London, and to hold the same as part and parcel
 of the Avondale Cemetery, but subject to the condition as to
 interments in this Act contained; and whereas it is exped-
 ient to grant the prayers of the said petition ;
 Therefore Her Majesty, by and with the advice and consent
 40 of the Legislative Assembly of the Province of Ontario, enacts
 as follows :—

1. On and after the passing of this Act the said Town of Town of
 Stratford shall be and is hereby incorporated as a city and Stratford
 shall be known hereafter as the corporation of the City of incorporated
 as a city.

Stratford, and as such shall enjoy and possess all the rights, powers and privileges which could have been exercised and enjoyed by the said City of Stratford if the same had been incorporated as a city under the provisions of "*The Consolidated Municipal Act, 1883.*" 5

Certain provisions of the Consolidated Municipal Act, 1883, to apply. 2. The provisions of "*The Consolidated Municipal Act, 1883,*" relating to matters consequent upon the formation of new municipal corporations, and the other provisions of "*The Consolidated Municipal Act, 1883,*" aforesaid, shall, except so far as herein otherwise provided, apply to the said corporation of 10 the City of Stratford in the same manner as if the town had been erected into a city under the provisions of the said Act.

Property of the town to belong to city. 3. The property and assets of the said Town of Stratford shall belong to the City of Stratford, and all the debts, liabilities, and obligations of the said Town of Stratford shall be 15 assumed and paid by the corporation of the said City of Stratford, and the officers and servants of the said Town of Stratford shall, until superseded in or removed from office by the council of the said city, remain the officers and servants of the said City of Stratford. 20

City to be divided into five wards. 4. The City of Stratford shall be divided as the Town of Stratford has heretofore been into five wards to be named respectively Avon Ward, Falstaff Ward, Hamlet Ward, Romeo Ward and Shakespeare Ward, and the boundaries or limits of the said wards respectively shall be and remain as they existed 25 prior to the passing of this Act.

Council of city. 5. The council of the said city shall consist of a mayor, who shall be the head thereof, and three aldermen for each ward.

Mayor and Council of town to remain in office. 6. The present mayor and council of the said town, including the reeve and deputy Reeves thereof, shall be and continue 30 to be the mayor and council of the said city, and shall hold office until the election of a new mayor and council as provided by this Act, and shall exercise all the rights and powers and perform all the duties pertaining to the offices of mayor and aldermen respectively of a city, and, in the event of the death, 35 resignation or disqualification of said mayor or any member of said council, a new election shall be held to fill the vacancy under the provisions of "*The Consolidated Municipal Act, 1883.*"

Qualification of electors, etc. 7. At any election in the said city held prior to the first day 40 of February next after the passage of this Act the qualification of the electors shall be the same respectively as required in towns, and at all subsequent elections the qualifications of the electors, mayor and aldermen shall be the same as that required in cities. 45

First election of Mayor. 8. Robert Rigg Lang, Esquire, of the said Town of Stratford, who is now the clerk thereof, or, in case of his death or inability to act, such other person as the council may, by by-law to be passed before the last Monday in the month of December next, appoint in his stead, is hereby appointed the returning 50 officer for the purpose of holding the nomination for the first election of mayor, and it shall be lawful for and incumbent

upon the returning officer to hold such nomination at the city hall in the City of Stratford, at the hour of ten o'clock in the forenoon of the said last Monday in the month of December.

9. The said returning officer shall have all the powers and perform all the duties of clerk of the said city until the appointment, by the council thereof, of some other person in his place and stead. Powers and duties of returning officer.

10. The council of the said city shall have power by by-law to be passed before the said last Monday in the month of December, to appoint a deputy returning officer for each of the several polling sub-divisions of the said city, each of whom shall have all the powers and perform all the duties of deputy-returning officer in municipal elections for cities, and also by by-law, to be passed within the time aforesaid, to name the places in each of the several wards at which the nomination of aldermen and election of mayor and aldermen shall be held in case a poll be required. Deputy-returning officer.

11. The said nominations for aldermen shall be held on the said last Monday in the month of December at noon, and, if a poll be required, the same shall be opened on the same day of the following week, and the nominations and the election of mayor and aldermen shall, except in so far as is herein otherwise provided, be conducted and regulated in the same manner as such nominations and elections are conducted and regulated in municipal elections for cities. First election of Aldermen.

12. The last revised assessment roll and voters' list of the said town shall be taken to be the roll and voters' list for any future election either to the municipal council or to the Legislative Assembly, in the said city, until another assessment shall be made and the roll thereof shall be revised and the voters' list thereunder shall be duly made and completed. Voters' List.

13. Notwithstanding any statute to the contrary, the said city council shall have power to organize or continue a police force, and to regulate and control the same and the members thereof, and to fix the salary and allowances of said members, and in the said city the provisions of the said "*The Consolidated Municipal Act, 1883*," respecting police commissioners, shall not apply or be of any effect unless and until adopted by by-law of the said city council; but this section shall not apply or have any force or effect after it shall appear, from any general census or from any census which may be taken by the assessor or under a by-law of the municipality, that said city contains fifteen thousand inhabitants or more, and the police magistrate of the said City of Stratford shall not receive a salary exceeding twelve hundred dollars until it appears in the manner aforesaid that said city contains fifteen thousand inhabitants or more. Police.

14. The council of the said corporation is hereby authorized and empowered from time to time to pass any by-law or by-laws for the purpose of combining the duties and offices of any two of the following officers of the corporation, that is to say, clerk, treasurer, assessor and collector, as such council may see fit. Combining duties and offices of certain officers of the corporation.

- Issue of debentures to an amount not exceeding \$215,000 authorized. **15.** The said corporation of the City of Stratford may issue debentures, under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums, not exceeding two hundred and fifteen thousand dollars in the whole, as the said corporation may, from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada as the corporation may deem expedient. 5 10
- Money may be borrowed on debentures, or debentures may be sold. **16.** The corporation of the said city may, for the purpose hereinafter mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient. 15
- Payment of debentures and interest. **17.** The said debentures shall be payable in not less than twenty nor more than thirty years from the date thereof, as the said corporation may direct: coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly on the first day of the months of January and July in each and every year, at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding six per centum per annum. 20
- Application of debentures and moneys arising therefrom. **18.** The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the Town of Stratford, and in the erection of a bridge on Huron-street over the river Avon in the said corporation mentioned, and in no other manner and for no other purpose whatsoever. 25 30
- Outstanding debentures may be called in with consent of present holders. **19.** The treasurer of the said city shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures, and shall discharge the same with the funds raised under this Act, or may with the like consent substitute therefor the said debentures or any of them herein before authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures. 35
- By-law not to be repealed until debt satisfied. **20.** Any by-law to be passed under the provisions of this Act authorizing the said loan shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. 40
- Special rate for sinking fund. **21.** For payment of the principal of the said debentures to be issued under this Act, the council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year, and over and above all interest to be paid on such debentures) which shall be sufficient to form a sinking fund of one per centum per annum for that purpose. 45
- Application of money at credit of sinking fund. **22.** The said corporation shall have power at any time to invest any moneys, standing at the credit of the sinking fund created under this Act, in the redemption of the said outstand- 50

ing debentures of the said Town of Stratford, or in redemption of the debentures issued under the authority of this Act, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same, or that may be sanctioned by the Lieutenant-Governor in Council, but so that the said sinking fund and the investments thereof shall always be held and preserved intact, and be and remain available for the redemption of the debentures issued under the authority of this Act, at the maturity thereof.

10 **23.** The special rate for the interest and sinking fund for payment of the debentures to be issued under the authority of this Act shall, in each and every year during the continuance of said debentures, be inserted in a separate and distinct column on the collector's roll of said city, and shall not be included with
15 any other rate or rates.

Special rate to be entered in a separate column, on collectors' roll.

24. The debentures issued under this Act may be in the form contained in the schedule A to this Act, and the by-law or by-laws for the special rate for payment of the interest, and to form a distinct fund for the payment of the said debentures,
20 may be in the form of schedule B to this Act.

Forms.

25. No irregularity in the form, either of the said debentures or of the by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery
25 of the amount of said debentures and interest, or any or either of them, or any part thereof.

Irregularities in forms not to invalidate debentures.

26. It shall not be necessary to obtain the assent of the electors of said city to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by
30 "*The Consolidated Municipal Act, 1883.*"

Assent of electors to any by-law under this Act not required.

27. Nothing in this Act contained shall be held or taken to discharge the corporation of the City of Stratford from any indebtedness or liability which may not be included in the said debt of two hundred and fifteen thousand
35 dollars.

Liability of corporation not discharged.

28. Notwithstanding anything in this Act contained, all of the said now outstanding debentures which are public school debentures, or which have been issued for public school purposes, or which are debentures for or towards the payment
40 of which the supporters of separate schools or their property in the said City of Stratford are not now liable or compellable to be rated or assessed, shall be provided for, retired and paid in all respects as if this Act had not been passed.

Proviso as to outstanding public school debentures.

29. The taxes to be paid by the Grand Trunk Railway Company of Canada to the said city for and in respect of all its real property within the said city actually used for railway purposes or in the business of the company, and for and in respect of park lot number four hundred and fifty-four of
50 the Canada company's survey of the Town of Stratford, and for and in respect of all its personal property within the said city actually used for said railway company's purposes, shall be commut-

Commutation of taxes to be paid by The Grand Trunk Railway Company of Canada to the corporation.

ed by the said city for the term of ten years at the sum of two thousand six hundred dollars per annum, and the first of the said yearly sums of two thousand six hundred dollars shall be paid and collected at the time of collection of the ordinary municipal taxes in the year one thousand eight hundred 5 and eighty-five, and all the rights and remedies of the said corporation for the collection of taxes as employed by it under and by virtue of any Act or Acts now or then to be in force shall apply to the collection of the said yearly sum of two thousand six hundred dollars; but nothing herein contained 10 shall be taken as exempting any of the property of the said the Grand Trunk Railway Company of Canada within the said corporation from liability for local or frontage rates, taxes or assessments; provided also that in case the said the Grand Trunk Railway Company of Canada shall at any time after the 15 passing of this Act sell, lease, or dispose of any part of its said property within the said corporation, or cease to use the same for railway purposes, that is for the purpose of the company's business, the part or parts so sold or leased or which may not continue to be used for said railway company's purposes, shall 20 be liable to the same rates, taxes and assessments as other property within the said city: Provided further, nevertheless, that the above provision, so far as it applies to the ceasing by the said company to use the same for said railway company's purposes, shall not apply to said park lot number four hundred 25 and fifty-four or any part thereof, and the above exemption, and commutation shall include not only the lands which the said company now holds but also all the property which they may during the said ten years acquire and use for the purposes of the said company within the limits of the corporation of the 30 said City of Stratford.

Power to acquire certain lands from the Roman Catholic Episcopal Corporation of the Diocese of London on certain conditions as to interments.

30. It shall and may be lawful for the corporation of the City of Stratford to purchase the following lands and premises, that is to say, all and singular that certain parcel or tract of land and premises situate, lying and being in the Town of Stratford, 35 in the County of Perth, and Province of Ontario, and being composed of block letter "A" in Forman's survey of lot number four in the first concession of the township of Downie, now in the said Town of Stratford, according to a registered plan, and containing, by admeasurement, fifteen acres of land, be the same 40 more or less, from the Roman Catholic Episcopal corporation of the Diocese of London, which is now the owner thereof in fee simple, at and for the price or sum of one thousand one hundred dollars, and to hold the same as part of the Avondale cemetery, having the control and management thereof and the right to 45 receive all proceeds of sales of plots and burial fees, but upon the following condition, to be attached to the sale and purchase thereof, namely, that there shall be no interments in those parts or plots of the said land so purchased, named in the registered plan thereof St. Mary, St. Peter, St. Paul, St. 50 Leo, St. Edmund, St. Luke, St. Andrew, St. John, St. Henry, St. George and St. Patrick, of members of any other denomination other than of the Roman Catholic church and then only with the consent of the then parish priest of the said church of the parish of Stratford or, in case of appeal from him, with the 55 consent of the Roman Catholic bishop of the diocese, whose decision shall be final.

SCHEDULE A.

PROVINCE OF ONTARIO CITY OF STRATFORD, DEBENTURE.

Under and by virtue of an Act to incorporate the City of Stratford, passed in the forty-eighth year of Her Majesty's reign and chaptered _____, the corporation of the City of Stratford promise to pay the bearer at _____ the sum of _____ on the _____ day of _____ one thousand eight hundred _____ and the half-yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at Stratford, Ontario, this _____ day of _____ A. D. 18 _____

SCHEDULE B.

By-law number _____ to authorize the issue of _____ debentures under the authority of an Act to incorporate the City of Stratford, passed in the forty-eighth year of Her Majesty's reign and chaptered _____, and to impose a special rate for the payment of the said debentures.

Whereas the said Act authorizes the issue of debentures for the purpose therein mentioned, not exceeding the sum of two hundred and fifteen thousand dollars in the whole, as the corporation of the City of Stratford may direct.

And whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of _____ dollars payable on the _____ day of _____ with interest thereon at the rate _____ per cent. per annum, payable half-yearly according to the coupons to the said debentures attached

And whereas the said Act requires for payment of the debentures to be issued thereunder that the council shall impose a special rate which shall be sufficient to form a sinking fund of one per cent. over and above all interest, to be paid on said debentures, and it will require the sum of _____ to be raised annually for the said interest and sinking fund.

And whereas the amount of the whole ratable property of the City of Stratford, according to the last revised assessment roll of the said city, being for the year one thousand eight hundred and _____ was _____

Therefore the municipal corporation of the City of Stratford hereby enacts as follows:

1. That debentures under the said Act, and for the purpose therein mentioned, to the extent of the sum of _____ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of _____ per cent. per annum, payable half-yearly on the first days of January and July in each year.

That for the purpose of forming a sinking fund of one per cent. for the payment of the said debentures, and the interest at the rate aforesaid to become due thereon, the sum of _____ shall, over and above and in addition to all other sums or rates, be raised, levied and collected in each year upon all the ratable property in the said City of Stratford during the continuance of the debentures or any of them.

This by-law passed in open council this _____ day of _____ in the year of our Lord one thousand eight hundred and _____

BILL

An Act to Incorporate the City of Stratford
and for other purposes.

 First Reading,

1885.

(*PRIVATE BILL.*)

Mr. BALLANTYNE.

 TORONTO:

An Act to amend An Act intituled "An Act to Incorporate the Long Point Company."

WHEREAS the Long Point Company were by their Act of Preamble. incorporation, chapter one hundred and twenty-two, of the Acts passed in the twenty-ninth and thirtieth years of the reign of Her Majesty, empowered to purchase, acquire and hold
 5 in fee simple certain lands and property on Long Point, in Lake Erie, mentioned in the said Act, for the purposes of the Company, as by the said Act authorised, such lands and property being all the land and property on said Long Point then owned by the parties who procured said Act of incorporation;
 10 and whereas the said Company have expended large sums of money in carrying out the purposes and business for which they were incorporated, and it will benefit and advance such purposes and business if they are enabled to acquire and hold other lands and property on Long Point aforesaid; and whereas
 15 they have prayed for the passing of an Act to that end, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

20 **1.** In this Act the expression, "the Company," shall mean the Long Point Company; the word "shareholder," shall mean every subscriber to or holder of stock in the Company, and shall extend to and include the personal representatives of the shareholder; and the words "life right member," shall mean the
 25 holder of any right to hunt, shoot or fish upon any part of the Company's property for life, or any less term.

Interpretation.

2. (1) In addition to the powers, rights and privileges of the Company contained in the said Act of incorporation, the Company may, from time to time, lease, or purchase, acquire and
 30 hold in fee simple, from the respective owners thereof, any property, lands, marshes, marsh-lands and land covered with water, or rights, privileges or interests therein or thereto at, on, or adjacent to Long Point, in Lake Erie, which are not now owned by the Company under their said Act of incorporation,
 35 and all such property, lands, marshes, marsh-lands, and lands covered with water, or any part thereof, the Company may at any time and from time to time lease or sell and convey in fee simple, on such terms as the Company may see fit.

Power to acquire further lands, and to lease or sell the same.

(2) The Company may also carry on the business of preserv-
 40 ing, protecting, breeding, and granting licenses to take game, muskrats, mink, otter, beaver, horses, cattle, sheep and fish upon the property, lands, marshes, marsh-lands and lands covered

Business of the Company.

with water and in the water covering the same, now or hereafter owned or leased by the Company, at, on or adjacent to Long Point aforesaid.

29-30 Vict.
c. 122, s. 10,
amended.

3. Section ten of the said Act of incorporation is hereby amended as follows:—

5

(a) By the insertion of the words "may appoint either from amongst themselves or otherwise a," after the word "and," in the second line of said section.

(b) By the insertion of the words "the times and periods during which shareholders and life right members may hunt, shoot or fish, and the manner, places, rules and methods to be observed in doing the same, with power to impose, fix and collect from any shareholder or life right member, by action in any court of competent jurisdiction, in the name, and for the benefit of the Company, a penalty or penalties in money for any and all breaches of a by-law or by-laws lawfully made by the Company," after the word "have," in the twenty-first line of the said section.

No. 2.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

Act to Amend an Act to Incorporate the
Long Point Company.

First Reading, 1885.

(PRIVATE BILL.)

Mr. MONK.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to Consolidate the Debenture Debt of the
Town of Durham.

WHEREAS the municipal corporation of the Town of Durham, by their petition, have represented that they have incurred debts and liabilities for the purpose of giving bonuses to railways to the extent of twenty-four thousand dollars, and for other purposes to the extent of three thousand and six hundred dollars, making in all an indebtedness of twenty-seven thousand six hundred dollars; that debentures under the authority of various by-laws, each of which has made provision for the levying of a rate for the payment of the said debentures thereby authorized, which rate has not been hitherto levied in every year, as set forth in said by-laws; that the amount of each of the said rates so intended to be levied was calculated upon the assessed value of the assessable property included within the said corporation at the respective times when the said several by-laws were passed; that the said several by-laws provided for the levying in future at the rates therein respectively mentioned, not only upon the said assessed value, but also upon any increase in the said assessed value which might thereafter be made; that since the times of the passing of the said several by-laws the proportion which the actual value of the said assessable property bore to the assessed value thereof at the respective times of the passing of the said several by-laws has not been maintained, but the said assessed value thereof has been increased to a far greater extent than the actual value thereof, by reason whereof the rates directed to be levied by the said several by-laws would now be oppressive; and that by reason of the irregular arrangement and the short dates of the respective times at which the said several debentures are made redeemable, and the non-levying of any rates for several years hitherto as aforesaid, the rates now required for such redemption would in the future be oppressive, for which reasons and upon various other grounds they have prayed that the said debt may be consolidated, and that they may be authorized to issue debentures for the purpose of discharging such indebtedness; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the corporation of the Town of Durham are hereby consolidated at the sum of twenty-seven thousand six hundred dollars, and it shall be lawful for the said corporation of the Town of Durham to raise by way of loan upon the

Debt consolidated at the sum of \$27,600.

credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province, or in Great Britain, or elsewhere who may be willing to lend the same, a sum of money not exceeding twenty-seven thousand six hundred dollars of lawful money of Canada. 5

Authority to pass by-laws for issue of debentures.

2. It shall be lawful for the said corporation of the Town of Durham to pass a by-law, or from time to time to pass by-laws, authorizing a loan or loans not exceeding in all the sum of twenty-seven thousand six hundred dollars, and further 10 authorizing the issuing of debentures therefor in accordance with this Act, and to impose in and by said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied 15 in each year, which said consolidated loan rate shall be duly levied in each year, and shall be made sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal of the lastly mentioned debentures when the same shall fall due. 20

Assent of electors to by-laws not required.

3. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by "*The Consolidated Municipal Act, 1883.*" 25

Debentures may be issued to the amount of \$27,600.

4. It shall be lawful for the municipal council of the said corporation of the Town of Durham after the passing of such by-law or by-laws authorizing the same, in accordance with this Act, to cause to be issued debentures of the said corporation from time to time, as occasion may require, under the 30 corporate seal, signed by the Mayor and countersigned by the treasurer and clerk of the said town for the time being, for such sums, not exceeding in the whole the said sum of twenty-seven thousand six hundred dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six 35 per centum per annum, payable yearly.

Debentures, when and how payable.

5. The said principal sum to be secured by the debentures to be issued under the preceding section of this Act shall be payable either in sterling or currency, and the same with the interest accruing thereon may be made payable either in this 40 Province or in Great Britain or elsewhere, as the said council may by the said by-law or by-laws direct, and a portion of the said debentures issued under any such by-law and each of such by-laws shall be made payable in each year for thirty years from the time or times at which such by-law or by-laws 45 authorizing the issue of the same shall respectively be passed, and so that the sums to be levied under the said by-law or each of the said by-laws for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said 50 debentures.

Application of funds.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debts of twenty-seven thousand six hundred dollars and not

otherwise, and shall for that purpose from time to time be deposited as the same shall be received, and until the same shall be required for the said purpose, in any branch or agency of any chartered bank of Canada in the said Town of Durham or elsewhere in the Province of Ontario, or invested in Government securities or stocks either of the Dominion of Canada or the Province of Ontario, and all such deposits or investments shall be made in the name of the said corporation as trustees of the said town, and shall be made upon such terms as the said municipal council and such bank or government shall from time to time agree upon, and shall be withdrawn therefrom only as the same may be required from time to time for the payment and redemption of the said outstanding debt and liabilities, or any part thereof, and not otherwise.

7. The treasurer of the said town shall, on receiving instructions from said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said now outstanding debts and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debts and liabilities.

Outstanding debentures may be called in.

8. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act authorizing the said loan shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

By-laws not to be repealed until debt satisfied.

9. The said municipal council shall, and it shall be the duty of the treasurer of the said town for the time being to, invest or deposit from time to time all moneys raised by the special rate provided by this Act and the by-law or by-laws imposing the same or derived from the investment or deposit of the said moneys as herein mentioned, less the interest payable in respect of the said debentures to be issued in pursuance of this Act for the then current year, in any one of the modes of investment or deposit authorized by the sixth section of this Act, as the said council shall direct, and upon such terms as the said council and bank or government shall agree upon, and such moneys shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the lastly mentioned debentures or the said outstanding debts and liabilities or any part thereof, and to apply the residue of such moneys from time to time to the payment of interest on the said debentures, and not otherwise, nor for any other purpose whatever.

Investment of money raised by special rate.

10. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts,

Treasurer to keep books shewing state of debenture account.

payment of which is hereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and as to so much thereof as shall at any time or times be deposited or invested as directed by section six of this Act. The said book of accounts and statement shall set forth and shew the amount and the place or places of such deposits, and the amount and the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall from time to time be made, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Inconsistent provisions in Municipal Acts not to apply.

11. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form either of the said debentures authorized to be issued by this Act or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

46 Vict., c. 18, ss. 411-413, incorporated in this Act.

12. Sections four hundred and eleven, four hundred and twelve, and four hundred and thirteen of "*The Consolidated Municipal Act, 1883*," shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act.

Liability of corporation not discharged.

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Durham from any indebtedness or liability which may not be included in the said debt of twenty-seven thousand six hundred dollars.

No. 3.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to Consolidate the Debiture Debt
of the Town of Durham.

First Reading, 1885.

(*PRIVATE BILL.*)

MR. BRYTHE.

TORONTO:

PRINTED BY THE "GHP" PRINTING AND PUBLISHING CO.

An Act to incorporate the Turkey Point Company.

WHEREAS, Thomas Rodman Merritt, William Hamilton Merritt, Henry James Taylor, John H. Stratford, Benjamin Killmaster, Henry Harris Groff, William Brown Hunter, Benjamin Ross McConkey, David Tisdale, and Samuel D. Woodruff have by petition represented that they have arranged for acquiring a tract of land in the Township of Charlotteville, on Turkey Point, Long Point Bay, Lake Erie, and that they desire to promote hunting, fishing, and cattle grazing thereon, and otherwise to manage and make the said land available for the purposes of the company incorporated by this Act, and that they can do so to better advantage by the aid of an Act to that end, and have prayed for the passing of an Act accordingly, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Thomas R. Merritt, William Hamilton Merritt, Henry J. Taylor, John H. Stratford, Benjamin Killmaster, Henry Harris Groff, William B. Hunter, Benjamin R. McConkey, David Tisdale, and Samuel D. Woodruff, together with all such other persons as shall become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic by the name of "The Turkey Point Company."

2. (1) The company may purchase, acquire and hold in fee simple, from the said Samuel D. Woodruff, at and for such price or sum of money, or for such a number of paid-up shares of the capital stock of the company as the directors of the company appointed by this Act may agree upon, and by resolution fix and appoint (and such shares shall thereafter be taken, held and stand as the other shares which are actually paid in cash), all such parts of lots three to eleven, both inclusive, in Broken front Concession "A," in the Township of Charlotteville, in the County of Norfolk, and all lands, marsh-lands, and lands covered with water, in front of said lots, which the said Samuel D. Woodruff now owns.

(2) The company may also, from time to time, lease or purchase, acquire and hold, in fee simple, from the respective owners thereof, any property, lands, marshes, marsh-lands, and lands covered with water, or rights, privileges or interest therein or thereto, being any parts or part of said township lots lying in front of the front road which crosses the same, or in front of the said lots, and the said property, lands, marshes, marsh-lands, and lands covered with water, in this section

mentioned, or any part thereof, at any time to lease, or sell, or convey in fee simple, on such terms as the company may see fit.

Business of the Company. 3. The company may carry on the business of pursuing, breeding, protecting, and granting licenses to take game, muskrats, mink, otter, beaver, fish; acquiring, grazing and disposing of horses, cattle, and sheep upon all or any property, lands, marshes, marsh-lands and lands covered with water, which the company may at any time acquire or in or on the water covering the same, and generally the doing of such other acts or things with the said lands and property, or with any mineral substance or thing grown or to be grown, found, or being in or upon the same, as may promote the interests of the company, and not being contrary to the laws of this Province. 5 10

Capital. 4. The capital stock of the company shall be the sum of fifty thousand dollars, divided into fifty shares of one thousand dollars each. 15

Calls. 5. The capital stock shall be paid by the shareholders when and as the directors of the company shall require, or as the by-laws may provide, and in case any instalment shall remain unpaid after demand or notice, as the by-laws prescribe, and within the time limited by such notice, the directors may by resolution, reciting the facts and duly recorded in their records, summarily forfeit any shares whenever such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws of the company may provide. 20 25

Forfeiture for non-payment.

Stock to be personalty—how assignable. 6. The stock of the company shall be deemed personal estate and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for have been paid, unless it has been declared forfeited for non-payment. 30

Votes. 7. At all meetings of the company every shareholder not in arrear in respect to any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company, and no shareholder being in arrear shall be entitled to vote, and all votes may be given in person or by proxy. 35

Provisional Directors. 8. The said Thomas R. Merritt, William Hamilton Merritt Henry J. Taylor, John H. Stratford, Benjamin Killmaster Henry H. Groff, William B. Hunter, Benjamin Ross McConkey, David Tisdale, and Samuel D. Woodruff, shall be directors of the company until replaced by others duly elected in their stead. 40

Board of Directors. 9. The affairs of the company shall be administered by a board of not less than three nor more than five directors, being severally holders of at least five shares of stock; the after directors shall be elected at the first general meeting (of which each shareholder shall have ten days' notice, by letter mailed to his address), and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who (if otherwise qualified), may always be re-elected; and two members of such board present in person shall be a quorum 45 50

Election.

thereof; and in case of the death, resignation, removal or disqualification of any director, such vacancy may be filled by the board of directors, if they see fit, until the next annual meeting of the shareholders, by appointing any qualified shareholder thereto, but a failure to elect directors or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose, as the by-laws of the company shall regulate; elections of directors shall be by ballot.

Failure to elect not to operate dissolution.

10 10. The board of directors shall, from time to time, elect from among themselves a president, and may appoint either from amongst themselves or otherwise, a secretary-treasurer of the company, and shall have full power in all things to administer the affairs of the company, and may make or cause to be made any purchase and any description of contract which the company may by law make, but in no instance to exceed one hundred dollars beyond what has been authorized by the shareholders; to adopt a common seal; to make, from time to time, any and all by-laws (not contrary to law or to the votes of the shareholders), regulating the calling in of instalments on stock and payment thereof; the forfeiture of shares for non-payment; the disposal of forfeited shares and the proceeds thereof; the transfer of shares; the declaration and payment of dividends; the appointment, functions, duties, and removal of all agents, officers and employees of the company, the security to be given by them to the company, their remuneration; the time and place for holding the general annual and other meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meetings; the site of their chief place of business, and of any other offices which they may require to have; the times and periods during which the shareholders and life-right members may hunt, shoot and fish, and the manners, places, rules and methods to be observed in doing the same, with power to impose, fix and collect from any shareholder or life-right member, by action in any court of competent jurisdiction, in the name and for the benefit of the company, a penalty or penalties in money for any and all breaches of a by-law or by-laws lawfully made by the company; the imposition and recovery of all penalties and forfeitures, admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company, but every such by-law and every repeal and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company, and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law.

President and Secretary-Treasurer.

Powers of Directors.

By-laws for certain purposes,

Proof of.

11. The company shall not be bound to see to the execution of any trusts, whether express, implied or constructive, in respect of any shares, and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such shares, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipts.

Company not bound to see to Trusts.

Liability of
shareholders
limited.

12. The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company beyond their shares in the stock thereof. 5

Contracts,
bills, notes,
etc., how
executed.

13. All contracts, promissory notes, bills of exchange and engagements made on behalf of the company by the directors, officers, agents or servants of the company, in accordance with their powers under the by-laws, or by vote of the company, shall be binding upon the company, and in no case need the seal of the said company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor, but the said company shall issue no bank-note or note to circulate as money. 10 15

Commencing
operations.

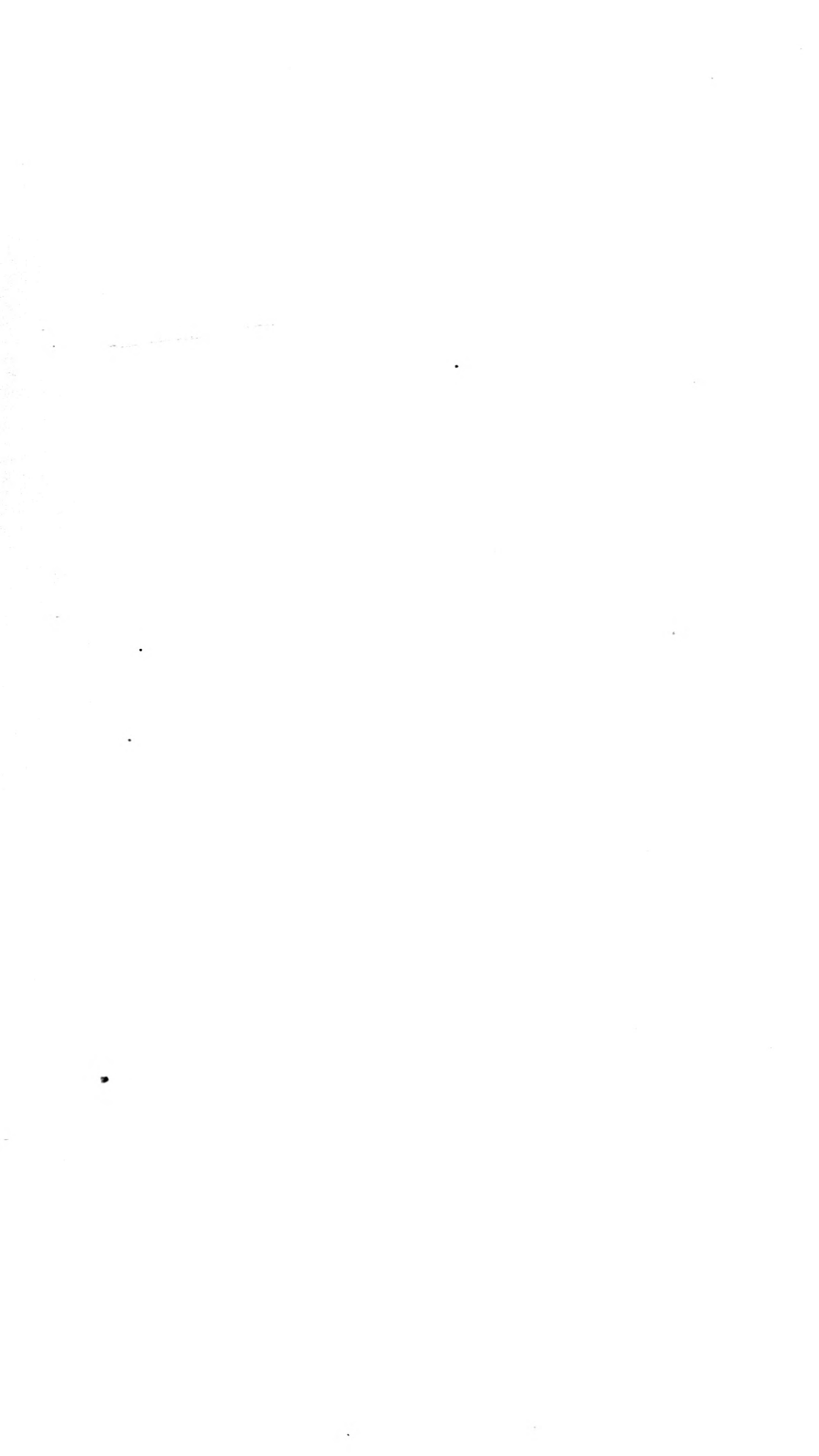
14. The company may commence operations upon the passing of this Act.

Company to
observe game
laws.

15. Notwithstanding anything in this Act contained, the said company shall not pursue and take game or fish during the close season, as fixed from time to time by the laws and regulations of this Province. 20

Interpreta-
tion.

16. The expression "the company" shall mean the company hereby incorporated whenever used in this Act, or in the by-laws of the company hereby incorporated; the word "shareholder" shall mean every subscriber to or holder of stock in the company, and shall extend to and include the personal representatives of the shareholder; and the words "life-right member" shall mean the holder of any right to hunt, shoot, or fish upon any part of the company's property for life, or any less term. 25 30



No. 4.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to Incorporate the Turkey Point
Company.

First Reading, 1885.

(PRIVATE BILL.)

Mr. FREEMAN.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to incorporate the Town of Thornbury.

WHEREAS the unincorporated Village of Thornbury, in the Township of Collingwood, in the County of Grey, has a population of one thousand two hundred souls, or thereabouts; and whereas the population of the said village is increasing, and will continue to increase in consequence of being on the line of the North Grey Railway, and from other causes; and whereas the inhabitants of the said village have by their petition represented that they are desirous of having the said village incorporated as a town, in order the better to enable them to carry out certain necessary improvements, which can be more readily effected under the powers granted to towns; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the passing of this Act, the inhabitants of the said Village of Thornbury shall be and they are hereby constituted a corporation or body politic, under the name of "The Corporation of the Town of Thornbury," apart from the Township of Collingwood, in which it is situate, and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province.

2. The said Town of Thornbury shall comprise and consist of all that part of the said Township of Collingwood, described as follows:—Starting at a point on the lake shore, at a depth of sixteen feet of water, in a line with the centre of Russell street; thence westerly along the centre line of Russell street to the intersection of the line between the tenth and eleventh concessions of the said township; thence continuing westerly along the line between lots thirty-one and thirty-two, to the intersection of the line between the eleventh and twelfth concessions; thence northerly and following the said line between the eleventh and twelfth concessions, across lots thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, and thirty-nine, to the Lake Shore, and continuing on the same course till a depth of sixteen feet of water is found; thence following the Lake Shore (but at such a distance therefrom as to include within the limits of said incorporation a depth of sixteen feet of water) to the intersection with the said Russell street at the place of beginning, and comprising within said limits the town plot of Thornbury, all the land between Bay street in the said town plot and the lake, the mill reserve within the said town plot, lots thirty-five and thirty-six in the

tenth concession, and lots thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight and thirty-nine, in the eleventh concession of the said Township of Collingwood.

Wards.

3. The said Town of Thornbury shall be divided into three wards, to be called respectively, East Ward, North Ward, and South Ward;

(1) East Ward shall be composed of that part of the said town, described as follows:—Commencing at the Lake Shore and continuing westerly along the dividing line between lots thirty-one and thirty-two (Russell street), to the intersection of Bruce street; thence along Bruce street north-easterly to the Lake; thence following the Lake Shore to the place of beginning;

(2) North Ward shall be composed of that part of the said town, described as follows:—Commencing at a point on the Lake Shore on a line with the centre of Bruce street; thence south-westerly along said Bruce street to the intersection of Alice street; thence north-westerly along the centre line of Alice street to Peel street; thence westerly along the centre line of Peel street to the intersection of tenth concession line; thence northerly along the centre of tenth concession line to the Lake; thence along the Lake Shore to the place of beginning;

(3) South Ward shall be composed of that part of the said town, described as follows:—Commencing at the intersection of the tenth concession line with the Lake; thence southerly along the centre of the tenth concession line to the intersection of Peel street; thence easterly along the centre line of Peel street to the intersection of Alice street; thence south-easterly along the centre line of Alice street to the intersection of Bruce street; thence south-westerly along the centre line of Bruce street to the intersection of the line between lots thirty-one and thirty-two (Russell street); thence westerly along the line between lots thirty-one and thirty-two to the intersection of the dividing line between the eleventh and twelfth concessions; thence northerly along the said dividing line to the Lake; thence along the lake shore to the place of beginning.

Nomination
for first
election of
Mayor, etc.

4. After the passing of this Act, it shall be lawful for _____, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve, and councillors, at the hall of the Messrs. T. & J. N. Andrews & Co., in the said Town of Thornbury, at the hour of noon, on _____ day of _____ next, of which he shall give at least one week's notice, in the two newspapers published in the said town, and by a like notice, in writing, posted up in at least two of the most public places in each of the wards of the said town; and the said _____ shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week next following; and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

5. The said returning officer shall, by his warrant, appoint a deputy returning officer for each of the wards into which the said town is divided; and such returning officer and each of such deputy returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Deputy-
returning
officers.

6. The clerk of the said Township of Collingwood and any other officer thereof shall, upon demand made upon him by the said returning officer, or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer, officers or chairman, with a certified copy of so much of the last revised assessment roll for the said village and township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed, that may be required for that purpose; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Copy of
revised assess-
ment roll of
Township of
Collingwood
to be
furnished.

7. The council of the said town, to be elected in manner aforesaid, shall consist of a mayor, who shall be the head thereof; a reeve and nine councillors, three councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling; or, if there be no polling, on the same day of the next week following the week of nomination; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario; and the said council and their successors in office shall have, use, exercise, and enjoy all the powers and privileges vested by the said municipal law in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Council.

Elections.

Powers and
liabilities.

8. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in towns.

Oath of
office and of
qualification.

9. At the first election of mayor, reeve and councillors for the said Town of Thornbury, the qualification of electors and that of the officers required to qualify, shall be the same as that required in townships by the municipal laws of Ontario; and the qualifications of mayor shall be the same as that of a reeve in a township.

Qualification.

10. From and after the holding of the first election under this Act, the said Town of Thornbury shall cease to form part of the Township of Collingwood, and shall in all respects be a separate and independent municipality, with all the rights,

Town to be a
separate
Municipality.

powers, privileges, and jurisdiction of an incorporated town in Ontario.

Provisions respecting municipal property on separation of town from township.

11. The council of the said Town of Thornbury shall be entitled to recover from the said Township of Collingwood such share of all moneys on hand, due, owing and of right collectable by and belonging to the said township at and prior to the said time of incorporation, or thereafter, if entitled thereto, as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said town, as shewn by the collector's roll of the year one thousand eight hundred and eighty-four, bears to the whole amount of the assessed property of the said Township of Collingwood, each to each, and the said town shall be liable to pay to the said township a share in the same proportion of all debts and liabilities existing against the said township at the time this Act shall come into force, as the same shall become due, and which are fairly and equitably chargeable against the said town; and in case of dispute the share to be borne by each respectively, shall be ascertained and settled under the provisions of the municipal laws of Ontario.

Expenses of obtaining Act.

12. The expenses incurred in obtaining this Act, and those of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto.

No. 5.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to Incorporate the Town of Thornbury.

First Reading, 1885.

(PRIVATE BILL.)

Mr. McCOLMAN.

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act respecting the Debt of the Town of Napanee.

WHEREAS the corporation of the Town of Napanee, in Preamble.

the County of Lennox and Addington, have at various times passed certain by-laws authorizing the issue of debentures, and have issued under such by-laws debentures creating 5 debts to the amount of fifty-nine thousand dollars, which said debentures are all now outstanding, and will fall due at various times, and funds have not been provided for redeeming the said outstanding debentures or paying the said debts; and whereas the said corporation of the Town of Napanee have 10 petitioned to be authorized to consolidate the said debts of fifty-nine thousand dollars, and to discharge the said indebtedness by the issue of new debentures to that amount; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 15 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debenture debts of the corporation of the Town of Napanee are hereby consolidated at the sum of fifty-nine thousand dollars; and it shall and may be lawful to and for 20 the said corporation of the Town of Napanee to raise by way of loan upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere who may be willing to lend the 25 same, a sum of money not exceeding fifty-nine thousand dollars of the lawful money of Canada.

Debt consolidated at the sum of \$59,000.

2. It shall and may be lawful for the said corporation of the Town of Napanee, in the County of Lennox and Addington, to pass a by-law or by-laws authorizing the said loan of 30 fifty-nine thousand dollars and the issuing of debentures therefor in accordance with this Act, and to impose in and by said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality, to be called "The Consolidated Loan Rate," over and above and in addition to 35 all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal, when the same shall fall due, of the said debentures last mentioned.

Authority to pass by-laws for new debentures.

40 3. It shall not be necessary to obtain the assent of the electors of the said Town of Napanee to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by "*The Consolidated Municipal Act, 1883.*"

Assent of electors to by-laws not required.

Issue of debentures to the amount of \$50,000 authorized. 4. It shall and may be lawful for the municipal council of the said corporation of the Town of Napanee after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation under the corporate seal, signed by the mayor and countersigned by the treasurer of the said corporation for the time being for such sums, not exceeding in the whole the said sum of fifty-nine thousand dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable half yearly. 5 10

Debentures, when and how payable. 5. The principal sum to be secured by the debentures to be issued under the preceding sections of this Act, shall be payable either in sterling or currency, and the same with the interest accruing thereon may be made payable either in this Province, in Great Britain or elsewhere, as the said council may by the by-law or by-laws direct or shall deem expedient; and a portion of the said debentures issued under any such by-law shall be made payable in each year for thirty years from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures. 15 20

Application of proceeds of debentures. 6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debts of fifty-nine thousand dollars, and not otherwise, and shall for that purpose be deposited until required in the agency of a chartered bank of Canada at Napanee or elsewhere in this Province, or invested in Government securities or stock, either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council and such bank or government shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said outstanding debenture debt or any part thereof, and not otherwise. 25 30 35

Outstanding debentures may be called in. 7. The treasurer of the said Town of Napanee shall, on receiving instructions from the said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may with the like consent substitute therefor the said debentures or any of them above authorized to be issued by this Act upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures. 40 45

By-laws not to be repealed until debt created thereunder is satisfied. 8. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act authorizing the said loan shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. 50

Investment of moneys raised by special rate. 9. The said municipal council shall, and it shall be the duty of the treasurer of the said Town of Napanee for the time being to invest from time to time all moneys raised by the special

rate provided by this Act and the by-law or by-laws imposing the same or derived from the investment of the said moneys, as hereinafter mentioned, less the interest payable in respect of the said debentures to be issued in pursuance of this Act for 5 the then current year, in either the bank or government securities mentioned in the sixth section of this Act as the said council shall direct, and upon such terms as the said council and bank or government shall agree upon, and such moneys shall only be withdrawn therefrom as the same may be 10 required from time to time for the payment and redemption of the said last mentioned debentures or the said outstanding debentures or any part thereof and to apply the residue of such moneys from time to time to the payment of the interest on the said debentures and not otherwise, nor for any other pur- 15 pose whatever.

10. Any provisions in the Acts respecting municipal insti- Inconsistent provisions in Municipal Acts not to apply.
 tutions in the Province of Ontario which are or may be incon-
 sistent with the provisions of this Act or any of them shall
 not apply to the by-law or by-laws to be passed by the said
 20 corporation under the provisions of this Act, and no irregu-
 larity in the form either of the said debentures authorized to
 be issued by this Act or of the by-law or by-laws authorizing
 the issuing thereof shall render the same invalid or illegal or
 be allowed as a defence to any action brought against the said
 25 corporation for the recovery of the amount of the said deben-
 tures and interest or any or either of them or any part thereof.
 Irregularity not to render by-law or debentures invalid.

11. Nothing in this Act contained shall be held or taken to Liability of corporation not discharged.
 discharge the said corporation of the Town of Napanee from any
 indebtedness or liability which may not be included in the
 30 said debt of fifty-nine thousand dollars.

No. 6.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act respecting the Debt of the Town
of Napanee.

First Reading.	1885.
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(PRIVATE BILL.)

Mr.

TORONTO:

PRINTED BY THE "GRRP" PRINTING AND PUBLISHING CO.

An Act to amend the Act incorporating the Toronto Baptist College.

WHEREAS the trustees of the Toronto Baptist College have Preamble.
 by their petition prayed for certain amendments to the
 Act incorporating the said trustees, being an Act passed in the
 forty-fourth year of the reign of Her Majesty Queen Victoria,
 5 and chaptered eighty-seven, intituled "An Act to incorporate the
 Toronto Baptist College," with a view to securing to the denom-
 ination a more direct voice in the management of the College,
 and to otherwise increase the efficiency thereof; and whereas it
 is expedient to grant the prayer of the said petition ;
 10 Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows :—

1. The name of the said corporation is hereby changed from
 "The Trustees of the Toronto Baptist College" to "The Toronto
 15 Baptist College." Corporate name changed.

2. The board of trustees is hereby continued, and shall Board of Trustees continued.
 possess the same powers, rights and authorities as heretofore,
 unless where other provision is made by this Act.

3. A college senate shall be appointed, as hereinafter pro- College Senate.
 20 vided ; such senate shall be composed of representatives of the
 following bodies :—

- (a) Of the Board of Trustees ;
- (b) Of the Faculty of the College ;
- (c) Of the Faculty of Acadia College ;
- 25 (d) Of the Faculty of Woodstock College ;
- (e) Of the Alumni of Toronto Baptist College ;
- (f) Of each of the four Conventions of the Regular Baptists
 in Canada, namely:—"The Baptist Missionary Convention of
 Ontario," "The Baptist Missionary Convention, East," "The
 30 Baptist Convention of the Maritime Provinces," and "The Bap-
 tist Convention of Manitoba and the North-West."

4. (1) The representatives of the board of trustees shall b Representatives of bodies entitled to representation in Senate.
 three in number, to be selected by the said board from among
 the members thereof annually.

35 (2) The representatives of the faculty of said college shall
 be, the president thereof for the time being, and two of the pro-
 fessors thereof, to be selected by the faculty annually.

(3) The representatives of the faculties of Acadia College and of Woodstock College respectively, shall be, the principal or president for the time being of each of the said colleges, and one of the professors of each of the said colleges, selected by the respective faculties annually. 5

(4) The representatives of the Alumni of Toronto Baptist College shall be five in number, and shall be appointed by the Alumni association of said college, and when appointed, shall continue in office for four years.

(5) The representatives of each of the said Conventions shall be: one representative for every five thousand or fraction in excess of five thousand members of Regular Baptist Churches within the bounds of said Conventions from time to time, and shall be appointed by such Conventions respectively, and when appointed, shall continue in office for four years. 10 15

New conventions to be entitled to representation.

5. If any new Convention shall be organized in Canada for the same purposes as the existing Conventions, and be recognized by the Regular Baptist denomination, every such new Convention shall thereafter be entitled to representation in said senate on the same basis as the existing Conventions; its representatives to be appointed by such Convention, and when appointed, to continue in office for four years. 20

Restriction as to representation of alumni of College.

6. After the first day of April, one thousand eight hundred and eighty-seven, no person shall be eligible for election to the said senate as a representative of the Alumni of the College who is not a graduate thereof of at least five years' standing. 25

Members in good standing of some regular Baptist Church in Canada alone eligible for membership of Senate.

7. No person shall at any time be eligible for election to a position in said senate who is not then a member in good standing of some Regular Baptist Church in Canada, and all persons accepting a position in said senate, shall be understood by such acceptance to give an unqualified assent to the same abstract of doctrines as that to which the professors of the college are required to assent, and in case any senator ceases at any time during his term of office to be a member in good standing of a Regular Baptist Church in Canada, or removes from the Dominion of Canada, or in case a senator elected as a representative of a Convention removes beyond the bounds of the Convention which appointed him, or in case a representative of any of the said colleges severs his connection with the college from which he is a representative, he shall thereupon immediately cease to be a senator, and the vacancy thereby caused, or caused by the death or resignation of any senator, shall be filled by the body which appointed such senator. 30 35 40

Senate to have control of system of education and of examinations.

8. The senate so constituted shall have the control and management of the system and course of education pursued in the college, and of the examinations of the college, and shall report all its proceedings to the board of trustees at each annual meeting of the said board. 45

Powers of Senate as to appointment or dismissal of professors, etc.

9. The senate shall make recommendations from time to time to the board of trustees for the appointment or dismissal of professors, tutors and teachers, and shall have the right by a majority of three-fourths of the members present at a regular 50

meeting, or at a special meeting called for that purpose, to appoint or dismiss in case the board of trustees shall have rejected two successive recommendations of different persons for the same position; or shall have refused twice to dismiss on separate
 5 recommendations of the senate for the dismissal of any professor, tutor or teacher, and no professor, tutor or teacher shall be appointed or dismissed by the board except upon the recommendation of the senate; and if the board shall fail to take definite and final action upon any recommendation submitted
 10 to it before or at any of its annual meetings within three months next after any such annual meeting, such failure shall be deemed to be a rejection or refusal within the meaning of this clause.

10. The quorum of the senate shall be ten, or such larger
 number as the senate may fix. Quorum of Senate.

15 11. The senate shall hold its first meeting in McMaster Hall, in the City of Toronto, on the
 day of next after the passing of this Act, of
 which meeting public notice shall be given by advertisement,
 published for at least four weeks prior thereto, in the newspaper
 20 called *The Canadian Baptist*, and thereafter all meetings of the said senate, regular and special, shall from time to time be held at such time and place, at such intervals, and in such manner, and subject to such rules as may be determined by the senate by statute. Meetings of Senate.

25 12. The senate may elect such officers thereof from time to time, in such manner, and for such terms, as may be provided for by its statutes. Election of officers of senate.

30 13. The doing of mission work by students of the college, or by students undergoing in any other school, college or institution a course of instruction preparatory to a theological course in said college, shall be deemed to be a purpose of the college within the meaning of the eighth section of the Act incorporating the said college. Certain work to be a purpose of the College within 44 V., c. 87, s. 8.

No. 7.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to Amend the Act incorporating
the Toronto Baptist College.

First Reading, 1885.

(PRIVATE BILL.)

Mr. DRYDEN.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to re-divide Wellington Ward in the City of
Ottawa.

WHEREAS the corporation of the City of Ottawa by its petition has represented that it is expedient to re-divide Wellington Ward in the said City of Ottawa into two wards in order to establish the representation of the several wards of the said City of Ottawa on a more equitable basis; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 **1.** The territory now comprised within the limits of Wellington Ward in the City of Ottawa shall be, and the same is hereby divided into two wards, as follows, namely:—That portion of the said Wellington Ward lying west of the centre of Bank street and south of the centre of Wellington street shall constitute one ward, to be called Wellington Ward; and that portion of the said Wellington Ward lying east of the centre of Bank street and south of the centre of Wellington street shall constitute one ward, to be called Rideau Ward.

Wellington
Ward divided
into
Wellington
and Rideau
Wards.

20 **2.** The said City of Ottawa is hereby divided into six wards in manner following, that is to say:—Victoria Ward shall include all that portion of the said City of Ottawa comprised within the present boundaries of Victoria Ward; Wellington Ward shall include all that portion of Wellington Ward lying west of the centre of Bank street and south of the centre of Wellington street; Rideau Ward shall include all that portion of Wellington Ward lying east of the centre of Bank street and south of the centre of Wellington street; St. George's Ward shall include all that portion of the City of Ottawa comprised within the present boundaries of St. George's Ward;

25 **30** By Ward shall include all that portion of the said City of Ottawa comprised within the present boundaries of By Ward; and Ottawa Ward shall include all that portion of the said City of Ottawa comprised within the present boundaries of Ottawa Ward.

City of
Ottawa
divided into
six Wards.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to re-divide Wellington Ward in
the City of Ottawa.

First Reading, 1885.

(PRIVATE BILL.)

Mr. MONK.

An Act to amend the Municipal Act in order to make provision for local improvements in the City of Ottawa.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything in the Municipal Act contained, the Council of the Corporation of the City of Ottawa may pass By-laws for the following purposes:—
- (1) For defining the width, location and description of the sidewalks hereafter to be made in the several streets of the City of Ottawa ;
- 10 (2) For compelling the owners of lots to make the sidewalks opposite the lots owned by them, in accordance with a plan to be furnished by the City Engineer, and subject to the approval of the said City Engineer, the ground to be first graded and prepared by the Corporation ;
- 15 (3) For compelling the owners of lots in the several streets to repair and keep in repair the sidewalks opposite their several lots ;
- (4) For charging the owners of property with the cost of building and repairing sidewalks opposite their respective lots in all cases where the owners fail to build or repair sidewalks after receiving fifteen days' notice from the City Engineer. And, in case of neglect to build or repair, the cost of building and repairing such sidewalks shall become a special lien on the land opposite such sidewalks, payable in annual instalments of five dollars, with interest at the rate of five per cent., and recoverable in the same manner as other taxes due to the Corporation ;
- 20 (5) For permitting the owners of property on any street to build sidewalks on a uniform plan or design different from the provisions of such by-law, the distance not being less than one block, on presenting a petition to the Council praying for such sidewalks signed by two-thirds of the property owners affected thereby.

Power to
City of
Ottawa to
pass certain
by-laws
relating to
sidewalks, etc.,
in the city.

No. 9.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to provide for Local Improvements
in Ottawa.

First Reading, 9th February, 1885.

(*PRIVATE BILL.*)

MR. MONK.

An Act to amend the Acts relating to the Waterworks of the City of Hamilton.

WHEREAS the corporation of the city of Hamilton have Preamble. petitioned for certain amendments in the Acts relating to the waterworks of the city of Hamilton with a view to simplifying and facilitating the keeping and collection of the
 5 accounts in connection with such waterworks ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 10 **1.** Notwithstanding anything in the several Acts relating to the waterworks of the city of Hamilton contained, it shall be lawful for the council of the said city to pass a by-law or by-laws providing for the addition of a certain percentage or percentages to rates not paid at maturity in lieu of and substituti-
 15 tion for the system of discounts heretofore in operation under the said Acts, and such addition or increased sum shall be payable not as a penalty but as liquidated damages for the delay in payment ; and the collector or collectors shall have the like powers for levying the said addition to the rate or rates as for
 20 levying the rate or rates, and shall levy the same accordingly.
- In lieu of system of discounts, an additional charge may be made where rates not paid at maturity.

No. 10.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to Amend the Acts relating to the
Waterworks of the City of Hamilton.

First Reading. 1885.

(*PRIVATE BILL.*)

MR. GIBSON,
(*Hamilton.*)

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO

An Act respecting the Woodstock Methodist Cemetery.

WHEREAS George Adams, Darius C. Richmond, William Scarff, John Bickle, James Scarff, Richard Thomas Crawford and Vickerman Holtby, all of the town of Woodstock and county of Oxford, have by their petition set forth that they
 5 are trustees for the Methodist church of that parcel of land in said town containing two acres more or less, being lots numbers eleven and twelve east of Delatre street and lots numbers eleven and twelve west of Vansittart street in the said town, granted to their predecessors in trust for the site of a church,
 10 meeting house, school room and burying ground; that the church built upon said lot not proving convenient for the congregation worshipping therein, a new church was built upon another site in said town and the old lot used only as a burying ground; that the municipal council of said town prohibited
 15 the interment of the dead therein from and after the first day of June, one thousand eight hundred and eighty, and a new cemetery was acquired near the said town where members of the Methodist church and congregation at Woodstock have since been interred, and whither the remains of most of the
 20 bodies interred in the old burying ground have been removed; that they are desirous of obtaining authority to remove to the said new cemetery the contents of any graves still remaining in the said old burying ground and to sell the said lands first above mentioned; and that the Conference of the Methodist
 25 Church of Canada consented to such sale; and whereas it is expedient to grant the prayer of the said petition;
 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

30 **1.** The said trustees and their successors shall have full power and authority forthwith, after giving notice as herein-
 after required, to remove of their own accord and at their own
 expense, and without any further notice to the friends or relatives of the dead, all the remains of the dead now interred in
 35 the lands and property in said town of Woodstock first above described, from the said place of interment to the said new cemetery near the said town, and the remains of the dead so removed in pursuance of the powers in this section granted shall be re-interred at the expense of the said trustees in burial
 40 places or plots corresponding in size as nearly as may be with those from which such remains shall have been removed.

2. The said trustees before removing the remains of the dead as in the last preceding section authorized, shall, during the

Preamble.

Removal of remains of dead authorized.

Notice of removal.

period of one month publish a notice once a week in the *Ontario Gazette*, and in one newspaper published in the town of Woodstock, which said notice shall set forth the powers in the said last preceding section granted, and that parties owning burial lots in the said old burying ground in the said town upon removing the remains to the said new cemetery near the said town will receive conveyances of burying plots in the said last named cemetery corresponding in size, as nearly as may be, with those lots from which the remains of the dead shall have been so removed; and the said trustees shall be required to procure and furnish such conveyances and to pay all reasonable expenses incurred or sustained in or by reason of such removal and re-interment in said new cemetery. 5 10

Power to lease or sell lands. 3. So soon as all the bodies which are now interred in the said burying ground first above mentioned are removed as provided for above, the said trustees and their successors shall be and they are hereby authorized to lease for any term of years or to sell and convey in fee simple or for any lesser estate the whole of the lands and premises in said town of Woodstock first hereinabove mentioned and described, either by public auction or private contract, in one lot or in parcels, in such manner, for such prices, for cash or upon credit and upon such terms and conditions as may be deemed best by the said trustees, and they are authorized to so lease or sell and convey as aforesaid the said lands free and discharged of and from all right, title, interest, claim and demand of any person or persons who may have acquired lots for burial purposes in said parcel of land or of their representatives: and the lots to be conveyed as aforesaid to such persons in the said new cemetery shall be accepted by them in lieu of the lots in the said old burying ground, and of all right, title, interest, claim or demand they may have in respect thereof; and no sale of said lands as aforesaid or anything done under the authority of this Act shall cause the said lands or any part thereof to revert to Her Majesty or to any person or persons whomsoever. 15 20 25 30 35

Power to accept mortgages. 4. Should the said trustees sell the said lands or any part thereof and grant time for the payment of the purchase money or any portion thereof, they are hereby authorized and empowered to take and accept as security for the payment thereof mortgages from the respective purchasers on the land sold to them respectively, containing the ordinary and usual covenants and powers of sale, and to enforce all such covenants and exercise such powers in the ordinary and usual manner. 45

Application of proceeds of sale. 5. The moneys received by the said trustees on account of said lands shall be applied to the payment of expenses incurred by them under the provisions of this Act, to the payment of any other liabilities they may have as such trustees, and any residue may be applied towards the payment of any liabilities incurred in respect of the said new cemetery, or towards the embellishment or improvement thereof, or towards the payment of the debt upon the Methodist church in said town of Woodstock, as said trustees or their successors may deem best. 50 55

No. 11.

2nd Session, 5th Legislature, 47 Vic., 1885.

BILL.

An Act respecting the Woodstock Methodist Cemetery.

First Reading,	1885.
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(*PRIVATE BILL.*)

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act respecting the Woodstock Methodist Cemetery.

WHEREAS George Adams, Darius C. Richmond, William Scarff, John Bickle, James Scarff, Richard Thomas Crawford and Vickerman Holtby, all of the town of Woodstock and county of Oxford, have by their petition set forth that they are trustees for the Methodist church of that parcel of land in said town containing two acres more or less, being lots numbers eleven and twelve east of Delatre street and lots numbers eleven and twelve west of Vansittart street in the said town, granted to their predecessors in trust for the site of a church, meeting house, school room and burying ground; that the church built upon said lot not proving convenient for the congregation worshipping therein, a new church was built upon another site in said town and the old lot used only as a burying ground; that the municipal council of said town prohibited the interment of the dead therein from and after the first day of June, one thousand eight hundred and eighty, and a new cemetery was acquired near the said town where members of the Methodist church and congregation at Woodstock have since been interred, and whither the remains of most of the bodies interred in the old burying ground have been removed; that they are desirous of obtaining authority to remove to the said new cemetery the contents of any graves still remaining in the said old burying ground and to sell the said lands first above mentioned; and that the Conference of the Methodist Church of Canada consented to such sale; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said trustees and their successors shall have full power and authority forthwith, after giving notice as herein-after required, to remove of their own accord and at their own expense, *in a decent and orderly manner*, and without any further notice to the friends or relatives of the dead, all the remains of the dead now interred in the lands and property in said town of Woodstock first above described, from the said place of interment to the said new cemetery near the said town, and the remains of the dead so removed in pursuance of the powers in this section granted shall be re-interred at the expense of the said trustees in burial places or plots corresponding in size as nearly as may be with those from which such remains shall have been removed.

Removal of
remains of
dead
authorized.

Notice
of removal.

2. The said trustees before removing the remains of the dead as in the last preceding section authorized, shall, during the period of one month publish a notice once a week in the *Ontario Gazette*, and in one newspaper published in the town of Woodstock, which said notice shall set forth the powers in the said last preceding section granted, and that parties owning burial lots in the said old burying ground in the said town upon removing the remains to the said new cemetery near the said town will receive conveyances of burying plots in the said last named cemetery corresponding in size, as nearly as may be, with those lots from which the remains of the dead shall have been so removed; and the said trustees shall be required to procure and furnish such conveyances and to pay all reasonable expenses incurred or sustained in or by reason of such removal and re-interment in said new cemetery. In case parties owning lots in the said old burying-ground do not remove the remains therein interred and apply for conveyance of plots in the new cemetery, it shall be the duty of the said trustees to remove the same in a decent and orderly manner, and to re-inter them in separate burying plots corresponding in size, as aforesaid, in the said new cemetery, and also to remove from the said old burying-ground and to replace in the said several plots in the new cemetery all gravestones and monuments now erected in the former.

Power to lease
or sell lands.

3. So soon as all the bodies which are now interred in the said burying ground first above mentioned are removed as provided for above, the said trustees and their successors shall be and they are hereby authorized to lease for any term of years or to sell and convey in fee simple or for any lesser estate the whole of the lands and premises in said town of Woodstock first hereinabove mentioned and described, either by public auction or private contract, in one lot or in parcels, in such manner, for such prices, for cash or upon credit and upon such terms and conditions as may be deemed best by the said trustees, and they are authorized to so lease or sell and convey as aforesaid the said lands free and discharged of and from all right, title, interest, claim and demand of any person or persons who may have acquired lots for burial purposes in said parcel of land or of their representatives: and the lots to be conveyed as aforesaid to such persons in the said new cemetery shall be accepted by them in lieu of the lots in the said old burying ground, and of all right, title, interest, claim or demand they may have in respect thereof; and no sale of said lands as aforesaid or anything done under the authority of this Act shall cause the said lands or any part thereof to revert to Her Majesty or to any person or persons whomsoever.

Power to
accept
mortgages.

4. Should the said trustees sell the said lands or any part thereof and grant time for the payment of the purchase money or any portion thereof, they are hereby authorized and empowered to take and accept as security for the payment thereof mortgages from the respective purchasers on the land sold to them respectively, containing the ordinary and usual covenants and powers of sale, and to enforce all such covenants and exercise such powers in the ordinary and usual manner.

5. The moneys received by the said trustees on account of said lands shall be applied to the payment of expenses incurred by them under the provisions of this Act, to the payment of any other liabilities they may have as such trustees, and any residue may be applied towards the payment of any liabilities incurred in respect of the said new cemetery, or towards the embellishment or improvement thereof, or towards the payment of the debt upon the Methodist church in said town of Woodstock, as said trustees or their successors may deem best.

Application of
proceeds of
sale.

6. It shall be the duty of the said trustees and the survivor or survivors of them and their successors, to use due care and diligence that all the remains of the dead have been removed from the said lands before they lease, mortgage, or sell, as aforesaid, but the title of any lessee, mortgagee, or purchaser, shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged or sold, if it shall be made to appear to the County Judge of the County of Oxford for the time being, and if he shall so certify under his hand that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so leased, mortgaged or sold; and such certificate shall be registered in the registry office for the said county on the production thereof to the registrar and the payment to him of one dollar as a fee for such registration.

Care to be
taken that
all remains
are removed
before sale
of land.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the Woodstock Methodist Cemetery.

(Reprinted as Amended.)

First Reading, 10th February, 1885.

(PRIVATE BILL.)

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to authorize the sale of certain lands belonging to the Presbyterian Church in the Township of Eldon.

WHEREAS under and by virtue of Letters Patent under Preamble.
the Great Seal of the Province of Canada, bearing date
the Eighth day of July, in the year of our Lord one thousand
eight hundred and thirty-six, and mesne conveyances in pursu-
5
ance of the terms of the said patent, all that certain parcel or
tract of land and premises situate, lying and being in the
Township of Eldon, in the County of Victoria, and Province of
Ontario, containing by admeasurement two hundred acres, be
the same more or less, being composed of lot Number Six in
10 the Fourth Concession of the Township of Eldon, is vested in
James McPherson, Eachern McEachern and Alexander Mc-
Pherson, all of the Township of Eldon aforesaid, yeomen, as
Trustees upon the trusts and to and for the uses, intents and
purposes in said patent expressed, that is to say, in trust to
15 hold the same forever to and for the benefit of the Presbyterian
Minister for the time being Incumbent of the Presbyterian
Church of Scotland, erected in the said Township of Eldon;
And, whereas the greater portion of the said lands has been for
a long time used as a farm, and in consequence of a long va-
20
cancy in the incumbency of the said church, the buildings and
fences on said farm became and are out of repair, and the farm
is in a bad state of cultivation, so that it cannot be rented to
any advantage, and to rebuild and repair would consume the
rent for several years to come, and the said property has in
25
manner aforesaid become of no use to the incumbent of the
said church, and it is desirable that the said lands, except the
portion hereinafter reserved for a manse, should be sold and
part of the proceeds used to build a manse, and the residue in-
vested for the benefit of the incumbent for the time being of
30 the said church; And, whereas the said trustees, the congrega-
tion of the said Presbyterian Church of Scotland aforesaid, and
John Gillies, the incumbent thereof, by their petition pray that
the said lands, save and except that portion thereof reserved
for a burying ground and manse, being that portion thereof
35
commencing at the south east angle of said lot, thence north
eighteen degrees and forty-seven minutes west along the
easterly limit thereof five chains and seventeen links, thence
south seventy-one degrees and thirty-five minutes west, twenty-
seven chains and fifty-two links, thence north eighteen de-
40
grees and thirty-five minutes west one chain and thirty-five
links, thence south seventy-three degrees and twenty minutes
west, ten chains and twenty-three links, thence south four de-
grees and twenty-nine minutes east, four chains and ten links
more or less, to the northerly limit of the allowance for road

between lots five and six, thence north seventy-one degrees and thirty-five minutes east, five chains and sixty six links, thence south eighteen degrees and thirty-five minutes east, two chains and eighty links more or less, to the said road allowance through the easterly half of said concession, thence north 5
seventy-one degrees and thirty-five minutes east, along said road allowance thirty-three chains and ten links more or less, to the place of beginning, containing by admeasurement nineteen acres and nine-tenth acres of land, all bearings being astronomical, may be sold and disposed of, and the Synod of 10
the Presbyterian Church of Canada in connection with the Church of Scotland has consented to such sale; And, whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario enacts as 15
follows:—

Sale of lands authorized.

1. The said Trustees, James McPherson, Eachern McEachern, and Alexander McPherson, the survivor or survivors of them, or any of them, or any succeeding Trustee or Trustees, of them or of any of them, or the survivor or survivors of them, shall 20
have full power and authority to sell and absolutely dispose of and convey all and every or any part of the said lands and premises in the preamble to this Act mentioned, save the portion thereof reserved as aforesaid, and therein described by metes and bounds, with the appurtenances, to any person or 25
persons whomsoever, either together or in parcels, and either by public auction or by private contract, and for such price or prices in cash or in money payable and to be secured by instalments, mortgages or otherwise as to the trustees or trustee for the time being shall seem reasonable, and any deed executed by such trustees or trustee as aforesaid, shall vest in the 30
purchaser a full, clear and absolute title to the said lands, and freed from all trusts whatsoever contained in the said Letters Patent.

The purchasers not bound to see to the application of the money.

2. The purchaser or purchasers of the whole or any part of 35
the said lands and premises shall not be bound to see to the application of the purchase money or moneys arising from such sale or sales, but the receipt of the vendor or vendors, or of the survivor or survivors of them or of either of them, shall be a 40
sufficient discharge therefor.

Authority to build a manse out of the proceeds of sale.

3. After payment of the expenses of obtaining this Act and all proper and reasonable costs, charges and expenses of effecting and carrying out such sale or sales, the said Trustees are authorized to apply such part of the proceeds of such sale or sales as they think proper to and for the building of a manse 45
for the use of the said minister on the portion of said lands reserved and in the preamble hereto described by metes and bounds, and the residue of said proceeds or moneys to invest from time to time in Government stock, or securities of the Dominion of Canada, or upon the security of freehold and real 50
estate of ample value in the Dominion of Canada.

Residue to be held on like trusts as those declared in patent and interest paid to the minister.

4. The said Trustees shall hold the said residue of said proceeds or moneys upon the like trusts as are declared by the said Letters Patent so as to pay the interest arising and accru-

ing therefrom, and no more, to the Presbyterian Minister for the time being incumbent of the said church.

5 **5.** And it is hereby declared that the Trustees or Trustee for the time being shall not, nor shall any of them, their or any of their heirs, executors or administrators, or any of them be chargeable or accountable for any involuntary loss suffered by him, them or any of them, nor any one or more of them, for any other or others of them, nor for more money than shall come to their respective hands. Trustees not to be accountable for involuntary loss.

10 **6.** Nothing in this Act contained shall be construed to affect any rights of any other person or persons in respect of said lands, nor any liens or incumbrances now existing on or against said lands. Rights not affected.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to authorize the sale of certain lands belonging to the Presbyterian Church in the Township of Eldon.

First Reading, 1885.

(PRIVATE BILL).

Mr. McINTYRE.

An Act to legalize a certain By-law of the Town of Paris.

WHEREAS the municipal council of the corporation of the Preamble.
 Town of Paris, in the County of Brant, did on the
 eighteenth day of August, in the year of our Lord one thousand
 eight hundred and eighty-four, pass a by-law after the same
 5 was duly approved by the ratepayers of the said town, intituled
 "A By-law to raise by way of loan the sum of eight thousand
 dollars to provide for the sum necessary to complete the water
 works and to lay service pipes," and which said by-law is
 10 numbered two hundred and twenty-nine, and no application or
 suit has been made or entered to quash the same, but in conse-
 quence of the said by-law not having been duly promulgated
 and registered within the time limited, and according to the
 statutes in such cases made and provided, and in consequence
 15 of certain formal defects in said by-law, doubts exist as to its
 legality; and whereas the municipal council of the corporation
 of the Town of Paris have petitioned that for the purpose of
 removing all doubts as to the validity of the said by-law, an
 Act may be passed to confirm and legalize the said by-law
 20 numbered two hundred and twenty-nine of the said Town of
 Paris; and whereas it is expedient to grant the prayer of the
 said petition;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

25 1. The said by-law of the municipal council of the Town of By-law No.
 Paris, numbered two hundred and twenty-nine and intituled 229 of the
 "A by-law to raise by way of loan the sum of eight thousand Town of Paris
 30 dollars to provide for the sum necessary to complete the water confirmed.
 works and to lay service pipes," is hereby confirmed and
 declared to be legal and valid to all intents and purposes, and
 the debentures issued or to be issued under the said by-law shall
 be and the same are hereby declared to be valid, legal and binding
 upon the corporation of the said Town of Paris, and the ratepayers
 thereof, notwithstanding anything in any Act to the contrary.

No. 13.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to legalize a certain By-law of the
Town of Paris.

First Reading, 1885.

(PRIVATE BILL.)

Mr. YOUNG.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to incorporate the Brockville, Merrickville,
and Ottawa Railway Company.

WHEREAS Thomas Cramp and Charles James Fleet, of the Preamble.
City of Montreal, J. Jakes, W. H. Magee, and P. Kyle,
of Merrickville, and J. W. B. Rivers and Henry Torrance, of
Brockville, and John Sweetland, McLeod Stewart and William
5 Kingsford, C.E., of Ottawa, have by their petition represented
that it is desirable that a railway should be constructed from
the City of Brockville, in the County of Leeds, to cross the
Rideau river at Merrickville, thence to the City of Ottawa, in
the County of Carleton, through the townships of Elizabeth,
10 Augusta, Woolford, Montague, Marlboro', North Gower, and
Nepean, and have prayed for an Act accordingly, and whereas
it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
15 as follows:—

1. Thomas Cramp, Charles James Fleet, J. Jakes, W. H. Incorporation.
Magee, P. Kyle, J. W. B. Rivers, Henry Torrance, John Sweet-
land, McLeod Stewart, and William Kingsford, with such other
persons and corporations as shall in pursuance of this Act
20 become shareholders of the said company hereby incorporated,
are hereby constituted and declared a body corporate and
politic by the name of "The Brockville, Merrickville, and
Ottawa Railway Company" (hereinafter called the company),
and the said several persons in this section named shall be
25 provisional directors of the said company.

2. The company shall have full power and authority to con- Location of
struct a railway from the City of Brockville, crossing the Ottawa line.
river at Merrickville, and through the townships above men-
tioned to the City of Ottawa, with power to build branches.

30 3. The gauge of the said railway shall be four feet eight and Gauge.
one-half inches.

4. It shall and may be lawful for the company at any Power to
point where the railway, or any branch thereof, approaches purchase, etc.,
within two miles of any navigable waters to purchase and hold wharves, etc.
35 as its own absolute property, and for the use of the com-
pany, wharves, piers, docks, water lots and lands; and upon
the said water lots and lands, and in and over the waters
adjoining the same to build and erect elevators, storehouses,
warehouses and engine-houses, sheds, wharves, docks, piers and
40 other erections for the use of the company, and the steam and
other vessels owned, worked or controlled by the company or

any other steam or other vessels; and to collect wharfage and storage charges for the use of the same, and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, 5 lying, loading and unloading within the same and to dredge, deepen and enlarge such works, and the said wharves, piers, and docks, water lots, lands, elevators, storehouses, warehouses, engine-houses, sheds and other erections, or any thereof, or any portions thereof in its discretion to sell, lease or convey. 10

Power to purchase and work vessels in connection with railway.

5. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair steam or other vessels, from time to time to ply on lakes, rivers and canals of this Province, in connection with the said railway; and also to 15 make arrangements and agreements with the steamboat and vessel proprietors, by chartering or otherwise to ply on the said lakes, rivers and canals in connection with the said railway.

Railway Act incorporated.

6. The several clauses of the Railway Act of Ontario shall 20 be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses 25 of the said Railway Act so incorporated with this Act as aforesaid.

Capital Stock.

7. The capital stock of the company shall be two hundred thousand dollars, in two thousand shares of one hundred dollars each, and shall be raised by the persons and corpora- 30 tions who may become shareholders in the company; and the money so raised shall be applied, in the first place, to the payment of all expenses for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized; and the remainder 35 of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act.

Provisional directors to hold office until other directors appointed.

8. The provisional directors of the said company shall hold office as such until other directors shall be appointed under the 40 provisions of this Act by the shareholders; and it shall be lawful for the provisional directors for the time being of the company, or a majority of them present at a meeting called for the purpose, to supply the place or places of any of their number from time to time dying or declining or becoming incap- 45 able to act as such provisional directors, and to associate with themselves, at a meeting called for the purpose of deciding thereon, not more than five other persons, who shall thereupon become and be provisional directors of the company equally with themselves. 50

Powers of provisional directors.

9. The said board of provisional directors shall have full power to open up stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meet-

ing of the shareholders for the election of directors, as hereafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least four weeks notice in the *Ontario Gazette*, and in one paper published in the cities of Brockville and Ottawa, of the time and place of meeting, to open such books and to receive such subscriptions, and the said committee, or a majority of them, may in their discretion exclude any person from subscribing.

- 10 **10.** When and so soon as shares to the amount of fifty thousand dollars in the capital stock of the company shall have been subscribed, and two thousand five hundred dollars shall have been paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario (which shall on no account be withdrawn therefrom unless for the service of the company) the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in one paper published in the cities of Brockville and Ottawa and in the *Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the company, in manner and qualified as hereinafter directed; which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

First election of directors.

- 11.** It shall be lawful for the directors in procuring subscriptions for stock to allot such stock in such amounts, and subject to the payment of such calls of such amount and at such times and at such discount as they may think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription or by instalments, and the amount of every such instalment as and when payable shall be deemed to be money due in respect of a call duly made in accordance with the provisions contained in section twenty-seven of the Railway Act of Ontario, and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act as in the case of a call due by a shareholder on a share.

Allotment of stock.

- 12.** The said provisional directors or the elected directors may pay, or agree to pay, in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional directors or not, and any agreements so made shall be binding on the company.

Directors may make certain payments in paid up stock or in bonds.

- Annual meetings.** 13. The general annual meeting of the shareholders of the company shall be held in such place in the City of Ottawa or at such other place, and on such days and at such hours as may be directed by the by-laws of the company, and notice thereof shall be sufficient if the same be published once in the *Ontario Gazette* at least four weeks previous to the day of such meeting and once a week in one newspaper published in the cities of Brockville and Ottawa during the four weeks preceding the week in which such meeting is to be held. 5
- Special general meetings.** 14. Special general meetings of the shareholders of the company may be held at such place in the City of Ottawa, or at such other place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in the last preceding section. 15
- Qualification of directors.** 15. In the election of directors under this Act no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company, upon which all calls have been paid up.
- Rights of aliens.** 16. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company. 20
- Quorum of directors.** 17. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business. 25
- Agreements with other companies.** 18. It shall be lawful for the company to enter into any agreement with any company or companies, thereto lawfully authorized, for leasing to them the said railway, or any part thereof; and it shall further be lawful for the company to enter into any agreements with any company or companies for the working of the said railway, or for running powers over the same on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company or companies any portion of their railway, or the use thereof, and generally to make any agreement or agreements with any other companies, touching the use by one or the other, or by both companies, of the railway or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company or companies leasing or entering into agreement for using the said line may and are hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers and privileges by this Act conferred: Provided that every such lease or agreement shall first be sanctioned at a general meeting called for the purpose of considering the same, according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such 30 35 40 45 50 55
- Proviso.**

meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

19. It shall be lawful for the directors of the company to enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Agreements for use of rolling stock, etc.

20. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange made or indorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Negotiable instruments.

Proviso.

21. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the company, any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the company shall have power to accept gifts of land from any government or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Grants of land to company.

22. The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine-houses and other erections for the uses of the said company, and the same or portions thereof in their discretion to sell or convey, and also to make use, for the purpose of the said railway, of any stream or water-course at or near which the said railway passes, doing however no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course.

Power to hold additional property at the extremities of the railway.

Use of streams.

23. The said company shall have power to collect and receive all charges subject to which goods or commodities may

Power to collect back-

charges
on goods.

come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. 5

Right to use
highways.

24. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company; and if such highway be either in the possession of or under the control of any joint stock company, then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway. 10 15 20

Telegraph
lines.

25. For the purpose of constructing, working and protecting the telegraph lines to be constructed by the company on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company. 25

Exemption
from taxation.

26. It shall further be lawful for the council of any municipality in which any part of the said railway is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein. 30 35 40

Power to
acquire whole
lots.

27. Whenever the company can obtain the whole of any lot or parcel of land over which the railway is to be carried, at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold and enjoy the whole of such lot or parcel of land, and may sell and convey the same, or any part thereof, from time to time as they may deem it expedient; but the compulsory clauses of the Railway Act shall not apply to this section. 45 50

Power to ac-
quire quarries
and gravel
pits, etc.

28. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate, for the pur-

chase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of the arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act of Ontario, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

29. (1) When said gravel, stone, or other material shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway;

Sidings to gravel pits, etc.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section eight of section twenty of the Railway Act of Ontario shall not apply.

30. The directors of the company, after the sanction of the shareholders shall have been first obtained at any annual general meeting, or any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments, then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed a mortgagee and incumbrancer *pro ratu* with all the other holders thereof upon the undertaking and the property of the company as aforesaid; and the company may by by-law before issue, fix and define the amount or denomination of such bonds, the time or times and the place or places for payment of the principal moneys thereof, and the interest thereon, and other particulars in reference thereto: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred thousand pounds ster-

Issue of bonds.

Proviso.

ling, and that the rate of interest thereon shall not exceed six per centum per annum; and provided also further that in the event at any time of the interest of the said bonds remaining unpaid and owing, then at the next ensuing general meeting of the company and at all subsequent general meetings, so long as such interest or any part thereof shall remain unpaid and in arrear, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, and for all purposes as are attached to sharcholders: Provided that the holder of any bond or bonds shall have at least three days before any such meeting produced the bond or bonds held by him to the secretary for registration in his name, or that in the case of the holder of any bond or bonds residing in Great Britain and Ireland, and having such bond or bonds in his custody or under his control, then such holder shall have at least three days before any such meeting produced to the secretary a certificate under the hand and official seal of a Notary Public stating the numbers of such bond or bonds, and that they had been produced before him by such holder, and in either of such cases it shall be the duty of the secretary to register the name of such holder and the numbers of the bonds held by him, but the failure or neglect of the secretary in that respect shall not affect the rights, privileges and qualifications of such holder or holders; any such bondholder shall be entitled to five votes for every bond of the amount of one hundred pounds sterling held by him, or in that proportion.

Power to mortgage bonds.

31. The company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, debentures, or mortgage securities, which, under the powers of this Act, can be issued for the construction of the railway or otherwise.

Time for construction.

32. The railway shall be commenced within two years, and completed within seven years after the passing of this Act.

Form of conveyance.

33. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set out in the Schedule A hereunder written, or the like effect, shall be sufficient conveyances to the company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof.

Construction by ten mile sections.

34. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the Railway Act of Ontario and amendments thereto, with respect to "plans and surveys," by sections or portions less

- than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit, as aforesaid, of the map or plan, and book of reference, of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act, and the amendments thereof, applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference, for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said Railway Act and the amendments thereof, with respect to "plans and surveys."
- 20 **35.** The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, Power to erect snow fences.
- 25 subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law, in respect of such railway to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April following.

SCHEDULE A.

(Section 33.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendor*] in consideration of

dollars paid to me (or us) by the Brockville, Merrickville and Ottawa Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the name of any other party or parties*] in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said Brockville, Merrickville and Ottawa Railway Company, its successors and assigns [*here insert any other clauses, conditions and covenants required*], and I (or we) wife (or wives) of the said do hereby bar my (or our)

dower in the said lands. As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in }
the presence of }

[L.S.]

2nd Session, 5th Legislature, 48 Vic., 1885

BILL.

An Act to incorporate the Brockville, Merrickville and Ottawa Railway Company.

First Reading,	1885.
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(PRIVATE BILL.)

Mr. MERRICK.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act to incorporate the Brockville, Merrickville,
and Ottawa Railway Company.

WHEREAS Thomas Cramp and Charles James Fleet, of the Preamble.
City of Montreal, *Samuel Jakes*, W. H. Magee, and P. Kyle,
of Merrickville, and J. W. B. Rivers and Henry Torrance, of
Brockville, and John Sweetland, McLeod Stewart and William
5 Kingsford, C.E., of Ottawa, have by their petition represented
that it is desirable that a railway should be constructed from
the *Town* of Brockville, in the County of Leeds, to cross the
Rideau river at Merrickville, thence to the City of Ottawa, in
the County of Carleton, through the townships of Elizabeth,
10 Augusta, Wolford, Montague, Marlboro', North Gower, and
Nepean, and have prayed for an Act accordingly, and whereas
it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
15 as follows:—

1. Thomas Cramp, Charles James Fleet, *Samuel Jakes*, W. H. Incorporation.
Magee, P. Kyle, J. W. B. Rivers, Henry Torrance, John Sweet-
land, McLeod Stewart, and William Kingsford, with such other
persons and corporations as shall in pursuance of this Act
20 become shareholders of the said company hereby incorporated,
are hereby constituted and declared a body corporate and
politic by the name of "The Brockville, Merrickville, and
Ottawa Railway Company" (hereinafter called the company),
and the said several persons in this section named shall be
25 provisional directors of the said company.

2. The company shall have full power and authority to con- Location of
struct a railway from the *Town* of Brockville, crossing the *Rideau* line.
river at Merrickville, and through the townships above men-
tioned to the City of Ottawa.

30 3. The gauge of the said railway shall be four feet eight and Gauge.
one-half inches.

4. It shall and may be lawful for the company at any Power to
point where the railway, or any branch thereof, approaches purchase, etc.,
within two miles of any navigable waters to purchase and hold wharves, etc.
35 as its own absolute property, and for the use of the com-
pany, wharves, piers, docks, water lots and lands; and upon
the said water lots and lands, and in and over the waters
adjoining the same to build and erect elevators, storehouses,
warehouses and engine-houses, sheds, wharves, docks, piers and
40 other erections for the use of the company, and the steam and
other vessels owned, worked or controlled by the company or

any other steam or other vessels; and to collect wharfage and storage charges for the use of the same, and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, 5 lying, loading and unloading within the same and to dredge, deepen and enlarge such works, and the said wharves, piers, and docks, water lots, lands, elevators, storehouses, warehouses, engine-houses, sheds and other erections, or any thereof, or any portions thereof in its discretion to sell, lease or convey. 10

Power to purchase and work vessels in connection with railway.

5. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair steam or other vessels, from time to time to ply on lakes, rivers and canals of this Province, in connection with the said railway; and also to 15 make arrangements and agreements with the steamboat and vessel proprietors, by chartering or otherwise to ply on the said lakes, rivers and canals in connection with the said railway.

Railway Act incorporated.

6. The several clauses of the *Railway Act of Ontario* shall 20 be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses 25 of the said Railway Act so incorporated with this Act as aforesaid.

Capital Stock.

7. The capital stock of the company shall be two hundred thousand dollars, in two thousand shares of one hundred dollars each, and shall be raised by the persons and corpora- 30 tions who may become shareholders in the company; and the money so raised shall be applied, in the first place, to the payment of all expenses for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized; and the remainder 35 of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act.

Provisional directors to hold office until other directors appointed.

8. The provisional directors of the said company shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders; and it shall be law- 40 ful for the provisional directors for the time being of the company, or a majority of them present at a meeting called for the purpose, to supply the place or places of any of their number from time to time dying or declining or becoming incap- 45 able to act as such provisional directors, and to associate with themselves, at a meeting called for the purpose of deciding thereon, not more than five other persons, who shall thereupon become and be provisional directors of the company equally with themselves. 50

Powers of provisional directors.

9. The said board of provisional directors shall have full power to open up stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meet-

ing of the shareholders for the election of directors, as hereafter provided; and with all such other powers as, under the *Railway Act of Ontario*, are vested in ordinary directors; and such provisional directors may appoint a committee from their number to open such stock books, giving at least four weeks notice in the *Ontario Gazette*, and in one paper published in the *Town of Brockville* and the *City of Ottawa*, of the time and place of meeting, to open such books and to receive such subscriptions, and the said committee, or a majority of them, may in their discretion exclude any person from subscribing.

10. When and so soon as shares to the amount of fifty thousand dollars in the capital stock of the company shall have been subscribed, and *ten per centum thereof* shall have been paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario (which shall on no account be withdrawn therefrom unless for the service of the company) the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in one paper published in the *Town of Brockville* and the *City of Ottawa* and in the *Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the company, in manner and qualified as hereinafter directed; which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

First election of directors.

11. It shall be lawful for the directors in procuring subscriptions for stock to allot such stock in such amounts, and subject to the payment of such calls of such amount and at such times and at such discount as they may think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription or by instalments, and the amount of every such instalment as and when payable shall be deemed to be money due in respect of a call duly made in accordance with the provisions contained in section twenty-seven of the *Railway Act of Ontario*, and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act as in the case of a call due by a shareholder on a share.

Allotment of stock.

12. The said provisional directors or the elected directors may pay, or agree to pay, in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional directors or not, and any agreements so made shall be binding on the company.

Directors may make certain payments in paid up stock or in bonds.

- Annual meetings.** **13.** *Thereafter the general annual meeting of the shareholders of the company shall be held in such place in the City of Ottawa or at such other place, and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given as provided in section ten.* 5
- Special general meetings.** **14.** Special general meetings of the shareholders of the company may be held at such place in the City of Ottawa, or at such other place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in the last preceding section. 10
- Qualification of directors.** **15.** In the election of directors under this Act no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company, upon which all calls have been paid up. 15
- Rights of aliens.** **16.** Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company. 20
- Quorum of directors.** **17.** At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business.
- Agreements with other companies.** **18.** It shall be lawful for the company to enter into any agreement with the Grand Trunk Railway Company of Canada, if lawfully empowered to enter into such agreement for leasing to them the said railway, or any part thereof; and it shall further be lawful for the company to enter into any agreements with the said Grand Trunk Railway Company of Canada, if so lawfully authorized for the working of the said railway, or for running powers over the same on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company any portion of their railway, or the use thereof, and generally to make any agreement or agreements with the said company if so lawfully authorized, touching the use by one or the other, or by both companies, of the railway or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company leasing or entering into such agreement for using the said line may and is hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers and privileges by this Act conferred: Provided that every such lease or agreement shall first be sanctioned at a general meeting called for the purpose of considering the same, according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such 45 50
- Proviso.**

meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

19. It shall be lawful for the directors of the company to ^{Agreements for use of rolling stock, etc.} enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such ⁵ terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to ¹⁰ compensation and otherwise as may be agreed upon.

20. The company shall have power and authority to ^{Negotiable instruments.} become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange made or indorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange shall be presumed to have been made with proper authority, until the contrary ²⁵ be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority ³⁰ of the directors, as herein provided and enacted: Provided, ^{Proviso.} however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

21. Any municipality through which the said railway may ^{Grants of land to company.} pass is empowered to grant, by way of gift to the company, any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and ⁴⁰ the company shall have power to accept gifts of land from any government or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

22. The said company shall have power to purchase and ^{Power to hold additional property at the extremities of the railway.} hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine-houses and other erections for the uses of the said company, and the same or portions thereof in their discretion to sell or convey, and also to make use, for the purpose of the said railway, of any stream or water-course at or ⁵⁰ near which the said railway passes, doing however no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course.

23. The said company shall have power to collect and ^{Power to collect back-} receive all charges subject to which goods or commodities may

charges
on goods.

come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. 5

Right to use
highways.

24. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company; and if such highway be either in the possession of or under the control of any joint stock company, then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway. 10 15 20

Telegraph
lines.

25. For the purpose of constructing, working and protecting the telegraph lines to be constructed by the company on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company. 25

Exemption
from taxation.

26. It shall further be lawful for the council of any municipality in which any part of the said railway is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein. 30 35 40

Power to
acquire more
land than re-
quired for
railway.

27. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for right of way for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the required parts only, the company may purchase, use, hold, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or parts thereof from time to time, as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section. 45 50

Power to ac-
quire quarries

28. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part 55

thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall
 5 serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of the arbitration, the award, and the tender of the compensation shall have the same effect as in the case of, arbitration for the roadway, and all the provisions of the *Railway Act of Ontario*, and
 10 of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and
 15 such proceedings may be had by the company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

20 **29.** (1) When said gravel, stone, or other material shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene
 25 between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the *Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are
 30 situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said
 35 railway;

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section eight of section twenty of the *Railway Act of Ontario* shall not apply.

30. The directors of the company, after the sanction of
 40 the shareholders shall have been first obtained at any annual general meeting, or any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds ~~to~~ made and signed by the president or vice-president of the company, and countersigned by the secretary, and under
 45 the seal of the said company ~~to~~ for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking and real property of the company, including its roll-
 50 ing stock and equipments, then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid; and the company may by by-law
 55 before issue, fix and define the amount or denomination of such bonds, the time or times and the place or places for payment of the principal moneys thereof, and the interest thereon, and

Proviso. other particulars in reference thereto: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred thousand pounds sterling, and that the rate of interest thereon shall not exceed six per centum per annum; and provided also further that in the event at any time of the interest of the said bonds remaining unpaid and owing, then at the next ensuing general meeting of the company and at all subsequent general meetings, so long as such interest or any part thereof shall remain unpaid and in arrear, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, and for all purposes as are attached to shareholders: Provided that the holder of any bond or bonds shall have at least three days before any such meeting produced the bond or bonds held by him to the secretary for registration in his name, or that in the case of the holder of any bond or bonds residing in Great Britain and Ireland, and having such bond or bonds in his custody or under his control, then such holder shall have at least three days before any such meeting produced to the secretary a certificate under the hand and official seal of a Notary Public stating the numbers of such bond or bonds, and that they had been produced before him by such holder, and in either of such cases it shall be the duty of the secretary to register the name of such holder and the numbers of the bonds held by him, but the failure or neglect of the secretary in that respect shall not affect the rights, privileges and qualifications of such holder or holders; any such bondholder shall be entitled to five votes for every bond of the amount of one hundred pounds sterling held by him, or in that proportion.

Power to mortgage bonds. **31.** The company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, debentures, or mortgage securities, which, under the powers of this Act, can be issued for the construction of the railway or otherwise.

Time for construction. **32.** The railway shall be commenced within two years, and completed within seven years after the passing of this Act.

Form of conveyance. **33.** Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set out in the Schedule A hereunder written, or the like effect, shall be sufficient conveyances to the company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof.

Construction by ten mile sections. **34.** The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of

the *Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys," by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that
 5 no one of such sections or portions shall be less than ten miles in length; and upon such deposit, as aforesaid, of the map or plan, and book of reference, of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act, and the amendments thereof,
 10 applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, to-
 15 gether with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference, for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the
 20 said Railway Act and the amendments thereof, with respect to "plans and surveys."

35. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any
 25 corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law, in respect of such railway to have been actually suffered: Provided
 30 always that any such snow fences so erected shall be removed on or before the first day of April following.

Power to erect snow fences.

SCHEDULE A.

(Section 33.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendor*] in consideration of

dollars paid to me (or us) by the Brockville, Merrickville and Ottawa Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the name of any other party or parties*] in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said Brockville, Merrickville and Ottawa Railway Company, its successors and assigns [*here insert any other clauses, conditions and covenants required*], and I (or we) wife (or wives) of the said

do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals) this

day of

one thousand eight hundred and
 Signed, sealed and delivered in }
 the presence of }

[L.S.]

No. 14.

2nd Session, 5th Legislature, 48 Vic., 1885

BILL.

An Act to incorporate the Brockville, Merrickville and Ottawa Railway Company.

*(Reprinted as Amended by Railway
Committee.)*

First Reading, 11th February, 1885.

(PRIVATE BILL.)

Mr. MERRICK.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to incorporate the Parry Sound Colonization
Railway Company.

WHEREAS the persons hereinafter named, and others, have Preamble.

- by their petition prayed to be incorporated as a company for constructing, equipping, and operating a railway from a point in the Township of McDougall, at or near the Village of Parry Sound, to some point on the line of the Northern and Pacific Junction Railway, at or near Burk's Falls, in the Township of Armour, both in the Territorial District of Parry Sound, or at some other point on said railway; and whereas it is expedient to grant the prayer of the said petition;
- Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. P. McCurry, Wm. Beatty, Arthur L. Holmes, John McClelland, George Westgarth, S. B. Purvis, Frank. Dowell, John Purvis, Edwin E. Virgo, C. Huffman, James McAllister, Joseph W. Fitzgerald, John B. Miller, D. McFarlane, James S. Miller, Robert Fawns, T. McGown, Wm. Wilcock, T. R. Caton, J. Farrer, Gilbert McEachern, Thomas E. Johnson, Thomas Kennedy, Robert Spring, William Taylor, John Galua, John Moffatt, James Moffatt, William R. Beatty, Alexander Crichton, John S. McKinley, Wm. S. McKinley, Thomas W. George, and Wm. Ireland, together with such other persons and corporations as shall in pursuance of this Act become shareholders of said company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of the "Parry Sound Colonization Railway Company." Incorporation.

2. The said company shall have full power under this Act to construct, equip and operate a railway from a point in the Township of McDougall, at or near the Village of Parry Sound, to a point on the line of the Northern and Pacific Junction Railway, at or near Burk's Falls, in the Township of Armour, both points being in the said District of Parry Sound, or at some other point on said railway in said district. Location of line.

3. The gauge of the said railway shall be four feet, eight and one half inches. Gauge.

4. Patrick McCurry, Wm. Beatty, John B. Miller, Jos. W. Fitzgerald, Thos. E. Johnson, Wm. Wilcock, Samuel Armstrong, Jacob W. Dill, Hugh Irwin, James Sharpe, Andrew Starratt, and Gilbert McEachern, with power to add to their number, shall be and are hereby constituted provisional directors of the Provisional directors;

said company, of whom seven shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Their powers. 5. The said board of provisional directors shall have full power to open stock-books and procure subscriptions of stock for the undertaking, to make calls upon the subscribers and collect the same, to cause surveys and plans to be executed, to enter into agreements for right of way, station grounds, terminal grounds and gravel pits, and to receive any grants, loan, bonus, or gift made to or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the Railway Act of Ontario are vested in ordinary directors, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors (or board of elected directors) shall allocate and apportion it among the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment such exclusion shall best conduce to the building of the said railway.

Capital Stock. 6. The capital of the company hereby incorporated shall be two hundred thousand dollars, with power to increase the same, in the manner provided by the Railway Act, to be divided into two thousand shares, of one hundred dollars each, and shall be raised by the persons who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all expenses for the procuring the passing of this Act, and for making the survey, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the purchasing the right of way, to the making, equipment and completion and working of the said railway and the purposes of this Act; and until such preliminary expenses shall be paid out of the capital stock, the municipal corporation of any municipality on or near the line of such works, may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of stock.

First election of directors. 7. When and as soon as shares to the amount of twenty thousand dollars of the capital stock of the company shall have been subscribed and ten per centum shall have been paid into a chartered bank of the Dominion, having an office in the Province of Ontario to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers, for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette*,

and in a paper published in the Village of Parry Sound, of the time, place and object of said meeting; and at such general meeting the shareholders present either in person or by proxy, who shall, at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the said company, in manner and qualified as hereinafter described, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

10 **8.** The principal office of the said company shall be in the Village of Parry Sound, and all general meetings of the company shall be held in the said village. Head office.

9. In the election of directors under this Act no person shall be elected unless he shall be the owner of at least ten shares of the stock of the said company, upon which all calls due thereon have been paid. Qualification of directors.

10. Hereafter the general annual meeting of the shareholders of the said company shall be held in the Village of Parry Sound, on such days and hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in a newspaper published in the Village of Parry Sound. Annual meetings.

11. Special general meetings of the shareholders of the said company may be held at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section. Special general meetings.

12. Aliens and companies incorporated abroad as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote, on their shares, equally with British subjects, and shall also be eligible to office as directors of the company. Aliens.

40 **13.** At all meetings of the board of elected directors, five directors shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director. Quorum.

14. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at one time for more than ten per centum of the amount subscribed by each shareholder, and four weeks' notice shall be given of each call, as provided by section seven, said calls not to be made at closer intervals than three months. Calls.

15. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of the subscription thereof or at any time before making any final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue scrip to such subscriber to the full amount of such stock subscribed. Payment of stock in full allowed.

Aid to com-
pany.

16. The said company may receive from any Government, or from any persons or bodies corporate or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. 5

Payments in
bonds or stock
authorized in
certain cases.

17. The said provisional directors or the elected directors may pay or agree to pay in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material or plant, or rolling stock, buildings or lands, and also, subject to the sanction of a vote of the shareholders, for the services of the promoters, or other persons who may be employed by the directors for the purpose of assisting the directors in the further-
ance of the undertaking or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. 10 15

Exemption
from taxation.

18. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situated, by by-law expressly passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal taxation, and for such term of years, as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition con-
tained therein. 20 25 30

Power to re-
ceive grants
of land and
dispose of
same.

19. The corporation of any municipality through which the said railway may pass is empowered to grant, by way of gift, to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have the power to accept gifts of land from any government, or any person, or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company; and it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law, or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality. 35 40 45

Issue of bonds.

20. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the company, and countersigned by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the 50 55

company, including its rolling stock and equipments, then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the said company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed ten thousand dollars per mile of said railway; provided further that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Proviso.

21. All such bonds, debentures, and other securities, and coupons, and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of such securities so made payable to bearer may sue at law thereon in his own name.

Bonds, etc., may be made payable to bearer.

22. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any promissory note or bill of exchange, made or endorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Promissory notes, etc.

Proviso.

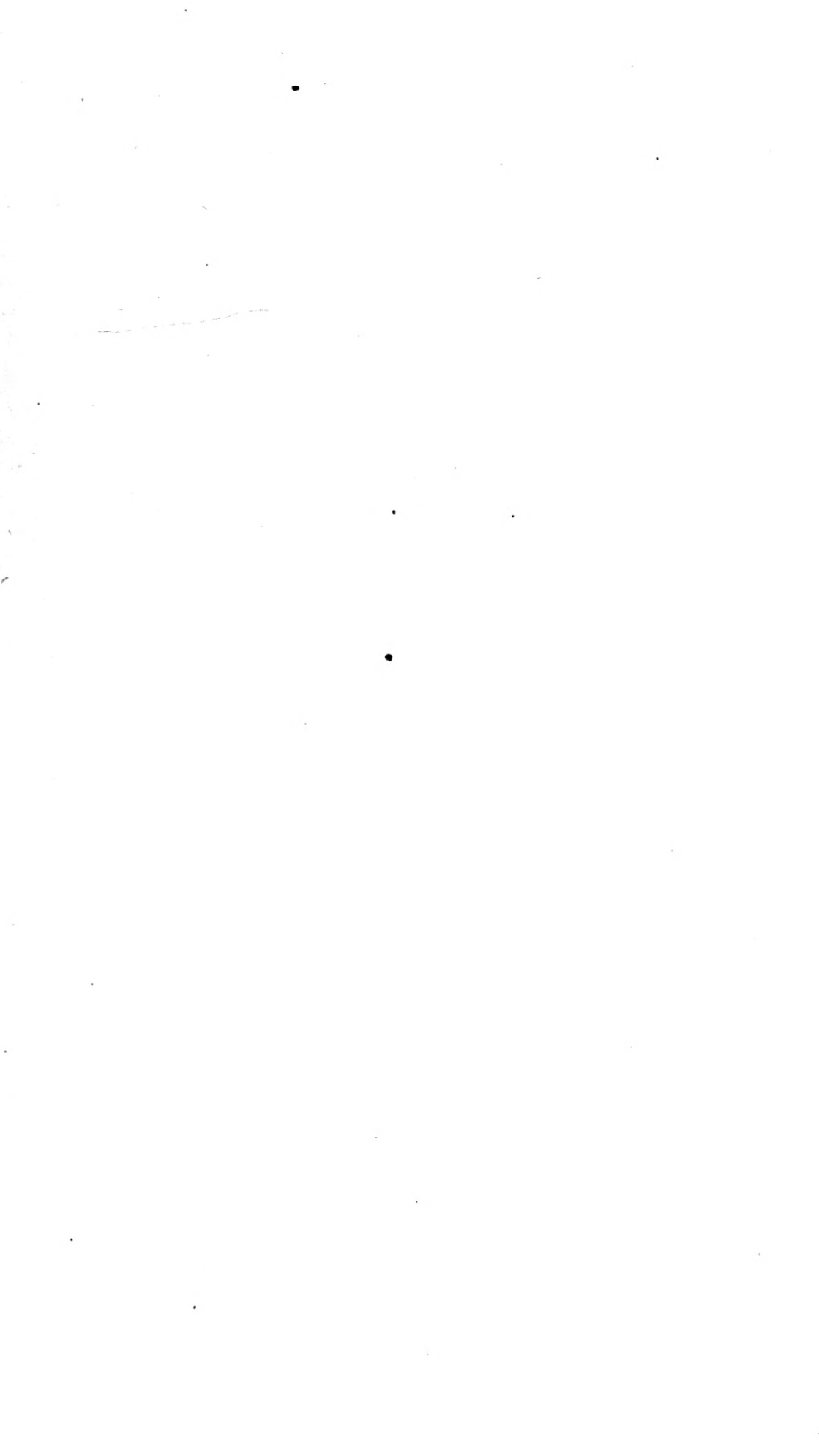
23. Conveyances of land to the said company for the purposes of the said railway, under the powers given by this Act, made in the form set out in Schedule "A," hereto annexed, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry law of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof.

Form of conveyance.

24. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part

Acquiring gravel, etc.,





Power to collect back-charges on goods.

32. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. 5

Commencement & completion of railway.

33. The railway shall be commenced within three years, and completed within five years after the passing of this Act. 10

Plans and books of reference for construction of railway in sections.

34. The said company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the "*Railway Act of Ontario*," and amendments thereto with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the Railway Act, and the amendments thereof applied to, included in, or incorporated with, the Act incorporating the said railway company, and the amendments thereto or otherwise applicable to the said railway company shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act, and the amendments thereof, with respect to "plans and surveys." 15 20 25 30 35

Snow fences.

35. The said company shall have the right, on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following. 40 45

SCHEDULE "A."

(Section 23.)

Know all men by these presents that I (or we) (*insert the names of the vendors*), in consideration of _____ dollars paid to me (or us) by the Parry Sound Colonization Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) _____ in consideration of _____ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant, or release all that certain parcel (or those certain parcels, *as the case may be*) of land (*here describe the lands*), the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances unto the said Parry Sound Colonization Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals) this _____ day of _____, A.D., 188 .

Signed, sealed and delivered }
 in the presence of }

[3-15]

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to incorporate the Parry Sound
Colonization Railway Company.

First Reading, 1885.

(*PRIVATE BILL.*)

Mr. DILL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to incorporate the Parry Sound Colonization
Railway Company.

WHEREAS the persons hereinafter named, and others, have Preamble.
by their petition prayed to be incorporated as a company
for constructing, equipping, and operating a railway from a
point in the Township of McDougall, at or near the Village of
5 Parry Sound, to some point on the line of the Northern and
Pacific Junction Railway, at or near Burk's Falls, in the Town-
ship of Armour, both in the Territorial District of Parry Sound,
or at some other point on said railway; and whereas it is ex-
pedient to grant the prayer of the said petition;

10 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. P. McCurry, Wm. Beatty, Arthur L. Holmes, John Mc- Incorporation.
Clelland, George Westgarth, S. B. Purvis, Frank Dowell, John
15 Purvis, Edwin E. Virgo, C. Huffman, James McAllister, Joseph
W. Fitzgerald, John B. Miller, D. McFarlane, James S. Miller,
Robert Fawns, T. McGown, Wm. Wilcock, T. R. Caton, J. Farrer,
Gilbert McEachern, Thomas E. Johnson, Thomas Kennedy,
Robert Spring, William Taylor, John Galna, John Moffatt,
20 James Moffatt, William R. Beatty, Alexander Crichton, John S.
McKinley, Wm. S. McKinley, Thomas W. George, and Wm. Ire-
land, together with such other persons and corporations as shall
in pursuance of this Act become shareholders of said company
hereby incorporated, shall be and are hereby constituted a body
25 corporate and politic, by the name of the "Parry Sound Col-
onization Railway Company."

2. The said company shall have full power under this Act Location of
to construct, equip and operate a railway from a point in the line.
Township of McDougall, at or near the Village of Parry Sound,
30 to a point on the line of the Northern and Pacific Junction
Railway, at or near Burk's Falls, in the Township of Armour,
both points being in the said District of Parry Sound, or at
some other point on said railway in said district.

3. The gauge of the said railway shall be four feet, eight and Gauge.
35 one half inches.

4. Patrick McCurry, Wm. Beatty, John B. Miller, Jos. W. Provisional
Fitzgerald, Thos. E. Johnson, Wm. Wilcock, Samuel Armstrong, directors.
Jacob W. Dill, Hugh Irwin, James Sharpe, Andrew Starratt,
and Gilbert McEachern, with power to add to their number,
40 shall be and are hereby constituted provisional directors of the

said company, of whom seven shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Their powers.

5. The said board of provisional directors shall have full power to open stock-books and procure subscriptions of stock for the undertaking, to make calls upon the subscribers and collect the same, to cause surveys and plans to be executed, to enter into agreements for right of way, station grounds, terminal grounds and gravel pits, and to receive any grants, loan, bonus, or gift made to or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the *Railway Act of Ontario* are vested in ordinary directors, and the said directors or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors (or board of elected directors) shall allocate and apportion it among the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment such exclusion shall best conduce to the building of the said railway.

Capital Stock.

6. The capital of the company hereby incorporated shall be two hundred thousand dollars, with power to increase the same, in the manner provided by the *Railway Act of Ontario*, to be divided into two thousand shares, of one hundred dollars each, and shall be raised by the persons who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all expenses for the procuring the passing of this Act, and for making the survey, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the purchasing of the right of way, to the making, equipment and completion and working of the said railway and the purposes of this Act; and until such preliminary expenses shall be paid out of the capital stock, the municipal corporation of any municipality on or near the line of such works, may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of stock.

First election of directors.

7. When and as soon as shares to the amount of fifty thousand dollars of the capital stock of the company shall have been subscribed and ten per centum shall have been paid into a chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers, for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette*,

and in a paper published in the Village of Parry Sound, of the time, place and object of said meeting; and at such general meeting the shareholders present either in person or by proxy, who shall, at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the said company, in manner and qualified as hereinafter described, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

10 **8.** The principal office of the said company shall be in the Village of Parry Sound, and all general meetings of the company shall be held in the said village. Head office.

15 **9.** In the election of directors under this Act no person shall be elected unless he shall be the owner of at least ten shares of the stock of the said company, upon which all calls due thereon have been paid. Qualification of directors.

20 **10.** Thereafter the general annual meeting of the shareholders of the said company shall be held in the Village of Parry Sound, on such days and hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in a newspaper published in the Village of Parry Sound. Annual meetings.

25 **11.** Special general meetings of the shareholders of the said company may be held at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section. Special general meetings.

30 **12.** Aliens and companies incorporated abroad as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote, on their shares, equally with British subjects, and shall also be eligible to office as directors of the company. Aliens.

35 **13.** At all meetings of the board of elected directors, five directors shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director. Quorum.

40 **14.** The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at one time for more than ten per centum of the amount subscribed by each shareholder, and four weeks' notice shall be given of each call, as provided by section seven, said calls not to be made at closer intervals than three months. Calls.

45 **15.** It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of the subscription thereof or at any time before making any final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, Payment of stock in full allowed.
50 *not exceeding twelve per centum*, and thereupon to issue scrip to such subscriber to the full amount of such stock subscribed.

Aid to com-
pany.

16. The said company may receive from any Government, or from any persons or bodies corporate or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. 5

Payments in
bonds or stock
authorized in
certain cases.

17. The said provisional directors or the elected directors may pay or agree to pay in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material or plant, or rolling stock, buildings or lands, and also, subject to the sanction of a vote of the shareholders, for the services of the promoters, or other persons who may be employed by the directors for the purpose of assisting the directors in the further-
ance of the undertaking or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. 15

Exemption
from taxation.

18. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situated, by by-law expressly passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal taxation, and for such term of years, as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition con-
tained therein. 20 25 30

Power to re-
ceive grants
of land and
dispose of
same.

19. The corporation of any municipality through which the said railway may pass is empowered to grant, by way of gift, to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have the power to accept gifts of land from any government, or any person, or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company; and it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law, or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality. 35 40 45

Issue of bonds.

20. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the company, and countersigned by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the 50 55

company, including its rolling stock and equipments, then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the said company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed ten thousand dollars per mile of said railway; provided further that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Proviso.

21. All such bonds, debentures, and other securities, and coupons, and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of such securities so made payable to bearer may sue at law thereon in his own name.

Bonds, etc., may be made payable to bearer.

22. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any promissory note or bill of exchange, made or endorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Promissory notes, etc.

Proviso.

23. Conveyances of land to the said company for the purposes of the said railway, under the powers given by this Act, made in the form set out in Schedule "A," hereto annexed, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry law of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof.

Form of conveyance.

24. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part

Acquiring gravel, etc.,

for construction of railway.

thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the *Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case the arbitration is resorted to, to state the interest required.

Sidings to gravel pits, etc.

25. (1) When said gravel, stone, or other material, shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings, and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the *Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way, from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing or maintaining the said railway;

(2) When estimating the damages for the taking of gravel sand, stone, or earth, sub-section eight of section twenty of the *Railway Act of Ontario* shall not apply.

Power to acquire more land than required for railway.

26. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for right of way for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the required parts only, the company may purchase, use, hold, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or parts thereof from time to time, as they may deem expedient, but the compulsory clauses of the *Railway Act* shall not apply to this section.

Agreements for lease of railway, etc.

27. It shall be lawful for the company incorporated by this Act to enter into any arrangement with the Northern and Pacific Junction Railway Company if lawfully empowered to enter into such arrangement for leasing to them the said railway, or any part thereof; and it shall further be lawful for the company to enter into any arrangements with the said Northern and Pacific Junction Railway Company, if so lawfully authorized,

for the working of the said railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for the sale thereof, or for leasing and hiring from such other contracting company any portion of their railway, or the use thereof, and generally to make any agreement or agreements with *the said company*, if so lawfully authorized, touching the use by one or the other, or by both companies, of the railway, or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company leasing or entering into *such* agreement for using the said line may and *is* hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers and privileges by this Act conferred: Provided that every such lease or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same, according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

28. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of shares.

29. The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act issue, for the construction of the railway or otherwise.

Power to mortgage bonds.

30. For the purpose of constructing, working and protecting the telegraph lines constructed by the company, under this Act, on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies, are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph lines.

31. The company shall have the power to purchase such lands as may be required for the purpose of erecting thereon such warehouses, elevators, docks, stations, workshops, and other buildings as may be found necessary to facilitate the working and running of the said railway, and from time to time to sell and convey such portion or portions of said lands as may not be required for the purposes aforesaid; and the company shall also have power to acquire and hold such steam and other vessels as may be required to facilitate the carriage of passengers, freight, and other traffic in connection with the said railway.

Power to acquire lands for warehouses, etc

Power to collect back-charges on goods.

32. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. 5

Commencement & completion of railway.

33. The railway shall be commenced within three years, and completed within five years after the passing of this Act. 10

Plans and books of reference for construction of railway in sections.

34. The said company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the *Railway Act of Ontario*, and amendments thereto with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the Railway Act, and the amendments thereof applied to, included in, or incorporated with, the Act incorporating the said railway company, and the amendments thereto or otherwise applicable to the said railway company shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act, and the amendments thereof, with respect to "plans and surveys." 15 20 25 30 35 40

Snow fences.

35. The said company shall have the right, on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following. 40 45

SCHEDULE "A."

(Section 23.)

Know all men by these presents that I (or we) (*insert the names of the vendors*), in consideration of _____ dollars paid to me (or us) by the Parry Sound Colonization Railway Company, the receipt whereof is hereby acknowledged, do grant and convey *unto the said company*, and I (or we) _____ in consideration of _____ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant, or release all that certain parcel (or those certain parcels, *as the case may be*) of land (*here describe the lands*), the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances unto the said Parry Sound Colonization Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals) this _____ day of _____, A.D., 188 .

Signed, sealed and delivered }
 in the presence of }
 [2-15]

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

**An Act to incorporate the Parry Sound
Colonization Railway Company.**

*(Printed as Amended by Railway
Committee.)*

First Reading, 12th February, 1885.

(PRIVATE BILL.)

Mr. DILL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to confirm the incorporation of the Bishop of the Diocese of Algoma.

WHEREAS the House of Bishops of the Church of England ^{Preamble.}
 in Canada, with the assent of the Incorporated Synod
 of the Diocese of Toronto, in the year 1873 set apart a certain
 portion of the said Diocese of Toronto, being within the Pro-
 5 vince of Ontario, and comprising the then Districts of Muskoka
 and Parry Sound, Manitoulin, Algoma District, East and West,
 and so much of the District of Nipissing as belonged to the
 Diocese of Toronto, as a new and missionary diocese to be
 known as the Missionary Diocese of Algoma; And whereas
 10 the Right Reverend Frederick D. Fauquier, Doctor of Laws,
 now deceased, was elected, consecrated and appointed first
 Bishop of the said Missionary Diocese of Algoma of the Church
 of England in Canada, in the year 1873, and held such office
 until the time of his death, whereupon the Right Reverend
 15 Edward Sullivan, Doctor of Divinity, was elected, consecrated
 and appointed to fill the vacancy in such office, and is the
 present Bishop of the said diocese; And whereas the said
 Diocese of Algoma is still a missionary diocese, and no Synod,
 Assembly, Convocation or other body comprising represent-
 20 atives of the clergy and laity therein has ever been convened
 or organized; And whereas in the absence of such a body it
 is expedient that provision should be made for the manage-
 ment and control of the property, affairs and interests of the
 said church in matters relating to and affecting only the
 25 said church and the officers and members thereof; And
 whereas there are no rectory lands within the limits of
 said diocese; And whereas divers lands situate within said
 diocese have been granted to the successive incumbents of
 said bishopric, to each and his successors in office, for
 30 different purposes in connection with the said church in
 said diocese, in the belief that the bishop of said diocese
 is and was a corporation sole; And whereas doubts have
 arisen whether the bishop of such diocese is a corporation
 sole with powers and privileges similar to those of other
 35 bishops of the said church in Canada, and it is expedient
 that such doubts should be set at rest;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

40 1. The Bishop of the Diocese of Algoma of the Church ^{Incorporation confirmed.}
 of England in Canada, for the time being, is hereby declar-
 ed to be and always to have been since the creation of
 such office, a corporation sole, with perpetual succession
 and power and capacity in law, respectively to purchase,

take, have, hold, receive, enjoy, possess and retain without license in mortmain all messuages, lands, tenements, hereditaments and immovable property, money, goods, chattels, and movable property, and other property of every description whatsoever whether real, personal or mixed, which has been or hereafter shall be paid, given, granted, purchased, appropriated, leased, devised, bequeathed in any manner or way whatsoever, to, for, or in favour of such bishop for the time being, or any predecessor in such bishopric, for or upon any of the objects, purposes, uses or trusts hereinafter in the second clause hereof set out, or to, for or in favour of such objects, purposes, uses or trusts aforesaid, the Acts of Parliament commonly known as the Statutes of Mortmain and any other acts, laws, or usages to the contrary thereof notwithstanding; and with power and capacity to do, perform and execute all and every lawful act and thing useful and necessary for the purposes aforesaid, in as full and ample a manner to all intents, constructions and purposes as any other body corporate or politic by law may or ought to do.

Management of affairs and property, and powers of conversion.

2. The Bishop of the Diocese of Algoma for the time being shall have the management of the property, affairs and interests of the said church in his diocese in matters relating to and affecting only the said church and the officers and members thereof; and shall have the administration and control of all property, real, personal and mixed, which now is or hereby or hereafter may be vested in him or conveyed to him, or vested in or conveyed to any other person or body as trustee, for the use or endowment of his see, or for the use or endowment, benefit or advantage of the said church in his diocese in general, or of any particular church, chapel, parish, living, parsonage, institution, mission, congregation, person or persons, or otherwise howsoever, of the said church in the said diocese, or for other purposes appertaining to said church in his diocese in general, or appurtenant to any particular parish, mission, or other person or portion of or in connection with said church in said diocese; with power to lease, exchange, mortgage, encumber, sell, alien and convey the same, in the absence of any express provision to the contrary in the deed or document whereby such property is given or granted, or such trust created as aforesaid; provided always that the rent, proceeds, purchase money or income so realized or raised, or the property so received in exchange shall be held on the same general or special trusts as attached to the property in its unconverted form; and no purchaser shall be liable for the application of any moneys or other considerations given by him on any sale, exchange, or other conversion or security made or given under the provisions of this Act.

Land held by trustees may be vested in Bishop of Algoma.

3. The Bishop of the Diocese of Algoma for the time being may take over and receive from any person or body corporate now or hereafter holding and desirous of transferring the same any property of what description soever vested in such person, or body on any of the trusts or for any of the purposes aforesaid, and hold the same to and upon the trusts, uses and purposes which heretofore attached to it, and upon the completion of such transfer such person or body shall be discharged and freed from any liability arising from the future execution of the said trusts.

4. The Bishop of the Diocese of Algoma for the time being shall have and is hereby invested with the like corporate rights, powers, patronage and privileges as by any Act or Acts of this Province or of the late Provinces of Canada or Upper
5 Canada are conferred on any Bishop of the said Church of England in Canada, or on any Church Society or Incorporated Synod in any Diocese of the said Church; and the several clauses and provisions of the said Acts shall be read, taken and applied, in so far as the same may be applicable, to the Bishop
10 of the Diocese of Algoma for the time being; but nothing in the said Acts contained shall be taken to confine, restrict or lessen the powers, rights and privileges hereby conferred on the Bishop of the Diocese of Algoma for the time being.

Rights,
powers, etc.,
of Bishop of
Algoma.

No. 16.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

A Bill to confirm the Incorporation of the
Bishop of the Diocese of Algoma.

First Reading, 1885.

(*PRIVATE BILL.*)

Mr.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to confirm the incorporation of the Bishop of
-the Diocese of Algoma.

WHEREAS the House of Bishops of the Church of England Preamble.
in Canada, with the assent of the Incorporated Synod
of the Diocese of Toronto, in the year 1873 set apart a certain
5 portion of the said Diocese of Toronto, being within the Pro-
vince of Ontario, and comprising the then Districts of Muskoka
and Parry Sound, Manitoulin, Algoma District, East and West,
and so much of the District of Nipi-sing as belonged to the
Diocese of Toronto, as a new and missionary diocese to be
10 known as the Missionary Diocese of Algoma; And whereas
the Right Reverend Frederick D. Fauquier, Doctor of Laws,
now deceased, was elected, consecrated and appointed first
Bishop of the said Missionary Diocese of Algoma of the Church
of England in Canada, in the year 1873, and held such office
until the time of his death, whereupon the Right Reverend
15 Edward Sullivan, Doctor of Divinity, was elected, consecrated
and appointed to fill the vacancy in such office, and is the
present Bishop of the said diocese; And whereas the said
Diocese of Algoma is still a missionary diocese, and no Synod,
Assembly, Convocation or other body comprising represent-
20 atives of the clergy and laity therein has ever been convened
or organized; And whereas in the absence of such a body it
is expedient that provision should be made for the manage-
ment and control of the property, affairs and interests of the
said Church in matters relating to and affecting only the
25 said Church and the officers and members thereof; And
whereas there are no rectory lands within the limits of
said diocese; And whereas divers lands situate within said
diocese have been granted to the successive incumbents of
said bishopric, to each and his successors in office, for
30 various purposes in connection with the said Church in
said diocese, in the belief that the bishop of said diocese
is and was a corporation sole; And whereas doubts have
arisen whether the bishop of such diocese is a corporation
sole with powers and privileges similar to those of other
35 bishops of the said Church in Canada, and it is expedient
that such doubts should be set at rest;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

40 1. The Bishop of the Diocese of Algoma of the Church
of England in Canada, for the time being, is hereby declar- Incorporation
confirmed.
ed to be and always to have been since the creation of
such office, a corporation sole, with perpetual succession
and all the powers and privileges contained in sub-
45 section 24 of section 8 of *The Interpretation Act* and

power and capacity in law, respectively to purchase, take, have, hold, receive, enjoy, possess and retain without license in mortmain all messuages, lands, tenements, hereditaments and immovable property, money, goods, chattels, and movable property, and other property of every description whatsoever whether real, personal or mixed, which has been or hereafter shall be paid, given, granted, purchased, appropriated, leased, devised, or bequeathed in any manner or way whatsoever, to, for, or in favour of such bishop for the time being, or any predecessor in such bishopric, for or upon any of the objects, purposes, uses or trusts hereinafter in the second clause hereof set out, or to, for or in favour of such objects, purposes, uses or trusts aforesaid, the Act of Parliament passed in the ninth year of the reign of His late Majesty George the Second commonly known as the Statute of Mortmain and any other Acts, laws, or usages to the contrary thereof notwithstanding; and with power and capacity to do, perform and execute all and every lawful act and thing useful and necessary for the purposes aforesaid, in as full and ample a manner to all intents, constructions and purposes as any other body corporate or politic by law may or ought to do.

Management of affairs and property, and powers of conversion.



2. The Bishop of the Diocese of Algoma for the time being shall have the management of the property, affairs and interests of the said church in his diocese in matters relating to and affecting only the said church and the officers and members thereof; and shall have the administration and control of all property, real, personal and mixed, which now is or hereby or hereafter may be vested in him or conveyed to him for the use or endowment of his see or vested in or conveyed to him or any other person or body as trustee, for the use or endowment, benefit or advantage of the said Church in his diocese in general, or of any particular church, chapel, parish, living, parsonage, institution, mission, congregation, person or persons, or otherwise howsoever, of the said Church in the said diocese, or for other purposes appertaining to said Church in his diocese in general, or appurtenant to any particular parish, mission, or other person or portion of or in connection with said Church in said diocese; with power to lease, exchange, mortgage, encumber, sell, alien and convey the same, in the absence of any express provision to the contrary in the deed or document whereby such property is given or granted, or such trust created as aforesaid; provided always that the rent, proceeds, purchase money or income so realized or raised, or the property so received in exchange shall be held on the same general or special trusts as attached to the property in its unconverted form; and no purchaser shall be liable for the application of any moneys or other considerations given by him on any sale, exchange, or other conversion or security made or given under the provisions of this Act.

Land held by trustees may be vested in Bishop of Algoma.

3. The Bishop of the Diocese of Algoma for the time being may take over and receive from any person or body corporate now or hereafter holding and desirous of transferring the same any property of what description soever vested in such person, or body on any of the trusts or for any of the purposes aforesaid, and hold the same to and upon the trusts, uses and purposes which heretofore attached to it, and upon the completion of such transfer such person or body shall be discharged and

freed from any liability arising from the future execution of the said trusts.

4. The Bishop of the Diocese of Algoma for the time being shall have and is hereby invested with the like corporate
 5 rights, powers, patronage and privileges as by any Act or Acts of this Province or of the late Provinces of Canada or Upper
 Canada are conferred on any Bishop of the said Church of England in Canada, or on any Church Society or Incorporated
 Synod in any Diocese of the said Church; and the several
 10 clauses and provisions of the said Acts shall be read, taken and applied, in so far as the same may be applicable, to the Bishop of the Diocese of Algoma for the time being; but nothing in the said Acts contained shall be taken to confine, restrict or
 lessen the powers, rights and privileges hereby conferred on the
 15 Bishop of the Diocese of Algoma for the time being.

5.  Nothing herein contained shall be taken or construed to affect or alter the rights of the parties as declared in an
 action lately pending in the Chancery Division of the High
 Court of Justice, known as "LaBatt v. Campbell," as to the
 20 legacies in question therein. 

Rights,
powers, etc.,
of Bishop of
Algoma.

Rights declar-
ed in suit of
La Batt v.
Campbell not
affected.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to confirm the incorporation of the
Bishop of the Diocese of Algoma.

*(Reprinted as amended by Private Bills
Committee.)*

First Reading, 13th February, 1885.

(PRIVATE BILL.)

Mr. DILL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to *incorporate* the Bishop of the Diocese of Algoma.

WHEREAS the House of Bishops of the Church of England Preamble.
in Canada, with the assent of the Incorporated Synod
of the Diocese of Toronto, in the year 1873 set apart a certain
portion of the said Diocese of Toronto, being within the Pro-
5 vince of Ontario, and comprising the then Districts of Muskoka
and Parry Sound, Manitoulin, Algoma District, East and West,
and so much of the District of Nipissing as belonged to the
Diocese of Toronto, as a new and missionary diocese to be
known as the Missionary Diocese of Algoma; And whereas
10 the Right Reverend Frederick D. Fauquier, Doctor of Laws,
now deceased, was elected, consecrated and appointed first
Bishop of the said Missionary Diocese of Algoma of the Church
of England in Canada, in the year 1873, and held such office
until the time of his death, whereupon the Right Reverend
15 Edward Sullivan, Doctor of Divinity, was elected, consecrated
and appointed to fill the vacancy in such office, and is the
present Bishop of the said diocese; And whereas the said
Diocese of Algoma is still a missionary diocese, and no Synod,
A-sembly, Convocation or other body comprising represent-
20 atives of the clergy and laity therein has ever been convened
or organized; And whereas in the absence of such a body it
is expedient that provision should be made for the manage-
ment and control of the property, affairs and interests of the
said Church in matters relating to and affecting only the
25 said Church and the officers and members thereof; And
whereas there are no rectory lands within the limits of
said diocese; And whereas divers lands situate within said
diocese have been granted to the successive incumbents of
said bishopric, to each and his successors in office, for
30 various purposes in connection with the said Church in
said diocese, in the belief that the bishop of said diocese
is and was a corporation sole; And it is expedient to make
provision in respect thereof;

Therefore Her Majesty, by and with the advice and consent
35 of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The Bishop of the Diocese of Algoma of the Church
of England in Canada, for the time being, and his successors,
shall be a corporation sole, by and with the name aforesaid,
40 with perpetual succession and all the powers and privileges
contained in sub-section 24 of section 8 of *The Interpretation
Act*, and every power and capacity in respect of real or per-
sonal property now enjoyed by any incorporated synod of any
diocese of the said Church of England in Canada.

Bishop of the
Diocese of Al-
goma incor-
porated.

Management
of affairs and
property, and
powers of
conversion.

2. The Bishop of the Diocese of Algoma for the time being shall have the management of the property, affairs and interests of the said church in his diocese in matters relating to and affecting only the said church and the officers and members thereof; and shall have the administration and control of all property, real, personal and mixed, which now is or hereby or hereafter may be vested in him or conveyed to him for the use or endowment of his see or vested in or conveyed to *him* or any other person or body as trustee, for the use or endowment, benefit or advantage of the said Church in his diocese in general, or of any particular church, chapel, parish, living, parsonage, institution, mission, congregation, person or persons, or otherwise howsoever, of the said Church in the said diocese, or for other purposes appertaining to said Church in his diocese in general, or appurtenant to any particular parish, mission, or other person or portion of or in connection with said Church in said diocese; with power to lease, exchange, mortgage, encumber, sell, alien and convey the same, in the absence of any express provision to the contrary in the deed or document whereby such property is given or granted, or such trust created as aforesaid; provided always that the rent, proceeds, purchase money or income so realized or raised, or the property so received in exchange shall be held on the same general or special trusts as attached to the property in its unconverted form; and no purchaser shall be liable for the application of any moneys or other considerations given by him on any sale, exchange, or other conversion or security made or given under the provisions of this Act. 5 10 15 20 25

Land held by
trustees
may be vested
in Bishop of
Algoma.


3. The Bishop of the Diocese of Algoma for the time being may take over and receive from any person or body corporate now or hereafter holding and desirous of transferring the same any property of what description soever vested in such person, or body on any of the trusts or for any of the purposes aforesaid, and hold the same to and upon the trusts, uses and purposes which heretofore attached to it, and upon the completion of such transfer such person or body shall be discharged and freed from any liability arising from the future execution of the said trusts. 30 35



Rights,
powers, etc.,
of Bishop of
Algoma.

4. The Bishop of the Diocese of Algoma for the time being shall have and is hereby invested with the like corporate rights, powers, patronage and privileges as by any Act or Acts of this Province or of the late Provinces of Canada or Upper Canada are conferred on any Bishop of the said Church of England in Canada, or on any Church Society or Incorporated Synod in any Diocese of the said Church; and the several clauses and provisions of the said Acts shall be read, taken and applied, in so far as the same may be applicable, to the Bishop of the Diocese of Algoma for the time being; but nothing in the said Acts contained shall be taken to confine, restrict or lessen the powers, rights and privileges hereby conferred on the Bishop of the Diocese of Algoma for the time being. 40 45 50

Rights of
parties not
affected.

5. Nothing herein contained shall be taken or construed to affect or alter the rights of the parties as declared in an action lately pending in the Chancery Division of the High Court of Justice, known as "LaBatt v. Campbell," as to the legacies in question therein, or shall affect or alter the rights 55

of the parties in any case in which a claim adverse to the right of any of the said grantees has been made in any court, or in any case where any party entitled to claim on the death of the grantee has heretofore alleged his claim by written notice to either of the said bishops, or in the case of real estate by such notice or by taking adverse possession. 

6.  Subject to the provisions of the next preceding section, all deeds, conveyances and letters patent heretofore made to the said the Right Reverend Frederick D. Fauquier or to Previous grants confirmed.
 10 the said the Right Reverend Edward Sullivan purporting to convey lands or any interest therein to either of them and his successors as such Bishop of the said Diocese of Algoma, shall be as valid and effectual for the purpose of vesting the same in the corporation by this Act created, as if such corporation had
 15 been created and in existence at the time at which such deeds, conveyances and letters patent were made. 

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to incorporate the Bishop of the
Diocese of Algoma.

First Reading,	13th	February,	1885.
Second	"	25th	"
			1885.

(PRIVATE BILL.)

*(Reprinted as amended by Committee of
Whole House.)*

Mr. DILL.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to separate certain Towns, Townships and Villages in the Counties of Wellington and Grey from the said Counties and to erect the same into the County of Palmerston.

WHEREAS the population of the towns of Mount Forest, ^{Preamble.} Harriston and Palmerston and the villages of Arthur and Clifford, and the townships of West Luther, Arthur and Minto, in the County of Wellington, and the townships of
 5 Proton, Egremont and Normanby, in the County of Grey is about thirty-one thousand seven hundred and sixty-five souls, and the assessed value of the property comprised therein is about twelve millions thirty-three thousand eight hundred and six
 10 dollars; And, whereas many of the said Municipalities are inconveniently distant from the county towns of the counties of which they form a part and the said counties are of an unwieldy size; And, whereas the said Municipalities are of
 15 such size and wealth and their relative situation and trade relations are such as to render it fitting that they should (with the approval of the people) be formed into a new county; And whereas divers petitions have been presented praying for the passing of this Act, and it is expedient to comply with the prayer of such petitions;

Therefore Her Majesty, by and with the advice and consent
 20 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Reeves and Deputy Reeves of the towns of Mount Forest, Harriston and Palmerston in the County of Wellington, the villages of Arthur and Clifford, also in the said County of
 25 Wellington and the townships of West Luther, Arthur and Minto, also in the said County of Wellington, and the townships of Proton, Egremont and Normanby, in the County of Grey, shall form a provisional Municipal Council under the style and name of the Provisional Council of the County of
 30 "Palmerston" for the purposes of this Act. ^{Provisional Council.}

2. It shall, upon the written request of any four of the reeves and deputy reeves of the said towns, villages and townships aforesaid, be the duty of the Reeve of Mount Forest to
 35 call a meeting of the reeves and deputy reeves of the said towns, villages and townships at such place and hour within the town of Mount Forest as he shall appoint, and a notice of such meeting shall be inserted in at least one newspaper published within the said Counties of Wellington and Grey
 40 respectively, and a copy of such notice sent by mail or otherwise to each of such reeves and deputy reeves at least ten days before the day appointed for such meeting, and the said pro- ^{Meeting of Provisional Council.}

By-law as to erection of new County to be submitted to vote of electors. visional council shall, at the first meeting thereof, to be held under this Act, proceed to elect a provisional warden; after which, at the same meeting or some adjournment thereof, they shall proceed to pass a by-law for the purpose of taking a vote of the qualified municipal electors of the said towns, villages, and townships aforesaid, on the question of the separation and erection into a new county by vote to be specially taken for that purpose, each qualified elector having one vote and voting "yea" or "nay" after at least ten days' notice shall have been given, in the manner to be provided by such by-law, of the time and places when and where the said vote is to be taken. 5 10

Ascertaining result of poll. 3. The Provisional Council shall meet on the requisition of the warden on some day after the day or days appointed for taking such vote, and proceed in open council to ascertain the number of votes recorded "yea" and "nay," and if the result shall show that a majority of the votes recorded are "nay" then after making a record of the same in the minutes of the said provisional council the said council shall adjourn *sine die* and be called together again only on the written request of a majority of the reeves and deputy reeves of the said towns, villages and townships in manner aforesaid. 15 20

If majority in favour of separation the result to be recorded. 4. If the result shall show that a majority of the votes recorded are "yea" the said Provisional Council shall make a record thereof in their minutes and in that event the county town of the new county shall be Mount Forest. 25

County buildings. 5. The said Provisional Council shall and may hereafter pass a by-law for providing means for purchasing and acquiring lands and erecting the necessary county buildings thereon at Mount Forest, but before its final passing, such by-law shall be submitted to the municipal electors of the said new county and a vote shall be taken on the same in like manner as provided by the two hundred and thirty-first section of chapter forty eight of the statutes passed by the Legislature of Ontario in the year of our Lord one thousand eight hundred and seventy-three intituled "*An Act respecting Municipal Institutions in the Province of Ontario*" and after passing such by-law the said Provisional Council shall proceed to erect the necessary county buildings. 30 35

Proclamation by Lieutenant Governor declaring erection of county. 6. After the necessary buildings shall have been erected as aforesaid, it shall be lawful for the Lieutenant-Governor in Council by proclamation, to declare the said towns, villages and townships separated from the said counties to which they now respectively belong, and declare them to be formed into a new county, under the name of the County of Palmerston for all judicial and municipal purposes, and also for registry purposes, unless proclamation in that behalf has previously issued under the provisions of this Act, but until the issue of such proclamation the said towns, villages and townships shall remain as at present, connected with the counties of which they respectively form a part, for all such purposes. 40 45 50

Powers of Provisional Council prior to proclamation. 7. The Provisional Council aforesaid shall, prior to such proclamation, have only the powers specially given to it by the preceding sections of this Act.

Powers of Provisional Council after proclamation.

8. After such proclamation, the Provisional Council shall, and may have, and exercise, all the rights, powers and privileges and duties, conferred on provisional municipal councils by law, and the provisions of any law in force in this Province in any wise affecting or relating to the proceedings consequent upon the dissolution of the union of counties, shall apply so far as applicable, to the separation of the towns, villages, and townships aforesaid, from the respective counties of which they have heretofore formed part, and the erection thereof into a new county. 5 10

After proclamation law respecting municipal institutions to apply to county.

9. After such proclamation, the law in force respecting municipal institutions of this Province shall, as far as they are applicable, and not inconsistent with this Act, apply to the County of Palmerston.

Apportionment of debts of municipalities.

10. After such proclamation, the corporations of Mount Forest, Harriston, Palmerston, Arthur, Clifford, West Luther, Arthur and Minto, shall respectively pay to the County of Wellington, and the corporations of Proton, Egremont, and Normanby shall pay to the corporation of the County of Grey, such proportion of the then outstanding debt of the Counties of Wellington and Grey respectively, and in such manner as may be determined, under the said Act, respecting municipal institutions of Ontario, and the respective corporations of the said towns, villages and townships, shall respectively receive from the county corporations from which they are respectively separated, a just proportion of the assets of said counties. 15 20 25

Establishment of registry office by proclamation.

11. In case a majority of the votes cast at the polling provided for in the third section of this Act, are recorded in favour of the formation of such new county, the Lieutenant-Governor in Council may by an order in council cause to be issued a proclamation, and thereby set apart and establish a registry office for the said county so to be erected as aforesaid. 30

BILL.

An Act to separate certain Towns, Townships and Villages in the Counties of Wellington and Grey from the said Counties, and to erect the same into the County of Palmerston.

First Reading, 1885.

(PRIVATE BILL.)

Mr.

An Act to enable the Board of Examiners for the admission of Provincial Land Surveyors for Ontario to admit Abraham Joseph Bartholomew Halford as a Provincial Land Surveyor.

WHEREAS Abraham Joseph Bartholomew Halford, of the Township of Sandwich East, in the County of Essex, in the Province of Ontario, gentleman, hath by his petition set forth that having adopted as a profession that of a Provincial Land Surveyor, passed his preliminary examination and received his certificate thereof, he became bound under articles of apprenticeship bearing date the twelfth day of April, in the year of our Lord one thousand eight hundred and eighty-one, to James S. Laird, a Provincial Land Surveyor for Ontario, for three years, and regularly and faithfully served the said James S. Laird under the said articles; and whereas the said articles were not filed and by reason thereof the said Abraham Joseph Bartholomew Halford was unable to undergo his final examination, and hath prayed that an Act may be passed authorizing the said Board of Examiners to admit him as a Provincial Land Surveyor on passing the usual final examination without having to serve another three years under articles, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. It shall and may be lawful for the said Board of Examiners in their discretion, and upon the payment of the usual fees therefor, at any time to admit the said Abraham Joseph Bartholomew Halford as a Provincial Land Surveyor, on his passing the usual final examination, notwithstanding the omission to file said articles as in the preamble mentioned, and without his compliance with any of the other requirements or provisions of law, or other rules and regulations of the said Board in that behalf, any law, custom or usage to the contrary notwithstanding.

A. J. B. Halford may be admitted as a provincial land surveyor.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to enable the Board of Examiners
for the admission of Provincial Land Sur-
veyors for Ontario to admit Abraham
Joseph Bartholomew Halford as a
Provincial Land Surveyor.

First Reading

1885.

(*PRIVATE BILL*).

Mr. WHITE.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Charter of incorporation of the
Niagara Falls International Camp Meeting As-
sociation.

WHEREAS the "Niagara Falls International Camp Meet-
ing Association" have become incorporated under the
provisions of the Act respecting benevolent, provident and
other societies, being chapter one hundred and sixty-seven
5 of the Revised Statutes of Ontario; and whereas the said As-
sociation have petitioned for an Act to enable them to issue
debentures to a limited amount, and for other powers not con-
ferred by their charter; and whereas it is expedient to grant
the prayer of the said petition;

10 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. It shall and may be lawful for the trustees of the said
Association at any annual meeting or special meeting called
15 for that purpose, and they are hereby empowered under the
authority of by-laws of the said Association from time to time
passed, to issue from time to time for the purpose of the
Association, debentures executed by the president for the time
being of the Association, countersigned by the secretary and
20 treasurer of the Association, payable to bearer at such times
and places and bearing such rates of interest, and payable in
such manner and at such date or dates as may be stated in the
by-law authorizing such issue; and which debentures and
interest shall, without registration or other formal conveyance,
25 be a first preferential claim and lien upon the real and personal
property and assets of the Association then existing or at any
time thereafter acquired, and upon the revenue or revenues of
the company during the currency of such debentures; and each
by-law authorizing such issue shall state the total amount of
30 preferential debentures to be issued under such by-law, and
each holder of debentures shall be deemed to be a mortgagee
and incumbrancer *pro rata* with all the other holders of debentures
issued under and by virtue of the same by-law upon the
real and personal property and the assets of the Association;
35 Provided always that it shall not be lawful for the said Associ-
ation to issue such debentures while there remains a mortgage
or lien for unpaid purchase money upon the premises of the
said Association or any portion of the same, unless the pro-
ceeds thereof be vested in trustees for the purpose of satisfying
40 such mortgage or mortgages, the balance of said proceeds
being applicable to the general purpose of the said Associa-
tion; nor shall any second by-law be passed for the purpose

Power to issue
debentures.

of issuing debentures unless for the purpose of redeeming or renewing debentures under a previous by-law, unless the said Association shall have paid and satisfied all outstanding debentures charged on the real and personal property and assets of the said Association, or shall have obtained the consent in writing of all the holders of debentures theretofore issued by the said Association; but nothing herein contained shall prevent, and the said Association is hereby empowered to mortgage such property as they may acquire for the purpose of the said Association, for the purpose of satisfying the purchase money or such part thereof as may remain unsatisfied.

Power to mortgage land.

2. Except as provided in the preceding section, the said Association, should any debentures issued under the provisions of this Act have been paid, or should no such debentures have been issued, shall have power to sell and mortgage their lands to the extent and in the manner provided in the said Act respecting benevolent, provident and other societies, but during the time that any such debentures as have been issued are outstanding the said Association shall not have power to sell or mortgage any of the real and personal property and assets, and the said debentures shall be issued in sums of one hundred dollars each, and shall be assignable by delivery, and *bona fide* payment of any such debentures or interest thereon by or on behalf of the company to any person having actual possession thereof shall be a good and valid payment.

Acquiring lands by the Association.

3. The said Association may acquire from time to time and hold for the purposes of the said Association, lands not exceeding in all three hundred acres, and may erect buildings upon and otherwise improve the same for the purposes aforesaid to any extent they may deem advisable or proper, and section twelve of the said Act respecting benevolent, provident and other societies shall not apply to the said Association.

Assessment of Association's lands by Municipalities.

4. In consideration of the said Association maintaining its own police, lighting its own grounds, and constructing its own streets and avenues, the grounds of the said Association shall, while the said Association and the leaseholders thereof perform such duties, be assessed at the same rate that vacant lands in the locality are assessed at, such rate in no case exceeding two hundred dollars per acre, and the taxes so assessed shall be paid by the Association to the several municipalities in which the lands of the said Association lie, and the said Association and the several leaseholders thereof shall, in respect of the property of the said Association, during such period be otherwise exempt from all municipal taxation.

Incorporation.

5. The said Association shall be deemed to be an Association or society duly incorporated under the said Act respecting benevolent, provident and other societies.

Power to license certain persons.

6. The said Association shall also have power to define by by-laws to be passed at annual meetings or special meetings called for that purpose, the terms and conditions upon which carters, hackmen, butchers, bakers and all other persons who desire to conduct their business or sell their goods or wares upon the grounds of the Association, shall conduct their business or sell their wares, and may acquire from all such persons

as they may deem expedient to allow to enter the grounds for the purpose aforesaid a license, which license shall be granted by the Association for such periods, and upon such terms, and upon the payment of such fees as the Association may deem expedient.

7. The said Association may appoint policemen or officers of the peace, to be paid for by the said Association, who shall have the power, authority and immunities of policemen when on duty, and who shall further have power to enforce obedience upon the grounds and premises of the Association, to any lawful rules or regulations of the Association for the preservation of quiet and good order, and who shall also have power to move from the Association grounds all persons conducting themselves in a disorderly manner on said grounds; all persons conducting themselves in a disorderly manner on said grounds and violating any of the lawful by-laws of the said Association, or any of the regulations of this Act for the well-being of the Association, may for such offence be summoned or brought before any magistrate, justice of the peace or other person authorized to hear and determine offences for the violation of the police regulations of the said town, and on conviction may be fined any amount not exceeding fifty dollars and costs, and which fine and costs in default of payment may be levied by distress from the goods and chattels of the person or persons so convicted and fined as aforesaid, or such persons may be imprisoned for such offence for a period not exceeding thirty days in the common gaol for the County of Welland.

Appoint
Police.
Their powers.
Punishment of
certain
offences.

8. No intoxicating liquors shall be sold, kept, or used upon said grounds for any purpose whatever, except upon the prescription of a physician, such prescription to be, when obtained, filed with the secretary of the Association, or with such other person as the Association may direct by by-law.

Sale of intoxicating liquors.

9. The Association may from time to time sell such portions of their lands as they may not require for their purposes, provided they obtain the consent of mortgagees or holders of debentures if any, of the said Association.

Sale of Association's lands.

BILL.

An Act to amend the charter of Incorporation of the Niagara Falls International Camp Meeting Association.

First Reading, 1885.

(PRIVATE BILL.)

Mr.

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act to amend the Charter of incorporation of the
Niagara Falls International Camp Meeting As-
sociation.


WHEREAS the "Niagara Falls International Camp Meet-
ing Association" have become incorporated under the
provisions of the Act respecting benevolent, provident and
other societies, being chapter one hundred and sixty seven
5 of the Revised Statutes of Ontario; and whereas the said As-
sociation have petitioned for an Act to enable them to issue
debentures to a limited amount, and for other powers not con-
ferred by their charter; and whereas it is expedient to grant
the prayer of the said petition;


10 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—



1 It shall and may be lawful for the said Association
15 at any annual meeting or special meeting called for that
purpose, and they are hereby empowered under *and in pur-
sueance of any by-law or by-laws of the said Association in that
behalf which may from time to time be passed*, to issue
from time to time for the purpose of the Association,
20 debentures executed by the president for the time being
of the Association, countersigned by the secretary and
treasurer of the Association, payable to bearer at such times
and places and bearing such rates of interest, and payable in
such manner and at such date or dates as may be stated in the
25 by-law authorizing such issue; and which debentures and
interest shall, without registration or other formal conveyance,
be a first preferential claim and lien upon the real and personal
property and assets of the Association then existing or at any
time thereafter acquired, and upon the revenue or revenues of
30 the company during the currency of such debentures; and each
by-law authorizing such issue shall state the total amount of
preferential debentures to be issued under such by-law, and
each holder of debentures shall be deemed to be a mortgagee
and incumbrancer *pro rata* with all the other holders of deben-
35 tures issued under and by virtue of the same by-law upon the
real and personal property and the assets of the Association;
Provided always that it shall not be lawful for the said Association
to issue such debentures while there remains a mortgage
or lien for unpaid purchase money upon the premises of the
40 said Association or any portion of the same, unless the pro-
ceeds thereof be vested in trustees for the purpose of satisfying
such mortgage or mortgages, the balance of said proceeds
being applicable to the general purposes of the said Associa-

Power to issue
debentures.

Proviso.


tion; nor shall any second by-law be passed for the purpose of issuing debentures unless for the purpose of redeeming or renewing debentures under a previous by-law, unless the said Association shall have paid and satisfied all outstanding debentures charged on the real and personal property and assets of the said Association, or shall have obtained the consent in writing of all the holders of debentures theretofore issued by the said Association; but nothing herein contained shall prevent, and the said Association is hereby empowered to mortgage such property as they may *subsequently* acquire for the purposes of the said Association, *by way of securing payment* of the purchase money or such part thereof as may remain unsatisfied  provided that the debentures hereby authorized to be issued shall not in the whole exceed the sum of fifty thousand dollars.

2.  Provided, however, that before issuing the debentures by any such by-law authorized to be issued, a copy of such by-law certified under the seal of the company, shall be filed in the office of the clerk of the county court of the county of Welland, who shall be entitled for each such filing to the sum of twenty-five cents.

3.  In the month of January in each year the Association shall file with the clerk of the county court of the county of Welland a statement under oath of the President or Secretary of the Association, shewing the total amount then owing on the debentures issued under any by-law authorizing the same. 

4. Except as provided in the *first section hereof*, the said Association, should any debentures issued under the provisions of this Act have been paid, or should no such debentures have been issued, shall have power to sell and mortgage their lands to the extent and in the manner provided in the said Act respecting benevolent, provident and other societies, but during the time that any such debentures as have been issued are outstanding the said Association shall not have power to sell or mortgage any of the real and personal property and assets, and the said debentures shall be issued in sums of one hundred dollars each, and shall be assignable by delivery.

5. The said Association may acquire from time to time and hold for the purposes of the said Association, lands not exceeding in all three hundred acres, and may erect buildings upon and otherwise improve the same for the purposes aforesaid to any extent they may deem advisable or proper, and section twelve of the said Act respecting benevolent, provident and other societies shall not apply to the said Association.

6.  The several municipalities in which the lands of the said Association lie, may pass by-laws from time to time for periods not exceeding five years, enabling the said municipalities to exempt in part or in whole, the said Association and the several leaseholders thereof, from the payment of the rates struck by the said municipalities upon their respective assessments of the lands of the said Association lying in such municipalities, and such assessment in each municipality may be a single assessment upon all the property of the said Association, including the property of the leaseholders thereof in such municipalities

respectively, and in such case the rate or rates so fixed as aforesaid upon such assessments, shall be payable by the said Association to the several municipalities respectively, in which the lands of the said Association lie. ~~and~~

5 **7.** The said Association shall be deemed to be an Association Incorporation.
or society duly incorporated under the said Act respecting benevolent, provident and other societies.

8. The said Association shall also have power to define by Power to license certain persons.
by-laws to be passed at annual meetings or special meetings
10 called for that purpose, the terms and conditions upon which carters, hackmen, butchers, bakers and all other persons who desire to conduct their business or sell their goods or wares upon the grounds of the Association, shall conduct their business or sell their wares, and may require all such persons
15 as they may deem expedient to allow to enter the grounds for the purpose aforesaid to obtain from the Association a license, which license shall be granted by the Association for such periods, and upon such terms, and upon the payment of such fees as the Association may by its by-laws direct.

20 **9.** *The said Association may pass a by-law or by-laws to prevent intoxicating liquors being sold, kept, or used upon said grounds for any purpose whatever, except upon the prescription of a physician, such prescription to be, when obtained, filed with the secretary of the Association, or with such other*
25 *person as the Association may by such by-law or by-laws direct.* Sale of intoxicating liquors.

10. The Association may from time to time sell or enter into Sale of Association's lands.
any agreement with reference to such portions of their lands as they may not require for their purposes, provided they obtain the consent of mortgagees or holders of debentures if any, of
30 *the said Association.*

BILL.

An Act to amend the charter of Incorporation of the Niagara Falls International Camp Meeting Association.

First Reading, 23rd February, 1885.

(PRIVATE BILL.)

*(Reprinted as amended by Private Bills
Committee.)*

Mr. MORIN.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act to confirm the Crown Grant to the School Trustees of the Municipality of Shuniah; and to confer power to convey the said lands.

WHEREAS the Crown did by grant dated the twenty-^{Preamble.} first day of June, A. D. one thousand eight hundred and seventy-five, grant and convey the easterly two acres of that certain parcel of land in the town plot of Prince Arthur's Landing, now the Town of Port Arthur, in the District of Thunder Bay and Province of Ontario, known as Waverley Park, as shown on the plan of survey of the said town plot, on record in the Department of Crown Lands for the Province of Ontario, to the Trustees of School Section number one of the Municipality of Shuniah; and whereas a certain tract of land has been taken from the Municipality of Shuniah and incorporated as the Town of Port Arthur; and whereas the Town of Port Arthur embraces the whole population and almost all of School Section Number One of the Municipality of Shuniah; and whereas the Municipality of Shuniah have no further use for the said lands for school purposes; and whereas it is expedient that the said grant to the School Trustees of the Municipality of Shuniah should be confirmed, and the said Trustees empowered to sell and convey the said lands to the School Board of the Town of Port Arthur;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

25 **1.** The Crown grant to the Trustees of School Section Number One of the Municipality of Shuniah, in the District of Thunder Bay, of that certain parcel or tract of land situate in the town plot of Prince Arthur's Landing, in the District of Thunder Bay, in the Province of Ontario, containing by
30 admeasurement two acres, be the same more or less, and being composed of the east two acres of Waverley Park, in the said town plot of Prince Arthur's Landing, which are abutted and bounded as follows: commencing where a post has been planted at the intersection of the westerly limit of Algoma
35 street, by the northerly limit of Waverley street, at the south easterly angle of Waverley Park; thence north thirty-four degrees, twenty-four minutes east along the westerly limit of Algoma street two chains fifty links, more or less, to where a post has been planted in the southerly limit of Arthur street,
40 at the north-easterly angle of the said park; thence north-westerly along the southerly limit of Arthur street five chains more or less, to the north-westerly angle of the east two acres of the said park; thence south thirty-four degrees twenty-

Lands vested in trustees of School Section No. 1 of Municipality of Shuniah.

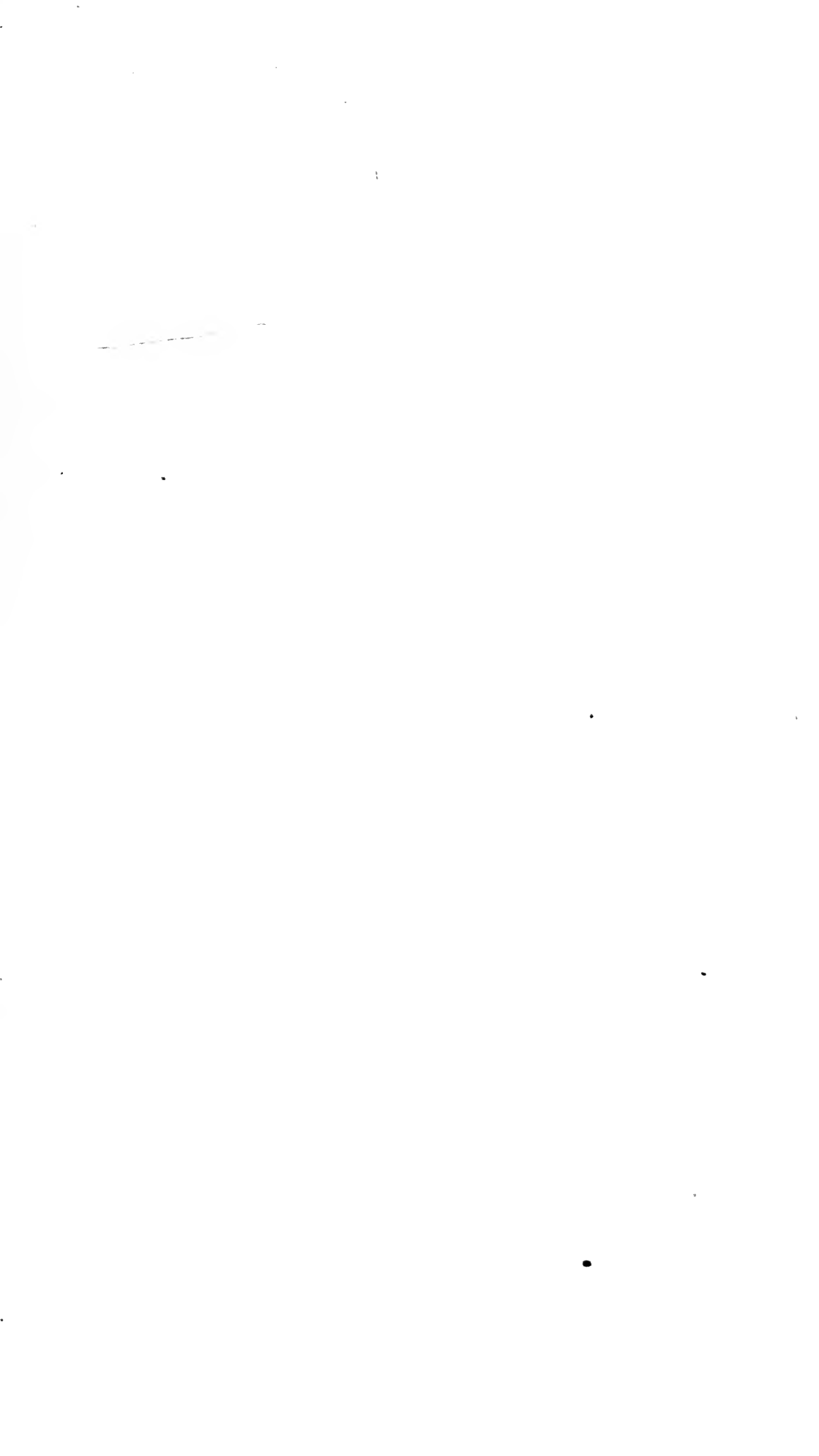
four minutes, west five chains twenty links, more or less, to the northerly limit of Waverley street aforesaid, at the south-westerly angle of the east two acres of the said park, and thence easterly following the said northerly limit of Waverley street to the place of beginning, dated at Toronto the twenty-first day of June, A. D. one thousand eight hundred and eighty-four, is hereby confirmed and made valid and effectual for all intents and purposes whatsoever, and the lands and premises above described are hereby vested in the said trustees, their successors and assigns in fee simple, but subject to the reservations, limitations, provisoes and conditions expressed in the said grant. 5 10

Sale by trustees authorized.

2. The Trustees of School Section Number One of the Municipality of Shuniah, in the District of Thunder Bay, are hereby authorized and empowered to sell and convey the lands described in section one of this Act, to the School Board of the Town of Port Arthur, by a good and sufficient deed in fee simple.

Port Arthur to be for school purposes separate from School Section one of Shuniah. Confirmation of acts relating to school matters.

3. The said Town of Port Arthur is hereby declared for school purposes to be separate from School Section Number One of the Municipality of Shuniah; and all acts, deeds and things done by the corporation of the Town of Port Arthur at the request of the persons acting as the school board thereof, or done by those persons since the incorporation of the said Town of Port Arthur, are hereby declared to be as valid and binding, notwithstanding any defect in, or non-observance of formal steps altering the boundaries of said section or separating the Town of Port Arthur from said section after its incorporation, as if the Town of Port Arthur had been erected into a school section according to law, and the individuals acting as the School Board of the Town of Port Arthur are hereby declared to have all the rights, powers, and privileges conferred on Public School Boards of Towns by any Act or Acts of the Legislature. 20 25 30



2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to confirm the Crown Grant to the
School Trustees of the Municipality of
Shuniah, and to confer power to
convey the said lands.

First Reading, 1885.

(*PRIVATE BILL.*)

Mr. BADGEROW.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act *respecting* the Crown Grant to the School Trustees of the Municipality of Shuniah; and to *vest* the said lands *in the Public School Trustees of the Town of Port Arthur.*

WHEREAS the Crown did by grant dated the twenty-^{Preamble.}
 first day of June, A. D. one thousand eight hundred
 and seventy-five, grant and convey the easterly two
 acres of that certain parcel of land in the town plot of Prince
 5 Arthur's Landing, now the Town of Port Arthur, in the Dis-
 trict of Thunder Bay and Province of Ontario, known as
 Waverley Park, as shown on the plan of survey of the said
 town plot, on record in the Department of Crown Lands for
 the Province of Ontario, to the Trustees of School Section
 10 number one of the Municipality of Shuniah; and whereas a
 certain tract of land has been taken from the Municipality of
 Shuniah and incorporated as the Town of Port Arthur; and
 whereas the Town of Port Arthur embraces the whole popula-
 tion and almost all of School Section Number One of the
 15 Municipality of Shuniah; and whereas the Municipality of
 Shuniah have no further use for the said lands for school
 purposes; and whereas it is expedient that the said grant to the
 School Trustees of the Municipality of Shuniah should be con-
 firmed, and that the lands hereinafter described should be
 20 vested in the Public School Trustees of the Town of Port
 Arthur;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

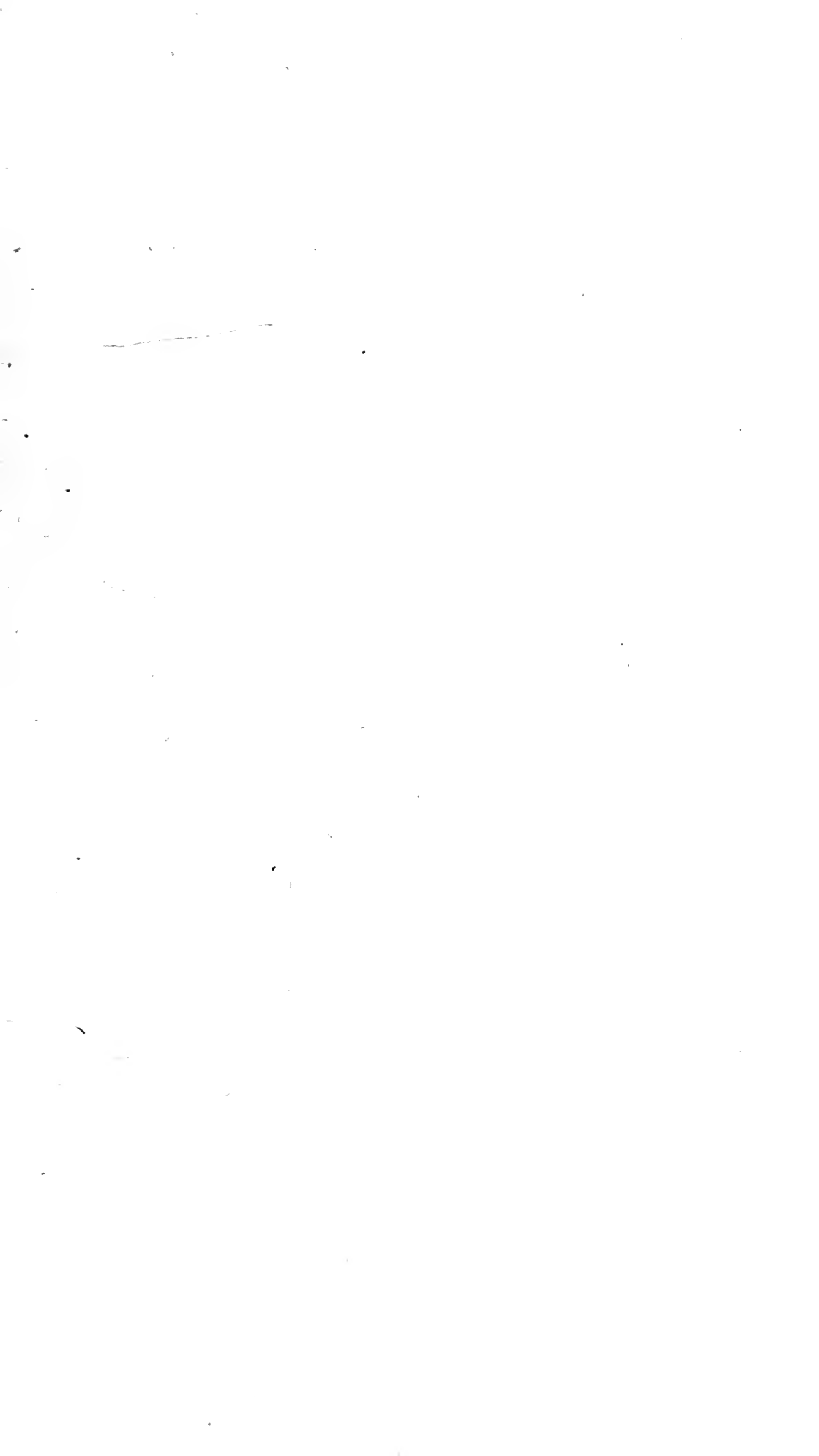
25 1. The Crown grant to the Trustees of School Section
 Number One of the Municipality of Shuniah, in the District
 of Thunder Bay, of that certain parcel or tract of land situate
 in the town plot of Prince Arthur's Landing, in the District
 of Thunder Bay, in the Province of Ontario, containing by
 30 admeasurement two acres, be the same more or less, and being
 composed of the east two acres of Waverley Park, in the said
 town plot of Prince Arthur's Landing, which are abutted and
 bounded as follows: commencing where a post has been
 planted at the intersection of the westerly limit of Algoma
 35 street, by the northerly limit of Waverley street, at the south
 easterly angle of Waverley Park; thence north thirty-four
 degrees, twenty-four minutes east along the westerly limit of
 Algoma street two chains fifty links, more or less, to where a
 post has been planted in the southerly limit of Arthur street,
 40 at the north-easterly angle of the said park; thence north-
 westerly along the southerly limit of Arthur street five chains
 more or less, to the north-westerly angle of the east two acres

Lands vested
 in trustees of
 School Section
 No. 1 of
 Municipality
 of Shuniah.

of the said park ; thence south thirty-four degrees twenty-four minutes west five chains twenty links, more or less, to the northerly limit of Waverley street aforesaid, at the south-westerly angle of the east two acres of the said park, and thence easterly following the said northerly limit of Waverley street to the place of beginning, dated at Toronto the twenty-first day of June, A. D. one thousand eight hundred and *seventy-five* is hereby confirmed and made valid and effectual for all intents and purposes whatsoever, and the lands and premises above described are hereby vested in the *Public School* trustees of the Town of Port Arthur their successors and assigns, in fee simple, but subject to the reservations; limitations, provisoes and conditions expressed in the said grant. 5 10

Port Arthur to be for school purposes separate from School Section one of Shuniah. Confirmation of acts relating to school matters.

2. The said Town of Port Arthur is hereby declared for school purposes to be separate from School Section Number One of the Municipality of Shuniah ; and all acts, deeds and things done by the corporation of the Town of Port Arthur at the request of the persons acting as the school board thereof, or done by those persons as such Board or as members thereof since the incorporation of the said Town of Port Arthur, are hereby declared to be as valid and binding, notwithstanding any defect in, or non-observance of formal steps altering the boundaries of said section or separating the Town of Port Arthur from said section after its incorporation, as if the Town of Port Arthur had been *theretofore* erected into a school section according to law, and the individuals acting as the School Board of the Town of Port Arthur are hereby declared to be the Public School Board for the said town and to have all the rights, powers, and privileges conferred on Public School Boards of Towns by any Act or Acts of the Legislature. 15 20 25 30



2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the Crown Grant to the School Trustees of the Municipality of Shuniah, and to vest the said lands in the Public School Trustees of the Town of Port Arthur.

(Reprinted as amended by Private Bills Committee.)

First Reading, 19th February, 1885.

(PRIVATE BILL.)

Mr. BADGEROW.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act respecting the Old Cemetery in the Town of Palmerston.

WHEREAS the land hereinafter described and known as the old Cemetery in the Town of Palmerston was many years ago dedicated for and afterwards used as a public burying ground, the said land being bounded on the north and east by Lot A, on the south by Prospect-street, and on the west by Queen-street, on the registered plan of the Town of Palmerston, prepared by Lewis Bolton, P.L.S., dated sixteenth July, one thousand eight hundred and seventy-five, and being marked on said plan as the "Cemetery" and containing one acre more or less; and whereas the said land has, pursuant to a by-law of the Town of Palmerston, ceased for several years to be used for burial purposes, and the said town has provided another and more suitable public burying ground which is now used in the place of the said old cemetery; and whereas the latter is now unfenced and lying in common; and whereas it is desirable that the said parcel of land should be closed as a cemetery, and the bodies of the dead still lying therein should be removed therefrom, and that said parcel of land should be vested in the corporation of the Town of Palmerston for public purposes; and whereas the said corporation have prayed that an Act may be passed accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the corporation of the Town of Palmerston, after the removal as by this Act provided, of the bodies interred in that parcel of land known as the Old Cemetery aforesaid, to have and to hold the said parcel of land and after the passing of this Act the said parcel shall become and be, and the same is hereby vested in the said corporation, and the same shall be held, used, and disposed of for any public purpose as the council of the said corporation may, by any by-law or by-laws to be passed from time to time, determine.

2. The said corporation is hereby authorised forthwith, after giving notice as hereinafter mentioned, and at its own expense, to remove from the said old cemetery the remains of the dead therein interred to the new cemetery of the said corporation, at the sole cost of such corporation, and to re-inter such remains decently and in order, and to re-erect any monument or headstone erected in said old cemetery at the time of such removal,

and, so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased, as to the manner of such removal and re-interment, and so as that such re-interment shall be in burial places or plots corresponding in size as nearly as may be with those from which 5 such remains shall have been removed.

Notice of removal.

3. The said corporation shall, before removing the remains, as aforesaid, give written notice to the relatives of the dead, when known, and during the period of one month: publish a notice once in each week in the newspaper published in the said town, 10 stating their intention to remove the said remains upon a day to be named in the said notice, which day shall not be less than six weeks after the first publication of such notice, and the said corporation shall be required to pay all reasonable expenses incurred or sustained by the relatives in the removal 15 of said remains; and no further or other notice to the friends or relatives of the deceased shall be necessary.

No. 21.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the Old Cemetery in the
Town of Palmerston.

First Reading, 1885.

(PRIVATE BILL).

Mr. McKim.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting the Old Cemetery in the Town of Palmerston.

WHEREAS the land hereinafter described and known as ^{Preamble.} the old Cemetery in the Town of Palmerston was many years ago dedicated for and afterwards used as a public burying ground, the said land being bounded on the north and east by Lot A, on the south by Prospect-street, and on the west by ⁵ Queen-street, on the plan of *part of the Town of Palmerston*, prepared by Lewis Bolton, P.L.S., dated sixteenth July, one thousand eight hundred and seventy-five, *on file in the registry office for North Wellington*, and being marked on said plan as the "Cemetery" and containing one acre more or less, ¹⁰ the said land having formerly been part of lot number eighteen in the eleventh concession of the Township of Wallace; and whereas the said land has, pursuant to a by-law of the Town of Palmerston, ceased for several years to be used for burial ¹⁵ purposes, and the said town has provided another and more suitable public burying ground which is now used in the place of the said old cemetery; and whereas the latter is now unfenced and lying in common; and whereas it is desirable that the said parcel of land should be closed as a cemetery, and the bodies of the dead still lying therein should be removed ²⁰ therefrom, and that said parcel of land should be vested in the corporation of the Town of Palmerston for public purposes; and whereas the said corporation have prayed that an Act may be passed accordingly; and the trustees of the said old cemetery not objecting hereto; and whereas it is expedient to grant ²⁵ the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

³⁰ 1. It shall be lawful for the corporation of the Town of Palmerston, after the removal as by this Act provided, of the bodies interred in that parcel of land known as the Old Cemetery aforesaid, to have and to hold the said parcel of land and after the passing of this Act the said parcel shall become and be, and the same is hereby vested in the said corporation, ³⁵ and the same shall be held, and used, for any public purpose as the council of the said corporation may, by any by-law or by-laws to be passed from time to time, determine.

⁴⁰ 2. The said corporation is hereby authorised forthwith, after giving notice as hereinafter mentioned, and at its own expense, to remove from the said old cemetery the remains of the dead therein interred to the new cemetery of the said corporation, at the sole cost of such corporation, and to re-inter such remains

Remains of dead may be removed.

decently and in order, and to re-erect any monument or headstone erected in said old cemetery at the time of such removal, and, so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased, as to the manner of such removal and re-interment, and so as that such re-interment shall be in burial places or plots corresponding in size as nearly as may be with those from which such remains shall have been removed. 5

Notice of removal.

3. The said corporation shall, before removing the remains as aforesaid, give written notice to the relatives of the dead, when known, and during the period of one month: publish a notice once in each week in the newspaper published in the said town, stating their intention to remove the said remains upon a day to be named in the said notice, which day shall not be less than six weeks after the first publication of such notice, and the said corporation shall be required to pay all reasonable expenses incurred or sustained by the relatives in the removal of said remains; and no further or other notice to the friends or relatives of the deceased shall be necessary. 15

Corporation to make compensation to T. McDowell and others.

4. The said corporation shall make compensation in the premises to Thomas McDowell, who dedicated the said old cemetery, or to any person, or persons who lawfully claim under him any rights he or they may have therein, and to the trustees acting under the bond or instrument of dedication, dated the nineteenth day of June, A.D. 1858, in respect of any moneys by them, or any of them, expended thereon; and the amount of such compensation shall be arrived at by taking the value of the land of the said old cemetery, and deducting therefrom all the expenses incurred by the said corporation in obtaining this Act, and incidental thereto, and of carrying out the provisions of sections 2 and 3 hereof, including a reasonable allowance for the plots in the new cemetery to be occupied by the remains of the dead to be removed thereto by virtue hereof; and in case the amount of such compensation cannot be mutually agreed upon the same shall be determined by arbitration under *The Consolidated Municipal Act, 1883*; and the provisions of that Act under the title "Arbitrations," and of section 487 thereof, shall apply to any arbitration to be held hereunder; and the arbitrators shall have power to apportion such compensation among the several parties entitled thereto. 20 25 30 35 40



2nd Session, 5th Legislature, 48 Vic, 1885.

BILL

An Act respecting the Old Cemetery in the
Town of Palmerston.

First Reading, 16th February, 1885.

(PRIVATE BILL)

*(Reprinted as amended by Private Bills
Committee)*

Mr. MCKIM.

TORONTO:

PRINTED BY THE "CHIEF" PRINTING AND PUBLISHING CO.

An Act to authorize Seaman Hullett McDonald to practise dental surgery in the Province of Ontario.

WHERAS Seaman Hullett McDonald has by his petition set forth that for some years previous to the year one thousand eight hundred and sixty eight he had been constantly engaged in an established office practice in the practice of the profession of dentistry, and that he was then and now is a British subject, but inadvertently omitted to take out a certificate of practice as a dentist upon the passing in that year within this Province of "*An Act respecting Dentistry*," and that he has since the passing of said Act practised as a dentist in the United States of America, and also done dentist work in the offices of licensed dentists in Ontario for such dentists, and is now thoroughly competent to do such work; and whereas the said Seaman Hullett McDonald has prayed that an Act may be passed to authorize him to practise dental surgery in Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall and may be lawful for the said Seaman Hullett McDonald to practise dental surgery in all its departments within the Province of Ontario, and to charge regular fees therefor, and collect the same in as full and ample a manner as if he had taken out, obtained and held a certificate of license to practise dentistry under the said Act respecting dentistry or under any Act now in force in this Province respecting dentistry, and without any restrictions whatsoever, any law or usage to the contrary notwithstanding.

S. H. McDonald authorize to practise dentistry.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to authorize Seaman Hullett
McDonald to practise dental surgery
in the Province of Ontario.

First Reading, 1885.

(*PRIVATE BILL.*)

Mr. GRAHAM.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to authorize the Corporation of the City of London to borrow certain Moneys.

WHEREAS, the Municipal Council of the Corporation of Preamble.
the City of London, have by their petition represented
that the said Corporation are the owners of certain lands in the
Town of London East, known as "Salter's Grove," and of cer-
5 tain lands in the said City of London, at present used for
exhibition purposes ; that it is desired by the said corporation
to sell the said lands, and to purchase other lands for exhibi-
tion, park, and military purposes, and to improve the same by
building thereon and otherwise ; and that to carry out the said
10 object it will be necessary for the said corporation to be
authorized to borrow money, and have prayed for the passing
of an Act to enable them to carry out the said object, and it is
expedient to grant the prayer of such petition.

Therefore Her Majesty, by and with the advice and consent
15 of the Legislative Assembly of the Province of Ontario, enacts
as follows :

1. The said municipal council may from time to time pass
by-laws for acquiring such lands as they may deem necessary,
and whether within or without the limits of the said city, for
20 the purposes of a public park and exhibition grounds, and in
the event of arrangements being made with the Government
of the Dominion of Canada for the transfer to the said corpora-
tion of the present militia grounds in the said city, or any part
of them, for the purpose of providing other militia grounds and
25 for the purpose of erecting buildings on the lands so to be
acquired as aforesaid, and otherwise improving the said lands.

2. The said municipal council may borrow such sum or sums
of money as they may require for the purpose of purchasing,
building upon, and improving the said lands so to be acquired
30 as aforesaid, and to issue debentures therefor which may be
made payable within such period not exceeding twenty years,
and with such rate of interest payable yearly, half-yearly or
otherwise as the municipal council may think fit.

3. The amount to be borrowed under the authority of this
35 Act shall not exceed the value of such of the lands mentioned
in the preamble to this Act as the said municipal council may
within year after the passing of this Act declare it to be
expedient to dispose of, and the value, in case arrangements
shall be made for the acquiring the same, of the militia grounds
40 or so much of them as shall be obtained from the Dominion of
Canada.

Value of Land
how deter-
mined.

4. The value of the said lands shall be ascertained and determined by the estimate of the city assessors or such other person as the said municipal council may by by-law appoint for that purpose, and such estimate shall, when filed with the clerk of the municipality, be conclusive evidence for the purposes of this Act of the value of the said lands 5

Lands to be
sold may be
conveyed to
trustees.

5. The said municipal council may appoint three trustees to whom the said lands shall, when it has been determined to dispose of them, be conveyed to be held by them upon trust to sell and dispose of the said lands, and after the payment there- 10
out of the costs and charges attending the execution of their trust, to apply the produce thereof in payment of the principal and interest of the moneys which shall be borrowed under the authority of this Act, and the surplus, if any, to pay over to the said municipal council for the general purposes of the said 15
municipality.

Term of office
of trustees.

6. The said trustees shall hold office for one year from the time of their appointment, and vacancies occurring in the office of trustee shall be filled by the said municipal council for the residue of the term of office of the trustee whose office becomes 20
vacant.

Trustees to be
a corporation.

7. The said trustees shall be a corporation to be called and known as the City of London Trust.

Terms of sale.

8. The said trustees may sell the said lands in parcels and for cash or upon credit, and may take security by mortgage 25
on the lands sold or any other lands, for so much of the purchase money as may remain unpaid.

Trustees to
sell any secu-
rities held by
them if requir-
ed by council.

9. The said trustees shall, if required by the said municipal council, sell and dispose of the mortgages and securities taken by them on account of the sale of the said lands, and apply the 30
produce thereof in paying the debentures issued under the authority of this Act.

If lands sold
do not produce
sufficient to
pay off moneys
borrowed,
special rate to
be levied.

10. If the produce of the sale of the lands conveyed to the said trustees shall not be sufficient to pay off the moneys bor- 35
rowed under the authority of this Act, and the interest thereon within years from the passing of this Act, it shall be the duty of the said municipal council, after the expiration of the said period of years, to raise by special rate upon all the ratable property within the said city, yearly, during the currency of the said debentures, a sum sufficient to pay the annual 40
interest of the then outstanding debentures, and a sum sufficient with the estimated interest on the investments thereof (the rate of such interest not to exceed five per centum per annum), capitalized annually to discharge the debt when 45
payable.

Assent of
electors to by-
law, etc., not
required.

11. It shall not be necessary that any by-law passed under the authority of this Act should receive the assent of the electors, or that any of the provisions of *The Municipal Act* relating to by-laws for creating debts should be complied with.

12. Every debenture issued under the authority of this Act shall have upon the face of it written or printed the words, "Town Trust Debenture," and it shall be conclusively presumed in favour of the holder of any such debenture that the same was lawfully issued under the authority of this Act

Form of debentures.

13. The trustees shall annually or oftener if required by the said municipal council, deliver to the clerk of the municipality a statement showing the state of the trust fund in their hands, and such other information as the council may from time to time require.

Statements to be furnished by trustees.

No. 23.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to authorize the Corporation of the
City of London to borrow certain Moneys.

First Reading, 23rd February, 1885.

(*PRIVATE BILL.*)

Mr. MEREDITH.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to authorize the Corporation of the City of London to borrow certain Moneys.

WHEREAS, the Municipal Council of the Corporation of the City of London, have by their petition represented that the said Corporation are the owners of certain lands in the Town of London East, known as "Salter's Grove," and of certain lands in the said City of London, at present used for exhibition purposes; that it is desired by the said corporation to sell the said lands, and to purchase other lands for exhibition, park, and military purposes, and to improve the same by building thereon and otherwise; and that to carry out the said object it will be necessary for the said corporation to be authorized to borrow money; and have prayed for the passing of an Act to enable them to carry out the said object, and it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said municipal council may from time to time pass by-laws for acquiring such lands as they may deem necessary, and whether within or without the limits of the said city, for the purposes of a public park and exhibition grounds, and in the event of arrangements being made with the Government of the Dominion of Canada for the transfer to the said corporation of the present militia grounds in the said city, or any part of them, for providing other militia grounds and erecting buildings on the lands so to be acquired as aforesaid, and otherwise improving the said lands for the purposes aforesaid.

2. The said municipal council may pass a by-law or by-laws for borrowing such sum or sums of money as they may require for the purpose of purchasing, building upon, and improving the said lands so to be acquired as aforesaid, and issue debentures therefor which may be made payable within such period not exceeding twenty years, and with such rate of interest not exceeding six per centum per annum payable yearly, half-yearly or otherwise as the said council may think fit.

3. The amount to be borrowed under the authority of this Act shall not exceed the value of such of the lands mentioned in the preamble to this Act as the said municipal council may within two years after the passing of this Act declare it to be expedient to dispose of, and the value, in case arrangements shall be made for acquiring the same, of the militia grounds or so much of them as shall be obtained from the Dominion of Canada.

Preamble.

Power to acquire lands for the purposes of a park, etc.

Power to borrow for purpose of purchasing and improving lands.

Borrowing powers limited to value of land.

Value of land how determined.

4. The value of the said lands shall be ascertained and determined by the estimate of the city assessors or such other person as the said municipal council may by by-law appoint for that purpose, and such estimate shall, when filed with the clerk of the municipality, be conclusive evidence for the purposes of this Act of the value of the said lands. 5

Lands to be sold may be conveyed to trustees.

5. The said municipal council may appoint three trustees to whom the said lands shall, when it has been determined to dispose of them, be conveyed to be held by them upon trust to sell and dispose of the said lands as directed from time to time by the said council and after the payment thereof of the costs and charges attending the execution of their trust, to apply the produce thereof in payment of the principal and interest of the moneys which shall be borrowed under the authority of this Act, and to pay over the surplus, if any, to the Treasurer of the said city for the general purposes thereof. 10 15

Term of office of trustees.

6. The said trustees shall hold office for one year from the time of their appointment, and their successors shall be appointed annually, and vacancies occurring in the office of trustee shall be filled by the said council for the residue of the term of office of the trustee whose office becomes vacant. 20

Trustees to be a corporation.

7. The said trustees shall be a corporation to be called and known as the City of London Trust, and shall not be entitled to any remuneration for their services. 25

Terms of sale.

8. The said trustees may sell the said lands in parcels for cash or upon credit, and may take security by mortgage on the lands sold or any other lands, for so much of the purchase money as may remain unpaid. 30

Trustees to sell any securities held by them if required by council.

9. The said trustees shall, if and as required by the said council, sell and dispose of the mortgages and securities taken by them on account of the sale of the said lands, and apply the produce thereof in paying the debentures issued under the authority of this Act. 35

If lands sold do not produce sufficient to pay off moneys borrowed, special rate to be levied.

10. If the produce of the sale of the lands conveyed to the said trustees shall not be sufficient to pay off the moneys borrowed under the authority of this Act, and the interest thereon within five years from the passing of this Act, it shall be the duty of the said council, after the expiration of the said period of five years, to raise by special rate upon all the rateable property within the said city, yearly, during the currency of the said debentures, a sum sufficient to pay the annual interest of the then outstanding debentures, and a sum sufficient, with the estimated interest on the investments thereof (the rate of such interest not to exceed five per centum per annum, capitalized annually) to discharge the debt when payable. 40 45

Assent of electors to by-law, etc., not required.

11. It shall not be necessary that any by-law passed under the authority of this Act shall receive the assent of the electors, or that any of the provisions of *The Consolidated Municipal Act* relating to by-laws for creating debts shall be complied with. 50

12. Every debenture issued under the authority of this Act shall have upon the face of it written or printed the words, "City Trust Debenture," and it shall be conclusively presumed in favour of the holder of any such debenture that the same was lawfully issued under the authority of this Act.

Form of debentures

13. The trustees shall annually or oftener if required by the said council, deliver to the clerk of the municipality a statement showing the state of the trust fund in their hands, and such other information as the council may from time to time require.

Statements to be furnished by trustees.

2nd Session, 5th Parliament, 48 Vic., 1885.

BILL.

An Act to authorize the Corporation of the City of London to borrow certain Moneys.

First Reading, 23rd February, 1885.

(PRIVATE BILL.)

(Reprinted as amended by Private Bills Committee.)

Mr. MEREDITH.

An Act to legalize, confirm and declare valid certain
By-laws of the Town of Lindsay.

WHEREAS the Council of the Corporation of the Town of Lindsay have by their petition represented that they have for the purpose of promoting the prosperity of their town and with the intention of petitioning the Legislature to pass an Act legalizing, confirming and declaring valid the same passed certain By-laws entitled; "A By-law No. 350, being a By-law to lease a portion of the Queen Square reserve to Richard Sylvester," and dated and passed on the 6th March, 1882; "a By-law No. 409 to amend By-law 350," and dated and passed on the 7th April, 1884; and "a By-law No. 423," being a By-law to lease a portion of the Queen Square Reserve to Richard Sylvester for a period of 99 years and to empower the Mayor to sign the lease; dated and passed on the 15th December, 1884," said By-laws being numbered 350, 409 and 423, respectively, and set forth in Schedule "A" to this Act, and whereas the Council of the said Corporation of the Town of Lindsay, for the purpose above set forth, have by a lease dated on the twelfth day of November, 1884, and set forth in Schedule "B" to this Act demised to Richard Sylvester, of the said town, for a period of 99 years, at a nominal rental, a certain parcel of land known as that part of the Queen's Square lying south of Kent street, and west of Victoria Avenue, in the Town of Lindsay, for the purpose of erecting thereon an establishment for the manufacture of agricultural and other machinery; and, whereas among other things the Council of the Corporation of the said Town of Lindsay have agreed to apply for legislation to legalize, confirm and declare valid a clause in the said agreement dated 12th November, 1884, to the following effect, viz:—"that the lands and premises demised, and buildings erected or to be erected thereon, and all the machinery, stock, manufactured goods, personal property and income derived from the said business shall be and continue exempt from all taxes, rates, levies and assessments whatsoever, during the currency and continuance of this demise;" And, whereas the Corporation of the Town of Lindsay aforesaid have prayed for an Act for this purpose, and it is expedient to grant the prayer of the said petition,

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. By-laws numbers 350, 409 and 423, of the Town of Lindsay, as hereinbefore recited, and bearing date respectively the sixth March, one thousand eight hundred and eighty-two, the seventh April, one thousand eight hundred and eighty-

By-laws 350,
409 and 423
confirmed.

four, and fifteenth December, one thousand eight hundred and eighty-four, set forth in schedule "A" to this Act, are hereby legalized, confirmed and declared valid; and the agreement bearing date the twelfth day of November, one thousand eight hundred and eighty-four, between the Council of the corporation of the Town of Lindsay and Richard Sylvester, set forth in schedule "B" to this Act, is hereby legalized, confirmed and declared valid, and the exemptions from taxation therein referred to shall include all municipal taxes, school taxes, county taxes and rates imposed by the county on certain municipalities grouped for the purpose of aiding the Whitby, Port Perry and Lindsay Railway by way of bonus. 5 10

SCHEDULE "A."

By-law No. 350.

A By-law to authorize the Municipal Council of the Town of Lindsay, to lease that portion of the Queen's Square lying south of Kent street and west of Victoria Avenue excepting that portion occupied by the drill shed, and twelve feet to the west of said building, to Richard Sylvester, for manufacturing purposes.

Be it enacted by the Municipal Council of the Town of Lindsay, and it is hereby enacted,

That the Council of the Town of Lindsay be and are hereby authorized and empowered to grant a lease of that portion of the Queen's Square in the said Town of Lindsay lying south of Kent street and west of Victoria Avenue (excepting that portion thereof now occupied by the drill shed, and twelve feet west of said drill shed) to Richard Sylvester, of the village of Enniskillen, for the term of twenty-one years from the first day of January, one thousand eight hundred and eighty-two, and in said lease to agree to renew the said lease for a further term of twenty-one years at a yearly rental of twenty cents a year, free from municipal taxes and assessments, the said lands to be used and employed for the purpose of erecting buildings thereon for the purpose of carrying on a machine shop and manufacturing establishment for the manufacture of farming implements in general, including reapers, mowers and horse rakes.

Be it further enacted that the said lease shall contain conditions that in the event of the said Richard Sylvester, or his representatives ceasing to employ twenty men for at least eleven months in the year, in the said manufacturing establishment or machine shop, the said land shall be subject to rent and taxes, the said rent to be fixed by arbitration, one arbitrator to be appointed on behalf of this municipality, one by Mr. Sylvester or his representatives, and these to appoint a third, whose award, or any two of them, shall be final.

Be it further enacted that the said lease be signed and executed on behalf of this municipality by the mayor of the said town, who is hereby authorized to sign the same and affix the seal of this municipality thereto, and that the said lease be

further subject to the stipulations and conditions contained in a prior agreement between the said Richard Sylvester and the manufacturers' committee of said Town of Lindsay heretofore submitted to this council, passed this sixth day of March, one thousand eight hundred and eighty-two.

(Signed) JAMES B. KNOWLSON,

Clerk.

(Signed) J. W. WALLACE,

Mayor.

[Corporate Seal]

By-law No. 409.

A By-law to amend By-law No. 350 of the Town of Lindsay, a By-law to authorize the municipal council of the Town of Lindsay to lease the portion of the Queen's Square lying south of Kent street and west of Victoria Avenue, excepting that portion occupied by the drill shed, and twelve feet to the west of said building, to Richard Sylvester for manufacturing purposes.

Whereas the municipal council of the town of Lindsay, by its By-law No. 350, authorized the leasing of a portion of the Queen's Square to Richard Sylvester, free from municipal taxes and assessment; and whereas a misunderstanding has arisen as to the words "municipal taxes and assessments," in the said By-law, and it is desirable to explain the same more fully.

Be it therefore enacted by the municipal corporation of the Town of Lindsay, and it is hereby enacted,

That By-law No. 350 be amended by inserting immediately after the words "municipal taxes and assessments" the words "derivable from or assessable against said lands and premises, and all personal property, and all income derived from the business carried on in said premises."

Passed this 7th day of April, A. D. 1884.

(Signed) JAMES B. KNOWLSON,

Clerk.

(Signed) J. W. WALLACE,

Mayor.

[Corporate Seal]

By-law No. 423.

A By-law to grant a lease of a portion of the Queen's Square in the Town of Lindsay, lying west of Victoria Avenue, and south of Kent street, to Richard Sylvester, for the term of ninety-nine years, and to authorize and empower the Mayor of the said Town of Lindsay to execute the said lease.

Be it enacted by the Municipal Corporation of the Town of Lindsay, and it is hereby enacted,

That this municipality grant a lease of all that portion of the Queen's Square in the Town of Lindsay lying west of Victoria Avenue and south of Kent street, for the term of ninety-nine years from the twenty-second day of March in the year of

our Lord one thousand eight hundred and eighty-two, to Richard Sylvester, his heirs, executors, administrators and assigns, at the rental of twenty cents a year, and on terms, covenants and agreements, stipulations and conditions in the hereto annexed lease set out which is incorporated in this By-law and made part thereof. That the mayor be and is hereby authorized and empowered to execute the said lease on behalf of this municipality.

Passed this 15th day of December, A.D. 1884.

(Signed) JAMES B. KNOWLSON,
Clerk.

(Signed) J. W. WALLACE,
Mayor.

[Corporate Seal.]

SCHEDULE "B."

This Indenture made in duplicate the twelfth day of November, in the year of our Lord one thousand eight hundred and eighty-four, between the Municipal Corporation of the Town of Lindsay, in the County of Victoria, of the first part, and Richard Sylvester, of the said Town of Lindsay, manufacturer, of the second part,

Witnesseth, that in consideration of the rents, covenants and agreements hereinafter reserved and contained, and which, by and on behalf of the said party of the second part, his executors, administrators and assigns, are to be paid, done and performed, they, the said parties of the first part have demised and let, and by these presents do demise and let unto the said party of the second part, his executors, administrators and assigns, all and singular the following lands and premises, situate, lying and being in the Town of Lindsay, in the County of Victoria, and being composed of all that part of the market or Queen's Square lying south of Kent street and west of Victoria Avenue, containing by admeasurement one acre and a half be the same more or less, with full liberty for him, the said party of the second part, his heirs, executors, administrators and assigns to make, erect, maintain and carry on all buildings, machinery works and operations which he or they may think necessary or advisable for manufacturing reapers, mowers, seeders, threshing machines, ploughs, harrows, rakes and agricultural implements and general machinery.

To have and to hold the said premises hereby demised unto the said party of the second part, his executors, administrators and assigns, henceforth for and during the term of ninety-nine years, to be computed from the twenty-second day of March, one thousand eight hundred and eighty-two, and fully to be completed and ended. Yielding and paying therefor to the said party of the first part, their successors and assigns, during the term hereby created, the clear yearly rent or sum of twenty cents of lawful money of Canada, to become due and be payable on the first day of April in each and every year during the continuance of the said term; and whereas the party of the second part has under the conditions in a certain indenture of

lease, bearing date the twenty-third day of March, one thousand eight hundred and eighty-two, and made between the parties hereto erected on a portion of said premises suitable buildings of brick, for the carrying on of the manufacture of agricultural implements, &c., as in said lease is set out, and is now carrying on said manufacture; and whereas the said party of the second part is desirous of enlarging his said buildings, and has applied to the said parties of the first part for an extension of the term in said lease contained and for additional lands which the parties of the first part have agreed to grant, and do hereby grant as hereinbefore set out.

This demise is on this express condition, that the party of the second part shall actually and bona fide carry on within the said buildings so erected, and to be erected, the said manufacture of agricultural implements and machinery, and employ in and about the said manufacture of said implements and machinery an average of twenty employees for eleven months in each year of said term, and shall continue the same with the said number of employees for eleven months in each year of said term (except in case of damage or destruction by fire, tempest or other casualty rendering it necessary to cease carrying on said manufacture in order to rebuild or repair said buildings, for which a reasonable time shall be allowed, which time shall not exceed one year; and that in the event of the said manufacture of said agricultural implements and machinery being at any time abandoned or suspended for a longer period than three (3) months in any year (except in case of fire, tempest or other casualty as above set out) or should the average number of employees be less than twenty for eleven months in any year, then the said party of the second part, his heirs, executors, administrators and assigns shall, during such time or times, year or years, pay all taxes, rates and assessments on said premises. Provided, however, that on his or their again complying with the above requirements and conditions, the exemption from taxation shall be renewed, and continue in full force whilst and so long as the party of the second part, his heirs, executors, administrators and assigns so comply with the said conditions and requirements. And the said party of the second part, for himself, his executors, administrators and assigns, covenants with the party of the first part, and their assigns, that he will henceforward and during the continuance of the term hereby created, employ, and keep employed an average of twenty employees for eleven months in each year of the said term in and about the manufacture of said implements and machinery, not ceasing to employ said number of employees for a longer period than one month in each year (save and except in case of damage or destruction of the buildings by fire, tempest or other casualty) and in that event only for a reasonable and necessary time to rebuild or repair said buildings, such time, however, not to exceed one year, and that he will not carry on the manufacture of any of the said implements in any other place in the Province of Ontario during the currency of this demise; and that in the event of the failure to employ and keep employed an average of twenty employees in said manufactory during eleven months in any year, that he, his executors, administrators or assigns, will, and until he shall employ the said number of employees, well and truly pay all taxes, rates and assessments which may be levied or rated against the said lands, buildings, machinery, personal property

and income, from the same in and about the demised premises. It is hereby agreed by and on behalf of the said parties of the first part, that it shall and may be lawful for the said party of the second part and his representatives to remove the building and manufactory at any time on giving to the parties of the first part, or their assigns, three months notice in writing of his intention so to do. And the said party of the second part hereby agrees that in the event of the said building being removed by him the said party of the second part, his executors, administrators or assigns, that he or they will surrender the term hereby created, and will restore the land to the condition in which it was at the date of the lease of the twenty-third of March, one thousand eight hundred and eighty-two; and that at the expiration or other sooner determination of the term hereby created, will peaceably and quietly retire from the occupation and possession of the land occupied by him or them by virtue hereof, and deliver and yield up possession thereof to the said party of the first part or their assigns; and that the party of the second part, his executors, administrators or assigns, will on demand in the month of July in each year, exhibit for inspection to the Chairman of the Finance Committee of the Town Council for the time being his pay roll or pay sheet showing the actual number of employees engaged by him or them throughout the previous year in carrying on said manufactory, and on refusal so to exhibit his pay roll as aforesaid, the council of the said town may, upon the report of the said chairman, find that the failure has been made in employing the said number of operatives; and the said parties of the first part, in consideration of the premises, and of the performance of the conditions, stipulations and agreements by the said party of the second part and his legal representatives, they the said parties of the first part covenant with the said party of the second part, his executors, administrators and assigns, in manner following, that is to say, that the said party of the second part, his heirs, executors, administrators or assigns, performing the covenants and conditions herein contained and to be performed by him and them, shall and may quietly and peaceably enjoy the said demised premises during the said term, and that the lands and premises hereby demised, and the buildings erected or to be erected thereon, and all the machinery, stock, manufactured goods, personal property and income derived from the said business of the said party of the second part, his heirs, executors, administrators or assigns shall be and continue exempt and free from all taxes, rates, levies and assessments whatsoever during the currency and continuance of this demise; and that the said parties of the first part will from time to time and at all times hereafter during the said term, pass and enact all necessary by-laws to secure the said exemption to the said party of the second part, his executors, administrators and assigns; provided always that should the said party of the second part, his heirs, executors, or administrators or assigns cease to carry on said works as aforesaid, and that the said premises shall be and remain idle for the space of three years continuously during the term hereby granted the party of the first part, or their assigns, may upon giving to the party of the second part, his heirs, executors, administrators or assigns, six months' notice of their intention so to do, enter into and upon the said demised premises or any part thereof, in the name of the whole, and the same to have again, repossess and

enjoy as in their first and prior estate, and the party of the second part and his heirs, executors, administrators and assigns and all persons claiming under him or them thereout to expel, put and remove, anything hereinbefore contained to the contrary notwithstanding, and this lease and the term thereunder shall cease and become null and void; and the said parties of the first part further covenant with the said party of the second part that they will, within the period of the next five years, obtain from the Legislature of the Province of Ontario, the right to exempt the said premises, buildings, machinery, stock, manufactured goods, personal property and income from taxation during the said term, provided always that notwithstanding anything hereinbefore contained to the contrary, this lease is subject to any existing right in the crown of, in, or to the ground on which the drill shed stood and the lane adjoining thereto.

In witness whereof the corporation of the said Town of Lindsay has hereunto affixed the seal of the said corporation by the hand of John Wallace, Mayor of the said corporation, and the said Richard Sylvester, party hereto, hereunto sets his hand and seal.

Signed, sealed and delivered } (Signed) J. W. WALLACE,
in presence of } *Mayor.*
[Corporation Seal]

Witness: (Signed) RICHARD SYLVESTER.

(Signed) JAMES B. KNOWLSON, [Seal]

(Signed) A. O'LEARY.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to legalize, confirm and declare
valid certain By-laws of the Town
of Lindsay.

First Reading, 1885.

(PRIVATE BILL.)

Mr. MCINTYRE.

An Act to declare valid certain By-laws of the Town of Lindsay, and a Lease made between the said Town of Lindsay and Richard Sylvester.

WHEREAS the Council of the Corporation of the Town of Lindsay have by their petition represented that they have for the purpose of promoting the prosperity of their town and with the intention of petitioning the Legislature to pass an Act legalizing, confirming and declaring valid the same passed certain By-laws entitled; "A By-law No. 350, being a By-law to lease a portion of the Queen Square reserve to Richard Sylvester," and dated and passed on the 6th March, 1882; "A By-law No. 409 to amend By-law 350," and dated and passed on the 7th April, 1884: and "A By-law No. 423," being a By-law to lease a portion of the Queen Square Reserve to Richard Sylvester for a period of 99 years and to empower the Mayor to sign the lease; dated and passed on the 15th December, 1884, said By-laws being numbered 350, 409 and 423, respectively, and set forth in Schedule "A" to this Act; and whereas the Council of the said Corporation of the Town of Lindsay, for the purpose above set forth, have by a lease dated on the twelfth day of November, 1884, and set forth in Schedule "B" to this Act demised to Richard Sylvester, of the said town, for a period of 99 years, at a nominal rental, a certain parcel of land known as that part of the Queen's Square lying south of Kent street, and west of Victoria Avenue, in the Town of Lindsay, for the purpose of erecting thereon an establishment for the manufacture of agricultural and other machinery; and, whereas among other things the Council of the Corporation of the said Town of Lindsay have agreed to apply for legislation to legalize, confirm and declare valid a clause in the said agreement dated 12th November, 1884, to the following effect, viz:—"that the lands and premises demised, and buildings erected or to be erected thereon, and all the machinery, stock, manufactured goods, personal property and income derived from the said business shall be and continue exempt from all taxes, rates, levies and assessments whatsoever, during the currency and continuance of this demise;" and, whereas the Corporation of the Town of Lindsay aforesaid have prayed for an Act for this purpose, and it is expedient to grant the prayer of the said petition,

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. By-laws numbers 350, 409 and 423, of the Town of Lindsay, as hereinbefore recited, and bearing date respectively the sixth March, one thousand eight hundred and eighty-two, By-laws 350, 409 and 423 confirmed.

the seventh April, one thousand eight hundred and eighty-four, and fifteenth December, one thousand eight hundred and eighty-four, set forth in schedule "A" to this Act, are hereby legalized, confirmed and declared valid; and the agreement bearing date the twelfth day of November, one thousand eight hundred and eighty-four, between the Council of the corporation of the Town of Lindsay and Richard Sylvester, set forth in schedule "B" to this Act, is hereby legalized, confirmed and declared valid, and the exemptions from taxation therein referred to shall include all municipal taxes, school taxes, county taxes and rates imposed by the county on certain municipalities grouped for the purpose of aiding the Whitby, Port Perry and Lindsay Railway by way of bonus.

Construction
of Lease.

2. It is hereby expressly declared that according to the true construction and meaning of the said lease the said exemption from taxation does not apply to any part or parts of the lands and premises mentioned in said lease or any part or parts of the buildings erected or to be erected thereon, which shall be used for any other purpose than the purpose of manufacturing reapers, mowers, seeders, threshing machines, plows, harrows, rakes, and agricultural implements and general machinery and only applies to such machinery stock, manufactured goods and personal property as shall be in the use or possession of the said Richard Sylvester, his executors, administrators or assigns on the said premises for the purpose of carrying on the business of manufacturing the said articles, and to the income derived from the said business.

Limitation on
right of manu-
facture.

3. It is hereby expressly declared and enacted that with the exception of plows the said Richard Sylvester, his executors, administrators or assigns shall not under the said lease engage in the manufacture of any articles which shall be constructed or manufactured by any other person or persons, firms or corporations in the Town of Lindsay at the time of his or their commencing the construction or manufacture of the same.

SCHEDULE "A."

By-law No. 350.

A By-law to authorize the Municipal Council of the Town of Lindsay, to lease that portion of the Queen's Square lying south of Kent street and west of Victoria Avenue excepting that portion occupied by the drill shed, and twelve feet to the west of said building, to Richard Sylvester, for manufacturing purposes.

Be it enacted by the Municipal Council of the Town of Lindsay, and it is hereby enacted,

That the Council of the Town of Lindsay be and are hereby authorized and empowered to grant a lease of that portion of the Queen's Square in the said Town of Lindsay lying south of Kent street and west of Victoria Avenue (excepting that portion thereof now occupied by the drill shed, and twelve feet west of said drill shed) to Richard Sylvester, of

the village of Enniskillen, for the term of twenty-one years from the first day of January, one thousand eight hundred and eighty-two, and in said lease to agree to renew the said lease for a further term of twenty-one years at a yearly rental of twenty cents a year, free from municipal taxes and assessments, the said lands to be used and employed for the purpose of erecting buildings thereon for the purpose of carrying on a machine shop and manufacturing establishment for the manufacture of farming implements in general, including reapers, mowers and horse rakes.

Be it further enacted that the said lease shall contain conditions that in the event of the said Richard Sylvester, or his representatives ceasing to employ twenty men for at least eleven months in the year, in the said manufacturing establishment or machine shop, the said land shall be subject to rent and taxes, the said rent to be fixed by arbitration, one arbitrator to be appointed on behalf of this municipality, one by Mr. Sylvester or his representatives, and these to appoint a third, whose award, or any two of them, shall be final.

Be it further enacted that the said lease be signed and executed on behalf of this municipality by the mayor of the said town, who is hereby authorized to sign the same and affix the seal of this municipality thereto, and that the said lease be further subject to the stipulations and conditions contained in a prior agreement between the said Richard Sylvester and the manufacturers' committee of said Town of Lindsay heretofore submitted to this council, passed this sixth day of March, one thousand eight hundred and eighty-two.

(Signed) JAMES B. KNOWLSON,
Clerk.

(Signed) J. W. WALLACE,
Mayor.
[Corporate Seal]

By-law No. 409.

A By-law to amend By-law No. 350 of the Town of Lindsay, a By-law to authorize the municipal council of the Town of Lindsay to lease the portion of the Queen's Square lying south of Kent street and west of Victoria Avenue, excepting that portion occupied by the drill shed, and twelve feet to the west of said building, to Richard Sylvester for manufacturing purposes.

Whereas the municipal council of the town of Lindsay, by its By-law No. 350, authorized the leasing of a portion of the Queen's Square to Richard Sylvester, free from municipal taxes and assessment; and whereas a misunderstanding has arisen as to the words "municipal taxes and assessments," in the said By-law, and it is desirable to explain the same more fully.

Be it therefore enacted by the municipal corporation of the Town of Lindsay, and it is hereby enacted,

That By-law No. 350 be amended by inserting immediately after the words "municipal taxes and assessments" the

words " derivable from or assessable against said lands and premises, and all personal property, and all income derived from the business carried on in said premises."

Passed this 7th day of April, A. D. 1884.

(Signed) JAMES B. KNOWLSON,

Clerk.

(Signed) J. W. WALLACE,

Mayor.

[Corporate Seal]

By-law No. 423.

A By-law to grant a lease of a portion of the Queen's Square in the Town of Lindsay, lying west of Victoria Avenue, and south of Kent street, to Richard Sylvester, for the term of ninety-nine years, and to authorize and empower the Mayor of the said Town of Lindsay to execute the said lease.

Be it enacted by the Municipal Corporation of the Town of Lindsay, and it is hereby enacted,

That this municipality grant a lease of all that portion of the Queen's Square in the Town of Lindsay lying west of Victoria Avenue and south of Kent street, for the term of ninety-nine years from the twenty-second day of March in the year of our Lord one thousand eight hundred and eighty-two, to Richard Sylvester, his heirs, executors, administrators and assigns, at the rental of twenty cents a year, and on terms, covenants and agreements, stipulations and conditions in the hereto annexed lease set out which is incorporated in this By-law and made part thereof. That the mayor be and is hereby authorized and empowered to execute the said lease on behalf of this municipality.

Passed this 15th day of December, A.D. 1884.

(Signed) JAMES B. KNOWLSON,

Clerk.

(Signed) J. W. WALLACE,

Mayor.

[Corporate Seal.]

SCHEDULE "B."

This Indenture made in duplicate the twelfth day of November, in the year of our Lord one thousand eight hundred and eighty-four, between the Municipal Corporation of the Town of Lindsay, in the County of Victoria, of the first part, and Richard Sylvester, of the said Town of Lindsay, manufacturer, of the second part,

Witnesseth, that in consideration of the rents, covenants and agreements hereinafter reserved and contained, and which, by and on behalf of the said party of the second part, his executors, administrators and assigns, are to be paid, done and performed, they, the said parties of the first part have demised and

let, and by these presents do demise and let unto the said party of the second part, his executors, administrators and assigns, all and singular the following lands and premises, situate, lying and being in the Town of Lindsay, in the County of Victoria, and being composed of all that part of the market or Queen's Square lying south of Kent street and west of Victoria Avenue, containing by admeasurement one acre and a half be the same more or less, with full liberty for him, the said party of the second part, his heirs, executors, administrators and assigns to make, erect, maintain and carry on all buildings, machinery works and operations which he or they may think necessary or advisable for manufacturing reapers, mowers, seeders, threshing machines, ploughs, harrows, rakes and agricultural implements and general machinery.

To have and to hold the said premises hereby demised unto the said party of the second part, his executors, administrators and assigns, henceforth for and during the term of ninety-nine years, to be computed from the twenty-second day of March, one thousand eight hundred and eighty-two, and fully to be completed and ended. Yielding and paying therefor to the said party of the first part, their successors and assigns, during the term hereby created, the clear yearly rent or sum of twenty cents of lawful money of Canada, to become due and be payable on the first day of April in each and every year during the continuance of the said term; and whereas the party of the second part has under the conditions in a certain indenture of lease, bearing date the twenty-third day of March, one thousand eight hundred and eighty-two, and made between the parties hereto erected on a portion of said premises suitable buildings of brick, for the carrying on of the manufacture of agricultural implements, &c., as in said lease is set out, and is now carrying on said manufacture; and whereas the said party of the second part is desirous of enlarging his said buildings, and has applied to the said parties of the first part for an extension of the term in said lease contained and for additional lands which the parties of the first part have agreed to grant, and do hereby grant as hereinbefore set out.

This demise is on this express condition, that the party of the second part shall actually and bona fide carry on within the said buildings so erected, and to be erected, the said manufacture of agricultural implements and machinery, and employ in and about the said manufacture of said implements and machinery an average of twenty employees for eleven months in each year of said term, and shall continue the same with the said number of employees for eleven months in each year of said term (except in case of damage or destruction by fire, tempest or other casualty rendering it necessary to cease carrying on said manufacture in order to rebuild or repair said buildings, for which a reasonable time shall be allowed, which time shall not exceed one year; and that in the event of the said manufacture of said agricultural implements and machinery being at any time abandoned or suspended for a longer period than three (3) months in any year (except in case of fire, tempest or other casualty as above set out) or should the average number of employees be less than twenty for eleven months in any year, then the said party of the second part, his heirs, executors, administrators and assigns shall, during such time or times, year or years, pay all taxes, rates and assessments on said premises. Provided, however, that on his or

their again complying with the above requirements and conditions, the exemption from taxation shall be renewed, and continue in full force whilst and so long as the party of the second part, his heirs, executors, administrators and assigns so comply with the said conditions and requirements. And the said party of the second part, for himself, his executors, administrators and assigns, covenants with the party of the first part, and their assigns, that he will henceforward and during the continuance of the term hereby created, employ, and keep employed an average of twenty employees for eleven months in each year of the said term in and about the manufacture of said implements and machinery, not ceasing to employ said number of employees for a longer period than one month in each year (save and except in case of damage or destruction of the buildings by fire, tempest or other casualty) and in that event only for a reasonable and necessary time to rebuild or repair said buildings, such time, however, not to exceed one year, and that he will not carry on the manufacture of any of the said implements in any other place in the Province of Ontario during the currency of this demise; and that in the event of the failure to employ and keep employed an average of twenty employees in said manufactory during eleven months in any year, that he, his executors, administrators or assigns, will, and until he shall employ the said number of employees, well and truly pay all taxes, rates and assessments which may be levied or rated against the said lands, buildings, machinery, personal property and income, from the same in and about the demised premises. It is hereby agreed by and on behalf of the said parties of the first part, that it shall and may be lawful for the said party of the second part and his representatives to remove the building and manufactory at any time on giving to the parties of the first part, or their assigns, three months notice in writing of his intention so to do. And the said party of the second part hereby agrees that in the event of the said building being removed by him the said party of the second part, his executors, administrators or assigns, that he or they will surrender the term hereby created, and will restore the land to the condition in which it was at the date of the lease of the twenty-third of March, one thousand eight hundred and eighty-two; and that at the expiration or other sooner determination of the term hereby created, will peaceably and quietly retire from the occupation and possession of the land occupied by him or them by virtue heréof, and deliver and yield up possession thereof to the said party of the first part or their assigns; and that the party of the second part, his executors, administrators or assigns, will on demand in the month of July in each year, exhibit for inspection to the Chairman of the Finance Committee of the Town Council for the time being his pay roll or pay sheet showing the actual number of employees engaged by him or them throughout the previous year in carrying on said manufactory, and on refusal so to exhibit his pay roll as aforesaid, the council of the said town may, upon the report of the said chairman, find that the failure has been made in employing the said number of operatives; and the said parties of the first part, in consideration of the premises, and of the performance of the conditions, stipulations and agreements by the said party of the second part and his legal representatives, they the said parties of the first part covenant with the said party of the second part, his executors, administrators and assigns, in man-

ner following, that is to say, that the said party of the second part, his heirs, executors, administrators or assigns, performing the covenants and conditions herein contained and to be performed by him and them, shall and may quietly and peaceably enjoy the said demised premises during the said term, and that the lands and premises hereby demised, and the buildings erected or to be erected thereon, and all the machinery, stock, manufactured goods, personal property and income derived from the said business of the said party of the second part, his heirs, executors, administrators or assigns shall be and continue exempt and free from all taxes, rates, levies and assessments whatsoever during the currency and continuance of this demise; and that the said parties of the first part will from time to time and at all times hereafter during the said term, pass and enact all necessary by-laws to secure the said exemption to the said party of the second part, his executors, administrators and assigns; provided always that should the said party of the second part, his heirs, executors, or administrators or assigns cease to carry on said works as aforesaid, and that the said premises shall be and remain idle for the space of three years continuously during the term hereby granted the party of the first part, or their assigns, may upon giving to the party of the second part, his heirs, executors, administrators or assigns, six months' notice of their intention so to do, enter into and upon the said demised premises or any part thereof, in the name of the whole, and the same to have again, repossess and enjoy as in their first and prior estate, and the party of the second part and his heirs, executors, administrators and assigns and all persons claiming under him or them thereout to expel, put and remove, anything hereinbefore contained to the contrary notwithstanding, and this lease and the term thereunder shall cease and become null and void; and the said parties of the first part further covenant with the said party of the second part that they will, within the period of the next five years, obtain from the Legislature of the Province of Ontario, the right to exempt the said premises, buildings, machinery, stock, manufactured goods, personal property and income from taxation during the said term, provided always that notwithstanding anything hereinbefore contained to the contrary, this lease is subject to any existing right in the crown of, in or to, the ground on which the drill shed stood and the lane adjoining thereto.

In witness whereof the corporation of the said Town of Lindsay has hereunto affixed the seal of the said corporation by the hand of John Wallace, Mayor of the said corporation, and the said Richard Sylvester, party hereto, hereunto sets his hand and seal.

Signed, sealed and delivered } (Signed) J. W. WALLACE,
 in presence of } *Mayor.*
 [Corporation Seal]

Witness: (Signed) RICHARD SYLVESTER.

(Signed) JAMES B. KNOWLSON, [Seal]

(Signed) A. O'LEARY.

BILL.

An Act to declare valid certain By-laws of the Town of Lindsay, and a lease made between the said town of Lindsay and Richard Sylvester.

First Reading, 20th February, 1885.
Second " 4th March, 1885.

(*PRIVATE BILL.*)

(*Reprinted as Amended by Committee of
Whole House.*)

Mr. MCINTYRE.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to amend the Act incorporating the Dean and Chapter of the Cathedral of St. Alban the Martyr, Toronto.

WHEREAS by the petition of the Dean and Chapter of the Cathedral of St. Alban the Martyr, a corporation created and constituted by the Act passed in the forty-sixth year of the reign of Her Majesty, and chaptered sixty-three, intituled "An Act to incorporate the Dean and Chapter of the Cathedral of St. Alban the Martyr, Toronto;" it is represented that the said petitioners are desirous that the Chancellor and Registrar of the Diocese of Toronto should be *ex-officio* members of their corporation, and also that they the said petitioners should have power to appoint officers and to constitute such officers *ex-officio* members of their said corporation; and whereas by the said petition it is also represented that they the said petitioners have experienced great difficulty in obtaining land for the purposes set out and authorized by the second section of the said Act, within the limits of the City of Toronto, of the extent and dimensions suitable for their purposes, except at a cost greatly disproportioned to the means and objects of the said petitioners, but that lands have been offered to them closely adjacent to the north limits of the City of Toronto, of a size and position convenient and suitable for their purposes; and whereas the said petitioners are therefore desirous that they should be empowered to acquire lands beyond the said limits instead of within the same as authorized by the said Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The chancellor and the registrar of the Diocese of Toronto for the time being, and the person or persons for the time being, who shall hold any office or offices of or for the said corporation and in respect of which the said corporation shall declare that persons holding such office or offices shall be members of the said corporation shall be *ex-officio* members of the said corporation, and of the governing body thereof.

Chancellor and Registrar of Diocese and certain officers of corporation to be *ex-officio* members of corporation.

2. The said corporation shall have power to acquire by purchase, gift, devise, or bequest, lands for the purposes mentioned in the second section of the said Act without the limits of the City of Toronto as well as within such limits.

Power to acquire lands.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Act incorporating the
Dean and Chapter of the Cathedral of
St. Alban the Martyr, Toronto.

First Reading, 1885.

(PRIVATE BILL)

Mr. HARDY.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act respecting the Chatham Gas Company.

- W**HEREAS the Chatham Gas Company were incorporated Preamble.
under the provisions of chapter sixty five of the Consol-
idated Statutes of Canada for supplying the Town of Chatham with
gas; and whereas the company by mortgage granted and mort-
gaged to the Merchants' Bank of Canada the lot number seven-
5 teen on the westerly side of King-street in the Town of Chatham,
which was vested in the company, and on which their gas
works in said town were erected, and all easements and rights
possessed by them in said town for supply of gas to and for the
10 use of the inhabitants, and all fittings, pipes, meters and other
materials possessed and used by them in their said works, in
or under the surface of the said town, and all rights and interests
under the by-laws of the town conferred on the said company,
and all and singular the appurtenances of said gas works in
15 said town of what nature or kind soever, and the said bank,
under the power of sale contained in such mortgage, sold and
conveyed such lands and all easements and rights so mort-
gaged to them in fee simple to one James Lamont, who
acquired all the shares in the capital stock of the said company,
20 and for many years maintained the said gas works, and thereby
supplied the said Town of Chatham with gas; and whereas
the said James Lamont lately sold and transferred certain of
the shares in the capital stock of the Chatham Gas Company
to four other persons, and the said James Lamont and such
25 four other persons complied with the requirements of section
two of chapter one hundred and fifty-seven of the Revised
Statutes of Ontario, and petitioned the municipal council of
the Town of Chatham, who passed a by-law in accordance
with the provisions of that Act for the re-organization of the
30 Chatham Gas Company, which was duly filed in the proper
registry office and in the office of the Provincial Secretary;
and whereas doubts exist as to the due incorporation and
powers of the said company, and it is expedient to remove
such doubts;
35 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. It is hereby declared that from and after the filing of
such by-law as aforesaid the said the Chatham Gas Company
40 became and now is a body politic and corporate, having all the
powers, rights, privileges and authorities conferred by chapter
one hundred and fifty-seven of the Revised Statutes of Ontario,
or by any other statute of the said Province relating to gas
companies incorporated under that statute. Chatham Gas
Company
declared to be
a body
corporate.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act respecting the Chatham Gas
Company.

First Reading, 1885.

(PRIVATE BILL).

Mr. McCraney.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to extend the provisions of the Act empowering the Trustees under the Will of the late Joseph Bitterman Spragge, to sell certain lands in the Township of Blenheim and County of Oxford.

WHEREAS Charles Gamon of the Town of Collingwood, in the County of Simcoe, barrister at law, Edward William Spragge of the City of Toronto, in the County of York, doctor of medicine, and Alfred McDonald Knight of the said Town of Collingwood, gentleman, the trustees for the time being under the Will of the late Joseph Bitterman Spragge, of the Township of Blenheim in the County of Oxford have, by their petition, represented that there are certain lands in the said Township of Blenheim undisposed of under the provisions and powers contained in a certain Act of Parliament, passed in the thirty-fourth year of the reign of Her present Majesty, and chaptered one hundred, intituled "*An Act to empower the Trustees under the Will of the late Joseph Bitterman Spragge, to sell certain lands in the Township of Blenheim and County of Oxford,*" and have prayed for the passing of an Act to extend the provisions of the last mentioned Act for the term of ten years, and to enable the said trustees to sell and convey the remaining unsold lands in the said Township of Blenheim, belonging to the said estate, and it is expedient to grant the prayer of such petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows —

1. The time limited in section three of the Act passed in the thirty-fourth year of Her Majesty's reign and chaptered one hundred, for the sale, disposition and conveyance of certain lands belonging to the trust estate under the Will of the said late Joseph Bitterman Spragge, is hereby extended ten years from the passing of this Act.

Time limited
by 34 V., c.
100 s. 3 ex-
tended.

2. The said trustees or trustee for the time being shall have full power and authority to sell and absolutely dispose of all and every or any part of the unsold lands situate in the said Township of Blenheim, belonging to the estate of the said testator, Joseph Bitterman Spragge, with the appurtenances as they in their discretion shall see fit, to any person or persons whomsoever, either together or in parcels, and either by public auction or by private contract, and for such price or prices in money, payable and to be secured by instalments, mortgages or otherwise, as to the trustees or trustee for the time being shall seem reasonable ; the consent, in writing, of Eliza Frances Lett of the said town, widow, to such sale being first obtained ; and

Trustees to
have power to
sell lands in
Blenheim.

any deed executed by such trustees as aforesaid, shall vest in the purchaser, a full, clear and absolute title to the said lands, subject only to any leases thereof or rights therein, now existing or granted by competent authority prior to such sale, and also to any mortgage that may be executed thereof, to secure all or any of the purchase money thereof. 5

Investment of the proceeds of sales.

3. The proceeds of such sales, after payment of the expenses of obtaining this Act, and all proper and reasonable costs, charges and expenses of effecting and carrying out said sales, as the same may be from time to time paid or as the same may come in from any investment, shall be invested by the said trustees or trustee for the time being, in Government stock or securities of the Dominion of Canada, or upon the security of freehold real estate, of ample value, in the Province of Ontario, the consent, in writing, of the said Eliza Frances Lett being first obtained thereto, and the said trustees shall hold and apply the principal and interest represented by, or derivable from such sales and investments upon the same trusts and for the same ends, intents and purposes expressed in the will of the said testator, with respect to the said Blenheim lands, and subject to the same rules and incidents with respect to the devolution thereof, and otherwise, as if the Blenheim lands still remained realty. 10 15 20

Power of sale to be exercised within ten years.

4. The trust and power of sale authorized by this Act are to be exercised within ten years from the passing thereof. 25

BILL.

An Act to extend the provisions of the Act empowering the Trustees under the Will of the late Joseph Bitterman Spragge, to sell certain lands in the Township of Blenheim and County of Oxford.

First Reading,

1885.

(PRIVATE BILL.)

Mr. PHELPS.

TORONTO:

An Act to amend the corporate powers of the Directors of the County of Carleton General Protestant Hospital.

WHEREAS the Directors of the County of Carleton General Protestant Hospital have petitioned for certain amendments to their corporate powers; and it is expedient to grant the prayer of the said petition,
 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts :—

Preamble.

1. The Directors of the County of Carleton General Protestant Hospital may and they are hereby authorized and empowered from time to time, in their discretion, with the consent in writing of at least seven of the said directors to sell, grant and convey to such person or persons, body or bodies, politic or corporate, his, her or their heirs, successors and assigns forever, at and for such price or prices and on such terms and conditions and either for cash or on credit as to the said directors may seem advisable, all such lands and tenements as the said directors now have and hold, or shall or may hereafter from time to time have, hold, or acquire by purchase, grant, gift, devise or otherwise which the said directors shall consider not required for the use of the said Hospital and the necessary grounds and buildings thereto appertaining, free from all uses and trusts under which the said lands and tenements are or shall be held by the said directors.

Power to sell lands.

2. All moneys arising from such sale or sales shall be laid out, expended or invested by the said directors for the use, benefit, general support and maintenance of the said Hospital; and no purchaser or purchasers of the said lands and tenements, or any part thereof, shall be bound to see to the application of the purchase money or moneys arising from such sale or sales, but the receipt under the seal of the said directors, and the hands of the President or Vice-President and the Secretary and Treasurer for the time being of the said directors, shall be a sufficient discharge therefor.

Application of proceeds of sale.

3. Until such sale or sales of the said lands and tenements, the said directors may, from time to time, with the consent in writing of at least seven of the said directors, rent and lease the same or any part thereof at such rents, and for such term or terms as the said directors shall deem advisable, and the rents, issues and profits thereof shall be applied in the same manner as the moneys arising from the sale of such lands and tenements are hereinbefore directed to be applied, but no per-

Power to lease lands.

son paying rent to the said directors shall be held liable for the proper application or misapplication thereof by them.

Execution of deeds.

4. All deeds, conveyances or leases of any such lands or tenements so sold or leased shall be deemed to be validly executed if sealed with the corporate seal of the said directors, and signed by the President or Vice President and the Secretary and Treasurer, for the time being, of the said directors. 5

14-15 V. c. 33, s. 1, amended.

5. Section one of chapter thirty-three of the Acts of the late Province of Canada passed in the fourteenth and fifteenth years of Her Majesty's reign, entitled "An Act to incorporate the County of Carleton General Protestant Hospital" is hereby amended by striking out the words "provided always that the annual revenue of the said Hospital shall not exceed the sum of three thousand pounds in any one year," at the end of the said section. 15

Power to take and hold lands.

6. The said directors by and under their corporate name of "The Directors of the County of Carleton General Protestant Hospital," shall and may be capable of taking, receiving and holding from Her Majesty and from any other person or persons, and from any body, corporate or politic by grant, will, devise, gift, conveyance or otherwise any lands or interest in lands which Her Majesty or any such person or persons, body, corporate or politic shall or may be desirous of granting, willing, devising, giving or conveying to the said The Directors of the County of Carleton General Protestant Hospital or their successors in office for the use, benefit and support of the said Hospital and the endowment thereof. 20 25

14-15 V., c. 33, s. 3, repealed.

Election of directors.

7. Section three of the said chapter thirty-three is hereby repealed except as to any act, matter or thing heretofore done thereunder, and the following substituted therefor: 30

The annual meeting for the election of directors shall be held on the first Tuesday in October next, and on the first Tuesday in October in each year thereafter, notice to that effect having been for ten days previously given by the Secretary of the said directors in a newspaper published in the City of Ottawa, setting forth the day, hour, place and object of the said meeting. 35 The present twelve elected directors shall hold office up to the said first Tuesday in October next, when the whole of the twelve present elected directors shall cease to hold office and the majority of the subscribers to such Hospital present at such last mentioned meeting shall choose from among the subscribers twelve persons to be directors for the general management and control of the said Hospital, of whom four, mentioning their names, shall be chosen to serve for the term of one year, and four more of such directors, mentioning their names, shall be chosen to serve for the term of two years, and the remaining four, mentioning their names, shall be chosen to serve for the term of three years, and on the first Tuesday in October, 1886, and on the first Tuesday in October in each year thereafter the majority of such subscribers present at such annual meetings, respectively, shall choose from among the subscribers four persons to be directors for the term of three years in the place and stead of the four directors whose term of office will expire at such annual meetings, respectively, provided always that no person shall be elected a director un- 40 45 50 55

Proviso: qualifications of directors.

less he shall be an annual subscriber to the amount of five dollars, and if any person shall have subscribed and paid or shall hereafter subscribe and pay the sum of one hundred dollars to the funds of the said Hospital, and shall annually thereafter subscribe and pay the sum of five dollars to the said Hospital, such person shall be a life director in addition to the twelve directors to be elected as aforesaid; and if any director so elected shall resign or die during his term of office, the majority of the remaining directors, including the life directors present at a meeting specially called for the purpose, may nominate and appoint a subscriber to be a director in the place or stead of such director so resigning or dying, for the residue of the term of office for which such director so resigning or dying was elected; and if from any cause in any year the annual election of directors do not take place at the respective times appointed the directors who would otherwise retire from office at such time, shall continue to hold office until their successors shall be elected, and such election shall be held at such time and place within one month after the time hereinbefore appointed as may be provided for by a by-law passed by the directors for that purpose, which by-law the said directors are hereby authorized and empowered to make and pass.

2nd Session, 5th Legislature, 48 Vic, 1885

BILL.

An Act to amend the corporate powers of
the Directors of the County of Carleton
General Protestant Hospital.

First Reading,

1885.

(*PRIVATE BILL.*)

MR. MONK.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the corporate powers of the Directors of the County of Carleton General Protestant Hospital.

WHEREAS the Directors of the County of Carleton General Protestant Hospital have petitioned for certain amendments to their corporate powers; and it is expedient to grant the prayer of the said petition,

Preamble.

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts :—

1 The Directors of the County of Carleton General Protestant Hospital may and they are hereby authorized and empowered from time to time, in their discretion, with the consent in writing of at least seven of the said directors to sell, grant and convey to such person or persons, body or bodies politic or corporate, his, her or their heirs, successors and assigns forever, at and for such price or prices and on such terms and conditions and either for cash or on credit as to the said directors may seem advisable, all such lands and tenements as the said directors now have and hold, or shall or may hereafter from time to time have, hold, or acquire by purchase, grant, gift, devise or otherwise which the said directors shall consider not required for the use of the said Hospital and the necessary grounds and buildings thereto appertaining, free from all uses and trusts under which the said lands and tenements are or shall be held by the said directors.

Power to sell lands.

2 All moneys arising from such sale or sales shall be invested by the said directors and the income derived therefrom applied to and for the use, benefit, general support and maintenance of the said Hospital; and no purchaser or purchasers of the said lands and tenements, or any part thereof, shall be bound to see to the application of the purchase money or moneys arising from such sale or sales, but the receipt under the seal of the said directors, and the hands of the President or Vice-President and the Secretary and Treasurer for the time being of the said directors, shall be a sufficient discharge therefor.

Application of proceeds of sale.

3 Until such sale or sales of the said lands and tenements, the said directors may, from time to time, with the consent in writing of at least seven of the said directors, rent and lease the same or any part thereof at such rents, and for such term or terms as the said directors shall deem advisable, and the rents, issues and profits thereof shall be applied in the same manner as the moneys arising from the sale of such lands and

Power to lease lands.

tenements are hereinbefore directed to be applied, but no person paying rent to the said directors shall be held liable for the proper application or misapplication thereof by them.

Execution of deeds.

4. All deeds, conveyances or leases of any such lands or tenements so sold or leased shall be deemed to be validly executed if sealed with the corporate seal of the said directors, and signed by the President or Vice President and the Secretary and Treasurer, for the time being, of the said directors. 5

14-15 V. c. 33, s. 1, amended.

5. Section one of chapter thirty-three of the Acts of the late Province of Canada passed in the fourteenth and fifteenth years of Her Majesty's reign, entitled *An Act to incorporate the County of Carleton General Protestant Hospital*, is hereby amended by striking out the words "provided always that the annual revenue of the said Hospital shall not exceed the sum of three thousand pounds in any one year," at the end of the said section. 10 15

Power to take and hold lands.

6. The said directors by and under their corporate name of "The Directors of the County of Carleton General Protestant Hospital," shall be able and capable in law to take, purchase and hold, by any legal title whatsoever, all such lands, tenements, possessions and property, real and personal, as may be necessary for the actual use and occupation of the said hospital and for the residences of the officers thereof, with gardens and pleasure grounds pertaining thereto, already conveyed or hereafter to be conveyed to the said Directors or any person or persons for the use and benefit of the said Hospital; and to accept and hold within the limits hereinafter prescribed for the benefit of the said Hospital, any gifts, devises, or bequests of any property, real or personal, to sell and alienate any property so given, devised, or bequeathed, and to apply the proceeds of such sale or sales for the use and benefit of the said Hospital and to invest such moneys as they deem advisable upon such securities as, to the said Directors, shall seem meet: Provided that no gift or devise of any real estate or of any interest therein, in favour of the said Hospital, shall be valid unless made by deed or will executed by the donor or testator at least six months before his death; and provided always, that real estate not required for the use and occupation of the said Hospital or for the residences of the officers thereof, as aforesaid, shall not at any time be held by it for a longer period than seven years, and that any such real estate not sold and alienated within seven years of the time when the same is received by the said Directors shall revert to the party from whom it came to the Directors, or to his or her heirs or devisees. 20 25 30 35 40 45

Proviso.

Proviso.

14-15 V., c. 33, s. 3, repealed.

7. Section three of the said chapter thirty-three is hereby repealed, except as to any act, matter or thing heretofore done thereunder, and the following substituted therefor:

Election of directors.

The annual meeting for the election of directors shall be held on the first Tuesday in October next, *after the passing of this Act*, and on the first Tuesday in October in each year thereafter, notice to that effect having been for ten days previously given by the Secretary of the said directors in a newspaper published in the City of Ottawa, setting forth the day, hour, place and object of the said 50 55

meeting. The present twelve elected directors shall hold office up to the said first Tuesday in October next, when the whole of the twelve present elected directors shall cease to hold office and the majority of the subscribers to such Hospital present
5 at such last mentioned meeting shall choose from among the subscribers twelve persons to be directors for the general management and control of the said Hospital, of whom four, mentioning their names, shall be chosen to serve for the term of one year, and four more of such directors, mentioning their
10 names, shall be chosen to serve for the term of two years, and the remaining four, mentioning their names, shall be chosen to serve for the term of three years ; and on the first Tuesday in October, 1886, and on the first Tuesday in October in each year thereafter, the majority of such subscribers present at
15 such annual meetings, respectively, shall choose from among the subscribers four persons to be directors for the term of three years in the place and stead of the four directors whose term of office will expire at such annual meetings, respectively; Provided always that no person shall be elected a director un-
20 less he shall be an annual subscriber to the amount of five dollars ; and if any person shall have subscribed and paid or shall hereafter subscribe and pay the sum of one hundred dollars to the funds of the said Hospital, and shall annually thereafter subscribe and pay the sum of five dollars to the said
25 Hospital, such person shall be a life director in addition to the twelve directors to be elected as aforesaid ; - and if any director so elected shall resign or die during his term of office, the majority of the remaining directors, including the life directors present at a meeting specially called for the purpose, may
30 nominate and appoint a subscriber to be a director in the place or stead of such director so resigning or dying, for the residue of the term of office for which such director so resigning or dying was elected ; and if from any cause in any year the annual election of directors do not take place at the respective
35 times appointed, the directors who would otherwise retire from office at such time, shall continue to hold office until their successors shall be elected, and such election shall be held at such time and place within one month after the time hereinbefore appointed as may be provided for by a by-law passed by the
40 directors for that purpose, which by-law the said directors are hereby authorized and empowered to make and pass.

Proviso : qualifications of directors.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the corporate powers of
the Directors of the County of Carleton
General Protestant Hospital.

*(Reprinted as amended by Private Bills
Committee.)*

First Reading, 19th February, 1885.

(PRIVATE BILL.)

Mr. MONK.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to incorporate the Niagara Falls Railway Company.

WHEREAS the persons hereinafter named and others have Preamble.

petitioned for incorporation as a company to construct and operate a railway from the Horseshoe Falls at Niagara along the shore to the Queenston Heights, and to construct, 5 maintain and operate incline railways to connect with the said railway and run therefrom, at various points, to the top of the river bank ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent 10 of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. John Morrison Gibson, M.P.P., Richard Harcourt, M.P.P., Incorporation
James T. Brundage, Andrew G. Hill, and Thomas C. Living-
ston, and such other persons as shall hereafter become share-
15 holders of the said company, are hereby constituted a body
corporate and politic, under the name of the “ Niagara Falls
Railway Company.”

2. The said company may lay out, construct, finish and Location of
line.
operate a double or single line of railway, of such width or
20 gauge as the company may see fit, from a point at or near the
Horseshoe Falls in the Niagara River, in the Township of
Stanford, at or near the water's edge below the river bank,
and thence down the river, along or adjacent to the shore line
to a point below the whirlpool in the said river, and thence to
25 any point at or near the village of Queenston, and thence to
any point to connect with the Canada Southern railway ; and
may also construct, maintain and operate incline railways to
connect with the railway hereby authorized to be constructed
and run therefrom at various points to the top of the bank of
30 the said river, or to acquire existing incline railways or any
interest therein, and maintain and operate the same.

3. The capital stock of the said company shall be the sum Capital.
of one hundred thousand dollars, to be divided into one thous-
and shares of one hundred dollars each, which amount shall be
35 raised by the persons hereinbefore named, and such other per-
sons and corporations as may become shareholders in the said
company, and the money so raised shall be applied, in the first
place, to the payment of all fees, expenses and disbursements
for the procuring the passing of this Act, and for making the
40 surveys, plans and estimates connected with the railway, and
all the rest and remainder of such money shall be applied to-
wards making, completing and maintaining the said railway

and other purposes of this Act, and the said company shall have power to increase the capital stock to a sum not exceeding five hundred thousand dollars.

Provisional directors.

4. The persons named in the first section of this Act shall be and are hereby constituted a board of directors of the said company, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more than three other persons, who shall thereupon become and be directors of the company equally with themselves, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of the shareholders for the election of directors as hereinafter provided, and generally to do all such other acts as a board of directors under the *Railway Act of Ontario* may lawfully do.

First election of directors.

5. When and as soon as shares to the amount of thirty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank, having an office in the Province of Ontario, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette*, and by registered letter addressed to each subscriber, of the time, place and object of said meeting, and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company, in manner and qualified as hereinafter described, which said directors shall constitute a board of directors; and the sums so paid shall not be withdrawn from the bank except for the purposes of this Act.

Annual meeting.

6. Thereafter the general annual meeting of the shareholders of the said company shall be held in the Town of Niagara Falls or elsewhere as the directors may deem most convenient, on such days and hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in some newspaper published in the said town, and in each of the counties from which a bonus may have been received.

Quorum of directors and appointment of paid directors.

7. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one or more of their number as paid director or directors; provided however, that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, and shall have paid up all calls upon the stock.

Calls.

8. The directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportion as they may see fit, no such instalment exceeding

ten per cent. ; and the directors shall give one month's notice of such call in such manner as they may appoint.

9. The directors may, if they think fit, receive from any shareholder willing to advance the same, all or any part of the amount due on the shares held by such shareholder beyond the sums then actually called for, and upon the moneys so paid in advance, as shall from time to time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the company may pay interest at such rate not exceeding ten per centum per annum as the shareholder paying such sum in advance and the directors shall agree upon.

Power to accept payments in advance of calls.

10. The said directors may pay or agree to pay in paid up stock, or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material or plant, or rolling stock, buildings or lands, and also subject to the sanction of a vote of the shareholders, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company, and the said directors may for that purpose make or issue the said stock as paid up stock, or declare subscribed stock as paid up stock with respect to unpaid calls.

Power to make certain payments in stock.

11. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Exemption from taxation.

12. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company ; and it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the said company to make their road, and lay their rails along any of the highways within such municipality.

Grants of land from municipalities, etc., authorized.

13. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory

Power to become parties to promissory notes, etc.

note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the general or special authority of a majority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president, or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority, either general or special, of the board of directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Issue of bonds. 14. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the tolls and property of the company, real and personal, then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the tolls and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of thirty thousand dollars per mile of railway; and provided also that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders: provided that the bonds and any transfers thereof shall have been first registered in the same manner, as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same being required to do so by any holder thereof.

Bonds may be made payable to bearer. 15. All such bonds, debentures and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Power to mortgage bonds. 16. The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for construction of the said railway or otherwise.

17. The directors of the said company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other railway company for the purpose of making any branch or branches to facilitate a connection between this company and such other chartered railway company.

Branches may be made to connect with other companies.

18. It shall be lawful for the company to enter into any agreement with any other company for the use or partial use of the railway of the company or for leasing or hiring from such other company any other railway or part thereof, or the use thereof, and for any period or term or for the leasing or hiring any locomotives, cars or movable property.

Power as to leasing railway.

19. The said company is also authorized and empowered to make necessary arrangements, or to contract and agree with any other railway company for the purchase of their line of railway, or undertaking, with the appurtenances and privileges belonging or in any manner appertaining thereto, and the said company hereby incorporated may assign, transfer or lease their railway or any part thereof, or any rights or powers acquired under this Act, and the surveys, plans, work, plant, stock, machinery or other effects relating thereto, to any other incorporated company, person or persons, or corporations, upon such terms and conditions, and with such restrictions as the directors may deem expedient; provided that the terms of such arrangement, purchase, sale or transfer are approved of by two-thirds of the shareholders present, in person or by proxy, at any special general meeting to be held for that purpose in accordance with this Act: and after any such arrangement for purchase or transfer has taken place, the said company, or the company to whom the said transfer is made, may, with the consent of a majority of the shareholders and also of a majority of the bondholders of the companies entering into such arrangement, issue bonds to the extent of twenty thousand dollars per mile according to the actual mileage of the said railways making such arrangements, and such bonds shall, without registration, be a first and preferential claim or charge upon the said undertaking of the said railways, and the tolls and properties thereof, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this province.

Power as to selling railway.

20. All shareholders in the said company, whether British subjects or aliens, or residents of Canada or elsewhere, have and shall have equal rights to hold stock in the said company, and to vote on the same and to be eligible to office in the said company.

Rights of aliens.

21. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of said lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, use or enjoy such lands, and also the right of way thereto, if the

Power to purchase whole lots.

same be separated from their railway, and sell and convey the same or part thereof from time to time as they may deem expedient, but the compulsory clauses of the *Railway Act of Ontario* shall not apply to this section.

Acquiring gravel, etc., for construction and maintenance of railway.

22. Where stone, gravel or any other material is or are required for the construction or maintenance of the said railway, or any part thereof, the company may, in case they cannot agree with the owner of the land on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notices of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the *Railway Act of Ontario*, as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the lands may be taken or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to gravel pits, etc.

23. (1) When said gravel, stone or other materials shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the said *Railway Act*, and of the special Acts relating to said company, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be acquired for a term of years or permanently, as the company may think proper, and the powers of this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the *Railway Act of Ontario* shall not apply.

Telegraph lines.

24. For the purpose of operating the said railway the said company shall have power to construct and maintain a telegraph or telephone line, and connect the same with their offices, stations and other works, and for that purpose shall have all the powers conferred upon telegraph companies by chapter one hundred and fifty-one of the Revised Statutes of Ontario.

Transfer of shares.

25. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no trans-

er shall become effectual unless the stock or scrip certificates issued in respect to shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

5 **26.** The directors may from time to time make such regula- Regulations as
tions as they shall think fit for facilitating the transfer and to transfer of
registration of shares of stock, and the forms in respect thereof shares.
as well in this province as elsewhere, and as to the closing of
the register of transfers for the purpose of dividends as they
10 shall find expedient, and all such regulations, not being incon-
sistent with the provisions of this Act and of the *Railway Act*
of Ontario, as altered or modified by this Act, shall be valid and
binding.

15 **27.** Conveyances of land to the said company for the pur- Form of con-
pose of and powers given by this Act, made in the form set out veyances.
in the schedule A hereunder written, or to the like effect, shall
be sufficient conveyance to the said company, their successors
and assigns, of the estate and interest, and sufficient bar of
20 dower respectively of all persons executing the same; and such
conveyances shall be registered in the same manner and upon
such proof of execution as is required under the registry laws
of Ontario; and no registrar shall be entitled to demand more
than fifty cents for registering the same, including all entries
and certificates thereof, and the certificates endorsed on the
25 duplicates thereof.

28. The company shall have full power to purchase land for Power to pur-
park and other purposes, and erect warehouses, elevators, docks, chase land for
stations, workshops and offices, hotels and places of amusement, park purposes,
and to sell and convey such land as may be found superfluous etc.
30 for any such purpose.

29. The said railway may be operated by electric, steam, Running of
horse or other power, and need not be operated by the company trains.
except in the summer season, and sub-section two of section
thirty-three, of the *Railway Act of Ontario* shall not apply to
35 the said company.

30. Fares may be taken by the said company of one dollar Fares.
per passenger for each round trip from the Horseshoe Falls
to Queenston and return, or seventy-five cents for each single
trip between said points, and no fares in excess of said rates
40 for such trips shall be taken without the permission of the
Lieutenant-Governor in Council.

31. It shall be lawful for the directors to enter into a con- Power to con-
tract or contracts with any individual or association of indi- tract for con-
viduals for the construction or equipment of the line or any struction and
45 portion thereof, including or excluding the purchase of the equipment of
right of way, and to pay therefor either in cash or bonds, or in railway.
paid up stock, notwithstanding that one or more of such con-
tractors may be shareholders or directors in the company;
provided that no such contract shall be of any force or valid-
50 ity till approved of by two-thirds of the shareholders present,
in person or by proxy, at a meeting specially convened for
considering the same.

SCHEDULE A.

(Section 27.)

Know all men by these presents, that I, (or we), [*insert the names of the vendors*], in consideration of _____ dollars paid to me (or us), by the Niagara Falls Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we), [*insert the name or names of any other party or parties*], in consideration of _____ dollars paid to me (or us), by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be), of land situated [*describe the lands*], the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said Niagara Falls Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (or we), the wife (or wives), of the said _____ do hereby bar my (or our), dower in the said lands.

As witness my (or our), hand and seal (or hands and seals), this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered }
in presence of }

[L.S.]

No. 29.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to Incorporate the Niagara Falls
Railway Company.

First Reading, 17th February, 1885.

(PRIVATE BILL.)

Mr. AWREY.

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act to incorporate the Niagara Falls Railway Company.

WHEREAS the persons hereinafter named and others have Preamble. petitioned for incorporation as a company to construct and operate a railway from ~~to~~ a point at or near the Lower Suspension Bridge at the Town of Niagara Falls, ~~to~~ along the 5 shore ~~of~~ of Niagara River below the river bank to the Village of Queenston, ~~and~~ and to construct, maintain and operate incline railways to connect with the said railway and run therefrom, at various points, to the top of the river bank ; and whereas it is expedient to grant the prayer of the said petition ;

10 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. John Morison Gibson, M.P.P., Richard Harcourt, M.P.P., Incorporation. James T. Brundage, Andrew G. Hill, and Thomas C. Livingston, and such other persons *and corporations* as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of the “ Niagara Falls Railway Company.”

2. The said company may lay out, construct, finish and Location of line. operate a double or single line of railway, of such width or gauge as the company may see fit, from a point at or near the ~~to~~ Lower Suspension Bridge at the Town of Niagara Falls on ~~to~~ Niagara River, in the Township of Stamford, at or near the water's edge below the river bank, and thence down the 25 river, along or adjacent to the shore line to a point below the whirlpool in the said river, and thence to any point at or near the Village of Queenston ; and may also construct, maintain and operate incline railways to connect with the railway hereby authorized to be constructed and run therefrom at 30 various points to the top of the bank of the said river, or to acquire existing incline railways or any interest therein, and maintain and operate the same, ~~and~~ and may also extend one of such incline railways at or near the Village of Queenston, so as to connect with the Canada Southern Railway. ~~to~~

35 3. The capital stock of the said company shall be the sum Capital. of one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said 40 company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for the procuring the passing of this Act, and for making the

surveys, plans and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway and other purposes of this Act.

Provisional directors.

4. The persons named in the first section of this Act shall be and are hereby constituted a board of *provisional* directors of the said company, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more than three other persons, who shall thereupon become and be directors of the company equally with themselves, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of the shareholders for the election of directors as hereinafter provided, and generally to do all such other acts as a board of directors under the *Railway Act of Ontario* may lawfully do.

First election of directors.

5. When and as soon as shares to the amount of thirty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank of *the Dominion*, having an office in the Province of Ontario, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette*, and in one newspaper published in the Town of Niagara Falls, of the time, place and object of said meeting, and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company, in manner and qualified as hereinafter described, which said directors shall constitute a board of directors; and the sums so paid shall not be withdrawn from the bank except for the purposes of this Act.

Annual meetings.

6. Thereafter the general annual meeting of the shareholders of the said company shall be held in the Town of Niagara Falls or elsewhere as the directors may deem most convenient, on such days and hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in some newspaper published in the said town, and in each of the counties from which a bonus may have been received.

Quorum of directors and appointment of paid directors.

7. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one or more of their number as paid director or directors; provided however, that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, and shall have paid up all calls upon the stock.

Calls.

8. The directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such

proportion as they may see fit, no such instalment exceeding ten per cent. ; and the directors shall give one month's notice of such call in such manner as they may appoint.

9. The directors may, if they think fit, receive from any shareholder willing to advance the same, all or any part of the amount due on the shares held by such shareholder beyond the sums then actually called for, and upon the moneys so paid in advance, as shall from time to time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the company may pay interest at such rate not exceeding ten per centum per annum as the shareholder paying such sum in advance and the directors shall agree upon.

Power to accept payments in advance of calls.

10. The said directors may pay or agree to pay in paid up stock, or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material or plant, or rolling stock, buildings or lands, and also subject to the sanction of a vote of the shareholders, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Power to make certain payments in stock.

11. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Exemption from taxation.

12. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company ; and it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the said company to make their road, and lay their rails along any of the highways within such municipality.

Grants of land from municipalities, etc., authorized.

13. The said company shall have power and authority to become parties to promissory notes and bills of exchange for

Power to become parties to

promissory
notes, etc.

sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the general or special authority of a majority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president, or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority, either general or special, of the board of directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Issue of bonds.

14. The directors of the said company, after the sanction of the shareholders representing at least one-half of the stock of the said company, shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of thirty thousand dollars per mile of railway; and provided also that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders: provided that the bonds and any transfers thereof shall have been first registered in the same manner, as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Bonds may be
made payable
to bearer.

15. All such bonds, debentures and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.



Power to
mortgage
bonds.

16. The said company hereby incorporated may from time to time, for advances of money to be made thereon, mort-

gage or pledge any bonds which they can, under the powers of this Act, issue for construction of the said railway or otherwise.

17. The directors of the said company, elected by the 5 shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other railway company *lawfully authorized to enter into such arrangement* for the purpose of making any branch to facilitate a connection between this 10 company and such other chartered railway company.



Branches may be made to connect with other companies.

18.  If within eighteen months from the passing of this Act the Lieutenant-Governor in Council shall by Order in Council so direct, the said company shall assign, transfer and make over their said railway and all rights and powers acquired 15 under this Act, and the surveys, plans, work plant, stock, machinery and other property or effects relating thereto to such other incorporated company as shall be in and by the said Order in Council designated, but only upon and after payment of such amount as shall be agreed upon or, in the event of 20 failure to agree, as shall be awarded by three arbitrators or a majority of them, one of whom shall be named and appointed by the company, another by the said incorporated company proposing to acquire the said railway, and a third by the Lieutenant-Governor in Council. 



Transfer of property may be directed by Lieutenant-Governor in Council.

19. All shareholders in the said company, whether British 25 subjects or aliens, or residents of Canada or elsewhere, have and shall have equal rights to hold stock in the said company, and to vote on the same and to be eligible to office in the said company.

Rights of aliens.

20.  Before proceeding with the construction of the said 30 railway, plans and maps shewing the location thereof with profile, cross sections and specifications shall be submitted to and approved by the Commissioner of Public Works; and the said company shall also submit in detail, to the Commissioner 35 of Public Works, plans and drawings of the carriages or coaches proposed to be used for passenger traffic, for his approval, and the same shall be approved of by him before the said carriages or coaches shall be used upon the said railway. 

Plans to be subject to approval of Commissioner of Public Works.

21.  Nothing in this Act contained shall be held to autho- 40 rize or empower the said company to take away from or deprive any person of any water power or privileges heretofore conferred upon or obtained by him, or to prevent any person from hereafter acquiring and using any water power or privi- leges. 

Company not to interfere with water power or privileges.

22. For the purpose of operating the said railway the said 45 company shall have power to construct and maintain a telegraph or telephone line, and connect the same with their offices, stations and other works, and for that purpose shall have all the powers conferred upon telegraph companies by chapter one 50 hundred and fifty-one of the Revised Statutes of Ontario.

Telegraph lines.

23. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no trans- 55

Transfer of shares.

ter shall become effectual unless the stock or scrip certificates issued in respect to shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Regulations as to transfer of shares.

24. The directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, and the forms in respect thereof, as well in this province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends as they shall find expedient, and all such regulations, not being inconsistent with the provisions of this Act and of the *Railway Act of Ontario*, as altered or modified by this Act, shall be valid and binding. 5 10

Form of conveyances.

25. Conveyances of land to the said company for the purpose of and powers given by this Act, made in the form set out in the schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than *seventy-five* cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof. 15 20 25

Power to purchase land for docks, etc.

26. The company shall have full power to *erect* docks, stations, workshops and offices, and to *purchase lands for such purposes*, and to sell and convey such land as may be found superfluous for any such purpose, and shall have power to construct, purchase, charter and navigate steamers, vessels and other water-craft on Niagara River and Lake Ontario, for the purpose of traffic in connection with said railway. 30

Running of trains.

27. The said railway may be operated by electric, steam, horse or other power, and need not be operated by the company except in the summer season, and sub-section two of section thirty-three, of the *Railway Act of Ontario* shall not apply to the said company. 35

Power to contract for construction and equipment of railway.

28. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor either in cash or bonds, or in paid up stock; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same. 40 45

Commencement and completion.

29. The construction of the said railway shall be commenced within two years, and the said railway shall be completed within four years, after the passing of this Act.

SCHEDULE A.

(Section 25.)

Know all men by these presents, that I, (or we), [*insert the names of the vendors*], in consideration of _____ dollars paid to me (or us), by the Niagara Falls Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we), [*insert the name or names of any other party or parties*], in consideration of _____ dollars paid to me (or us), by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*), of land situated [*describe the lands*], the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said Niagara Falls Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (or we), the wife (or wives), of the said _____ do hereby bar my (or our), dower in the said lands.

As witness my (or our), hand and seal (or hands and seals),
 this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered }
 in presence of } [L.S.]

No. 29.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to Incorporate the Niagara Falls
Railway Company.

First Reading, 17th February, 1885.

(*PRIVATE BILL.*)

(*Reprinted as Amended by Railway
Committee.*)

Mr. AWREY.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act to incorporate the Niagara Falls Railway Company.

WHEREAS the persons hereinafter named and others have Preamble. petitioned for incorporation as a company to construct and operate a railway from ~~at~~ a point below and near the Lower Suspension Bridge at the Town of Niagara Falls, ~~and~~ along the shore ~~of~~ of Niagara River below the river bank to the Village of Queenston, ~~and~~ and to construct, maintain and operate incline railways to connect with the said railway and run therefrom, at various points, to the top of the river bank ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. John Morison Gibson, M.P.P., Richard Harcourt, M.P.P., Incorporation. James T. Brundage, Andrew G. Hill, and Thomas C. Livingston, and such other persons *and corporations* as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of the "Niagara Falls Railway Company."

2. The said company may lay out, construct, finish and Location of line. operate a double or single line of railway, of such width or gauge as the company may see fit, from a point *below and* near the ~~at~~ Lower Suspension Bridge at the Town of Niagara Falls on ~~at~~ Niagara River, in the Township of Stamford, at or near the water's edge below the river bank, and thence down the river, along or adjacent to the shore line to a point below the whirlpool in the said river, and thence to any point at or near the Village of Queenston ; and may also construct, maintain and operate incline railways to connect with the railway hereby authorized to be constructed and run therefrom at various points to the top of the bank of the said river, or to acquire existing incline railways or any interest therein, and maintain and operate the same, ~~and~~ and may also extend one of such incline railways at or near the Village of Queenston, so as to connect with the Canada Southern Railway. ~~and~~

3. The capital stock of the said company shall be the sum Capital. of one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for the procuring the passing of this Act, and for making the

surveys, plans and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway and other purposes of this Act.

Provisional directors.

4. The persons named in the first section of this Act shall be 5 and are hereby constituted a board of *provisional* directors of the said company, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more 10 than three other persons, who shall thereupon become and be directors of the company equally with themselves, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of the share- 15 holders for the election of directors as hereinafter provided, and generally to do all such other acts as a board of directors under the *Railway Act of Ontario* may lawfully do.

First election of directors.

5. When and as soon as shares to the amount of thirty thousand dollars of the capital stock of the company shall have 20 been subscribed, and ten per centum shall have been paid into a chartered bank of the *Dominion*, having an office in the Province of Ontario, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing 25 directors, giving at least four weeks' notice in the *Ontario Gazette*, and in one newspaper published in the Town of Niagara Falls, of the time, place and object of said meeting, and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting 30 have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company, in manner and qualified as hereinafter described, which said directors shall constitute a board of directors; and the sums so paid shall not be withdrawn from the bank except for the 35 purposes of this Act.

Annual meetings.

6. Thereafter the general annual meeting of the shareholders of the said company shall be held in the Town of Niagara Falls or elsewhere as the directors may deem most convenient, on such days and hours as may be directed by the by-laws of 40 the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in some newspaper published in the said town, and in each of the counties from which a bonus may have been received. 45

Quorum of directors and appointment of paid directors.

7. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one or more of their number as paid director or directors; provided however, that no person shall be elected a director unless he shall be the holder and owner of at least ten 50 shares of the stock of the said company, and shall have paid up all calls upon the stock.

Calls.

8. The directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such 55

proportion as they may see fit, no such instalment exceeding ten per cent.; and the directors shall give one month's notice of each call in such manner as may be prescribed by the by-laws of the company.

5 9. The directors may, if they think fit, receive from any shareholder willing to advance the same, all or any part of the amount due on the shares held by such shareholder beyond the sums then actually called for, and upon the moneys so paid in advance, as shall from time to time exceed the amount of the
10 calls then made upon the shares in respect of which such advance shall be made, the company may pay interest at such rate not exceeding ten per centum per annum as the shareholder paying such sum in advance and the directors shall agree upon.

Power to accept payments in advance of calls.

15 10. The said directors may pay or agree to pay in paid up stock, or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material or plant, or rolling stock, buildings or lands, and also subject to the sanction of a vote of the shareholders, for
20 the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected direc-
25 tors or not, and any agreement so made shall be binding on the company.

Power to make certain payments in stock.

11. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or is situate, by by-law specially passed for that
30 purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, or by way of commutation or composition for payment; or in lieu of all or any municipal rates or
35 assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Exemption from taxation.

40 12. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and
45 the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company; and it shall be lawful for any municipality through which the said railway
50 passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the said company to make their road, and lay their rails along any of the highways within such municipality.

Grants of land from municipalities, etc., authorized.

13. The said company shall have power and authority to
55 become parties to promissory notes and bills of exchange for

Power to become

parties to
promissory
notes, etc.

sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the general or special authority of a majority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president, or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority, either general or special, of the board of directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Issue of bonds. 14. The directors of the said company, after the sanction of the shareholders representing at least one-half of the stock of the said company, shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of thirty thousand dollars per mile of railway; and provided also that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner, as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Bonds may be
made payable
to bearer.

15. All such bonds, debentures and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Power to
mortgage
bonds.

16. The said company hereby incorporated may from time to time, for advances of money to be made thereon, mort-

gage or pledge any bonds which they can, under the powers of this Act, issue for construction of the said railway or otherwise.

17. The directors of the said company, elected by the 5 shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other railway company *lawfully authorized to enter into such arrangement* for the purpose of making any branch to facilitate a connection between this 10 company and such other chartered railway company.

Branches may be made to connect with other companies.

18. If at any time before the 1st day of January, 1887, the Lieutenant-Governor in Council shall by Order in Council so direct, the said company shall assign, transfer and make over their said railway and all rights and powers acquired 15 under this Act, or such portion thereof as may be directed as aforesaid, and the surveys, plans, work plant, stock, machinery and other property or effects relating thereto to such other incorporated company as shall be in and by the said Order in Council designated, but only upon and after payment of such 20 amount as shall have been expended by the said Railway Company upon or in connexion with the said railway, and the said maps, plans, surveys, works, plant, stock, machinery and other property thereof, together with interest thereon at eight per cent. from the dates of such expenditure, and in the event of 52 such amount not being agreed upon then such amount as shall be awarded by three arbitrators or a majority of them, one of whom shall be named and appointed by the company, another by the said incorporated company proposing to acquire the said railway, and a third by the Chancellor of Ontario.

Transfer of property may be directed by Lieutenant-Governor in Council.

19. All shareholders in the said company, whether British 30 subjects or aliens, or residents of Canada or elsewhere, have and shall have equal rights to hold stock in the said company, and to vote on the same and to be eligible to office in the said company.

Rights of aliens.

20. Before proceeding with the construction of the said 35 railway, plans and maps shewing the location thereof with profile, cross sections and specifications shall be submitted to and approved by the Commissioner of Public Works; and the said company shall also submit in detail, to the Commissioner 40 of Public Works, plans and drawings of the carriages or coaches proposed to be used for passenger traffic, for his approval, and the same shall be approved of by him before the said carriages or coaches shall be used upon the said railway, and the construction of the said railway and the building of the said 45 carriages or coaches shall be subject from time to time to the inspection, direction and approval of the Commissioner of Public Works.

Plans to be subject to approval of Commissioner of Public Works.

21. Nothing in this Act contained shall be held to authorize or empower the said company to take away from or deprive 50 any person of any water power or privileges heretofore conferred upon or obtained by him, or to prevent any person from hereafter acquiring and using any water power or privileges.

Company not to interfere with water power or privileges.

Telegraph
lines.

22. For the purpose of operating the said railway the said company shall have power to construct and maintain a telegraph or telephone line, and connect the same with their offices, stations and other works, and for that purpose shall have all the powers conferred upon telegraph companies by chapter one hundred and fifty-one of the Revised Statutes of Ontario. 5

Transfer of
shares.

23. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect to shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. 10

Regulations as
to transfer of
shares.

24. The directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, and the forms in respect thereof, as well in this province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends as they shall find expedient, and all such regulations, not being inconsistent with the provisions of this Act and of the *Railway Act of Ontario*, as altered or modified by this Act, shall be valid and binding. 15 20

Form of con-
veyances.

25. Conveyances of land to the said company for the purpose of and powers given by this Act, made in the form set out in the schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than *seventy five* cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof. 25 30

Power to pur-
chase land for
docks, etc.

26. The company shall have full power to *erect* docks, stations, workshops and offices, and to *purchase lands for such purposes*, and to sell and convey such land as may be found superfluous for any such purpose, and shall have power to construct, purchase, charter and navigate steamers, vessels and other water-craft on Niagara River and Lake Ontario, for the purpose of traffic in connection with said railway. 35 40

Running of
trains.

27. The said railway may be operated by electric, steam, horse or other power, according as to the Lieutenant-Governor in Council shall from time to time approve, and need not be operated by the company except in the summer season, and sub-section two of section thirty-three, of the *Railway Act of Ontario* shall not apply to the said company. 45

Power to con-
tract for con-
struction and
equipment of
railway.

28. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor either in cash or bonds, or in paid up stock; provided that no such contract shall be of any 50

force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

5 **29.** The construction of the said railway shall be commenced within three years, and the said railway shall be completed within five years, after the passing of this Act. Commencement and completion.

30. The said company shall not proceed with the construction of the line of the said railway under the powers in this Act contained until authorized by order in Council in that behalf.

SCHEDULE A.

(*Section 25.*)

Know all men by these presents, that I, (*or we*), [*insert the names of the vendors*], in consideration of _____ dollars paid to me (*or us*), by the Niagara Falls Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or we*), [*insert the name or names of any other party or parties*], in consideration of _____ dollars paid to me (*or us*), by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*), of land situated [*describe the lands*], the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said Niagara Falls Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (*or we*), the wife (*or wives*), of the said _____ do hereby bar my (*or our*), dower in the said lands.

As witness my (*or our*), hand and seal (*or hands and seals*), this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered }
in presence of } [L.S.]

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to incorporate the Niagara Falls
Railway Company.

First Reading, 17th February, 1885.
Second " 18th March, 1885.

(*PRIVATE BILL.*)

(*Reprinted as amended by Committee of
Whole House.*)

Mr. AWREY.

TORONTO:

PRINTED BY THE "GHP" PRINTING AND PUBLISHING CO.

An Act to Amend the Acts Incorporating "The
College of Ottawa."

WHEREAS the Corporation of the College of Ottawa have, Preamble.
by their petition, represented that the institution was
incorporated under the name of "The College of Bytown"
by an Act of the Parliament of the Province of Canada
5 passed in the year one thousand eight hundred and forty-
nine, that in the year one thousand eight hundred and sixty-
one, the Act of Incorporation was amended, and the name
changed to "The College of Ottawa", and that in the year one
thousand eight hundred and sixty-six the Parliament of the
10 Province of Canada passed an Act conferring on the college
the powers and status of a university; and whereas the
corporation have represented that certain amendments are
required for more clearly defining the members who shall
compose the college senate, for enlarging the powers of the
15 senate in the granting of degrees, and also for enabling the
corporation to make certain other minor changes in the
government of the institution, and it is expedient to grant
the prayer of the petition;

Therefore Her Majesty, by and with the advice and consent
20 of the Legislative Assembly of the Province of Ontario, enacts
as follows;—

1. Section two of the Act passed in the twenty-ninth and
thirtieth years of Her Majesty's reign, chapter one hundred
and thirty-five, intituled "*An Act to amend the Acts incor-*
25 *porating The College of Ottawa, and to grant certain privileges*
to the said College" is hereby repealed, and the following
enacted in lieu thereof:—The college senate shall consist
of the president and the bursar of the college and
30 positions in the college, namely:—the professors of divinity,
the prefect of studies, the professors of metaphysics,
of ethics, of higher mathematics, the first professor of
natural sciences, the first professor of Greek, the first professor
of Latin, the first professor of English, the first professor of
35 French, the professors of mechanical sciences, and the deans of
the faculty of law, and of medicine, together with the ex-officio
members named in the last-mentioned Act.

2. Section four of the last mentioned Act is hereby repealed,
and the following enacted in lieu thereof:—The college senate
40 shall have power to examine for, and after examination to
confer, in such mode, and on compliance by the candidate with
such conditions, as they shall, from time to time determine, the
several degrees of bachelor, and master of arts, bachelor and

29-30 V., c.
135, s. 2
repealed.

Constitution
of college
Senate.

29-30 V., c.
135, s. 4
repealed.

Power of
granting
degrees.

doctor in laws, in science, and in music, and also the degree of civil engineer, of mining engineer, and of mechanical engineer, and the senate shall also have power to examine for the medical degrees in the four branches of medicine, surgery, midwifery, and pharmacy, and after examination, to confer the several 5 degrees of bachelor of medicine, doctor of medicine, and master in surgery, and such reasonable fees shall be charged to the candidates for examination for degrees as the college senate shall, by statute or order in that behalf from time to time determine, and such fees shall be paid into the general fund of the said 10 corporation.

Ad eundem
degrees.

3. The President and members of the college senate shall also have power to confer any of the said degrees as *ad eundem* degrees.

Affiliation
of other
colleges.

4. The college senate may, by statute in that behalf, pre- 15 scribe that any college, seminary, or other institution established in Canada for the promotion of literature, science or art, or for instruction in law, medicine, or mechanical science may, upon application, affiliate to and connect with the University of the College of Ottawa, for the purpose of admitting therefrom as 20 candidates, at any of the respective examinations, for standing or for scholarships, honors, degrees and certificates, which the senate are authorized to confer, such persons as may have respectively completed in such college, seminary, or other institution whilst affiliated with the University of the College 25 of Ottawa, such course of instruction preliminary to any of the said respective examinations, for standing, or for scholarships, honors, degrees, or certificates as the senate shall from time to time, by regulations in that behalf, determine.

29-30 V., c.
135, s. 13
repealed.

Questions how
decided on
vote of senate.

5. Section thirteen of the last mentioned Act, is hereby 30 repealed and the following enacted in lieu thereof :—All questions which shall come up before the senate shall be decided by the majority of votes of the members present, including the vote of the president of the senate, or other presiding member of the senate, and in case of an equal division of such 35 votes, the president or the presiding member at such meeting shall have an additional or casting vote.

Lieutenant-
Governor to
be a visitor.

6. The Lieutenant-Governor of Ontario shall be a visitor of the said university.

Report to
Lieutenant
Governor.

7. The college senate shall report to the Lieutenant-Governor 40 at such time as he may appoint, on the general state, progress, and prospects of the university, and upon all matters touching the same, with such suggestions as they think proper to make, and the senate shall also at all times when thereunto required by the Lieutenant-Governor, inquire into, examine and report 45 upon any subject or matter connected with the university, and copies of such annual or other reports shall be laid before the Legislative Assembly of the Province of Ontario, at the then next session thereof.



2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Acts incorporating
the College of Ottawa.

First Reading, 1885.

(*PRIVATE BILL.*)

Mr.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting a certain By-law and certain Debentures of the Municipal Corporation of Owen Sound.

WHEREAS the Corporation of the Town of Owen Sound, Preamble.
 on the twenty-eighth day of June, A. D. one thousand eight hundred and eighty, passed a By-law number two hundred and eighty-five, for assisting the Toronto, Grey and Bruce
 5 Railway Company, by granting a bonus of fifteen thousand dollars to the said company, which By-law was duly sanctioned by the electors of the said municipality; and whereas it was therein provided amongst other things that the debentures to be issued under the authority of the said By-law
 10 should not be handed over to the said company until a grain elevator should be erected in the said town, the same to be completed on or before the first day of October, A. D. one thousand eight hundred and eighty-one; and whereas, under the authority of an Act passed in the forty-third year of the reign
 15 of Her Majesty Queen Victoria, chapter sixty-six, the Corporation of Owen Sound by a By-law passed on the fifth day of September, A. D. one thousand eight hundred and eighty-one, number three hundred, extended the time for the completion of the said elevator to the first day of July, A. D. one thousand eight hundred and eighty-two, and the said corporation
 20 subsequently by By-law passed on the twenty-first day of August, A. D. one thousand eight hundred and eighty-two, number three hundred and sixteen, again extended the time for the completion of the said elevator to the first day of May, A. D.
 25 one thousand eight hundred and eighty-three, and the said corporation subsequently by a By-law passed on the seventeenth day of December, A. D. one thousand eight hundred and eighty-three, number three hundred and forty-eight, again extended the time for the completion of the said elevator to the
 30 first day of July, A. D. one thousand eight hundred and eighty-four; and whereas the said elevator was, prior to the date last mentioned, duly completed, and the said debentures have been handed over to the said Railway Company, but doubts have arisen as to whether the said Corporation of Owen
 35 Sound had power under the said Act to pass said By-laws number three hundred and sixteen and number three hundred and forty-eight; and whereas the said Corporation have presented their petition praying that the said By-laws may be confirmed and the said debentures made valid, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The By-law passed by the Municipality of Owen Sound
 45 on the twenty-eighth day of June, A. D. one thousand eight hundred and eighty, and numbered two hundred and eighty-four, and the debentures issued thereunder by the said municipality, amounting at their par value to fifteen thousand dollars, are hereby ratified, validated and confirmed.

By-law 284,
and debentures issued
thereunder
confirmed.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting a certain By-law and certain Debentures of the Municipal Corporation of Owen Sound.

First Reading, 1885.

(*PRIVATE BILL.*)

Mr. CREIGHTON.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to consolidate the Floating Debt of the City
of St. Thomas.

WHEREAS the Corporation of the City of St. Thomas, by Preamble.
their petition have represented that they have incurred
debts and liabilities for the extension of Water-works and other
permanent improvements to an amount between twenty-seven
5 and twenty-eight thousand dollars, which have not been
secured by debentures, and have prayed that the said debt may
be consolidated, and that they may be authorized to issue
debentures for that purpose, as well as for the erection of an
Hospital for the sick ; and whereas it is expedient to grant the
10 prayer of the said petition, and in order to provide against any
loss on the said consolidation, and for the erection of an
Hospital, it is expedient to enable the said corporation to issue
such debentures for a sum not exceeding thirty thousand
dollars :

15 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. The Corporation of the City of St. Thomas may issue Issue of
debentures for
\$30,000
authorized.
debentures under the corporation seal, signed by the Mayor,
20 and countersigned by the treasurer of the corporation for the
time being, for such sums not exceeding thirty thousand
dollars in the whole, as the Municipal Council of the said City
may direct ; and the principal sum secured by the said debentures,
and the interest accruing thereon, may be made payable
25 either in this Province or in Great Britain or elsewhere, as the
Municipal Council shall deem expedient, and may be either in
currency or sterling money.

2. The said corporation may raise, by way of loan upon Power to borrow on debentures.
the credit of the said debentures from any person or persons,
30 body or bodies corporate either in this Province or in Great
Britain or elsewhere, who may be willing to lend the same, a
sum of money not exceeding thirty thousand dollars of lawful
money of Canada.

3. The funds derived from the negotiation of the said de- Application of funds.
35 bentures shall be applied by the Municipal Council to the pay-
ment of the said outstanding floating liabilities, and to the
erection of an Hospital for the sick in the said city, and to and
for no other purpose whatever.

4. For payment of the debentures to be issued under this Special rate for payment of debentures.
40 Act, the Municipal Council shall impose a special rate per
annum (over and above, and in addition to all other rates, to

be levied in each year), which shall be sufficient to pay the interest on the said debentures, and to form a sinking fund of four per centum per annum for the purpose of paying the principal thereof.

Investment of sinking fund. **5.** The Municipal Council shall, and it shall be the duty of the treasurer to invest from time to time all moneys raised by special rate for the sinking fund provided in this Act, either in redemption of any of the debentures hereby authorized to be issued, or in Government securities, municipal debentures, or in first mortgages on real estate, held and used for farming purposes, and being the first lien on such real estate, or in local improvement debentures of the municipality, or in such other manner as the Lieutenant-Governor in Council, may by general or special order direct, or in any other debentures of the municipality which may be approved by the Lieutenant-Governor in Council by any such order, or may deposit the same in any chartered bank of the Dominion of Canada, that the Council may from time to time approve. 5 10 15

Payment of debentures and interest. **6.** The debentures to be issued as aforesaid, shall be payable in not more than twenty years from the date thereof, as the said Municipal Council may direct, and the interest thereon at such rate, not exceeding six per centum per annum, as the said Municipal Council shall determine, shall be payable half-yearly according to the coupons attached thereto. 20

Irregularities not to render debentures invalid. **7.** No irregularity in the form of the said debentures, or of any by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof. 25 30

Assent of electors not required. **8.** It shall not be necessary to obtain the assent of the electors of the said City to the passing of any By-law under this Act, or to observe the formalities in relation thereto prescribed by "*The Consolidated Municipal Act, 1883.*"

Form of debentures. **9.** The said debentures may be in the form "A" in the schedule to this Act, or as near thereto as the corporation may find convenient, according to the places where, and the money in which the same are made payable. 35

SCHEDULE.

FORM "A."

Consolidated Loan Debenture.

No.	Province of Ontario, City of St. Thomas.	£.	Stg.,
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Under and by virtue of the Act passed in the forty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered and by virtue of By-law No. of the

Corporation of the City of St. Thomas, passed under the powers contained in the said Act.

The Corporation of the City of St. Thomas promise to pay the bearer at _____ in _____ the sum of _____ on the _____ day of _____, A.D. _____, and the half-yearly coupons hereto attached as the same shall severally become due.

Dated at St. Thomas, in the County of Elgin, this _____ day of _____ A.D., 188 ____ .

L. S.

A. _____ B., *Mayor.*
C. _____ D., *Treasurer.*

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to consolidate the Floating Debt of
the City of St. Thomas.

First Reading, 1885.

(PRIVATE BILL.)

Mr. ERMATINGER.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to consolidate the Floating Debt of the City
of St. Thomas.

WHEREAS the Corporation of the City of St. Thomas, by ^{Preamble.}
their petition have represented that they have incurred
debts and liabilities for the extension of Water-works and other
permanent improvements to an amount of *thirty* thousand dol-
15 lars, or *thereabouts*, which have not been secured by debentures,
and have prayed that the said debt may be consolidated,
and that they may be authorized to issue debentures for that
purpose, ; and whereas it is expedient to grant the prayer of
the said petition ;

10 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. The Corporation of the City of St. Thomas may *pass* ^{Issue of}
a by-law authorizing the issue of debentures under the cor- ^{debentures for}
15 ^{porate seal, signed by the Mayor, and countersigned by the} ^{\$30,000}
treasurer, for such sums not exceeding thirty thousand dollars ^{authorized.}
in the whole, as the Council of the said City may direct ; and
the principal sum secured by the said debentures, and the
interest accruing thereon, may be made payable either in this
20 Province or in Great Britain or elsewhere, as the *said* Council
shall deem expedient, and may be either in currency or sterling
money.

2. The said corporation may raise, by way of loan upon ^{Power to bor-}
25 the credit of the said debentures from any person or persons, ^{row on debent-}
body or bodies corporate either in this Province or in Great ^{tures.}
Britain or elsewhere, who may be willing to lend the same, a
sum of money not exceeding thirty thousand dollars of lawful
money of Canada.

3. The funds derived from the negotiation of the said de- ^{Application of}
30 bentures shall be applied by the *said* Council to the pay- ^{funds.}
ment of the said outstanding floating liabilities, and to and
for no other purpose whatever.

4. For payment of the debentures to be issued under this ^{Special rate}
35 Act, the Municipal Council shall impose a special rate per ^{for payment}
annum (over and above, and in addition to all other rates, per ^{of debentures.}
to be levied in each year), which shall be sufficient to pay the
interest on the said debentures, and to form a sinking fund of
four per centum per annum for the purpose of paying the
40 principal thereof.

Investment of
sinking fund.

5. The *said* Council shall, and it shall be the duty of the treasurer to invest from time to time all moneys raised by special rate for the sinking fund provided in this Act, either in redemption of any of the debentures hereby authorized to be issued, or in Government securities, municipal debentures, or in first mortgages on real estate, held and used for farming purposes, and being the first lien on such real estate, but not to any greater extent than one-half of the assessed value of such real estate, or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, or may deposit the same in any chartered bank of the Dominion of Canada, that the Council may from time to time approve. 5 10

Payment of
debentures
and interest.

6. The debentures to be issued as aforesaid, shall be payable in not more than twenty years from the date thereof, as the said Council may direct, and the interest thereon at such rate, not exceeding six per centum per annum, as the said Council shall determine, shall be payable half-yearly according to the coupons attached thereto. 15

Irregularities
not to render
debentures
invalid.

7. No irregularity in the form of the said debentures, or of *the* by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof. 20

Assent of
electors not
required.

8. It shall not be necessary to obtain the assent of the electors of the said City to the passing of *the said* By-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*. 25

Form of
debentures.

9. The said debentures may be in the form "A" in the schedule to this Act, or as near thereto as the corporation may find convenient, according to the places where, and the money in which the same are made payable. 30

SCHEDULE.

FORM "A."

Consolidated Loan Debenture.

No.	£.	Stg.,
	Province of Ontario, City of St. Thomas.	

Under and by virtue of the Act passed in the forty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered and by virtue of By-law No. of the

Corporation of the City of St. Thomas, passed under the powers contained in the said Act.

The Corporation of the City of St. Thomas promise to pay the bearer at _____ in _____ the sum of _____ on the _____ day of _____, A.D. _____, and the half-yearly coupons hereto attached as the same shall severally become due.

Dated at St. Thomas, in the County of Elgin, this _____ day of _____ A.D., 188 _____.

L. S.

A. B.,
Mayor.
C. D.,
Treasurer.

2nd Session, 5th Parliament, 48 Vic., 1885.

BILL.

An Act to consolidate the Floating Debt of
the City of St. Thomas.

First Reading, 10th February, 1885.

(*PRIVATE BILL.*)

(*Reprinted as amended by Private Bills
Committee.*)

Mr. ERMATINGER.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act respecting the Town of Sarnia.

WHEREAS the corporation of the Town of Sarnia by their Preamble.
 petition, have represented that they have incurred debts
 to the amount of eleven thousand nine hundred and twenty
 five dollars, and have prayed that they may be authorized
 5 to issue debentures for payment of such debts; and whereas
 the said corporation have further represented that the
 assessment for the construction of a block pavement on that
 portion of Front street in the Town of Sarnia, between the
 south side of Francis street and the north side of Nelson street,
 10 and the assessment for the construction of a sewer on that
 portion of Christina street, between the south limit of George
 street and the north limit of Cromwell street, are as compared
 with the assessment for the remainder of such works unequal
 and unjust, and have prayed that they may be authorized to
 15 equalize such assessment as hereinafter provided; and whereas
 it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario enacts,
 as follows:

20 **1.** The said corporation may issue debentures under the cor- Issue of debentures for \$11,925 authorized.
 poration seal signed by the mayor and countersigned by the
 treasurer of the said corporation for the time being, for such
 sums not exceeding eleven thousand nine hundred and twenty-
 five dollars in the whole, as the municipal council of the said
 25 town may direct; and the principal sum secured by the said
 debentures, and the interest accruing thereon, may be made
 payable at any place in this Province as the municipal council
 may deem expedient.

30 **2.** The said corporation may raise by way of loan upon the Power to borrow on credit of debentures.
 credit of the said debentures, from any person or persons, body
 or bodies corporate, in the Province of Ontario or elsewhere,
 who may be willing to lend the same, a sum not exceeding
 eleven thousand nine hundred and twenty-five dollars of lawful
 money of Canada.

35 **3.** The treasurer of the said corporation shall discharge the Application of funds under this Act.
 liabilities provided for by this Act with the funds raised under
 this Act, and such funds shall be applied to the payment of
 such floating debt and to and for no other purpose whatever.

40 **4.** For payment of the debentures to be issued under this Special rate to be levied.
 Act, the municipal council shall impose a special rate per
 annum (over and above and in addition to all other rates to be

levied in each year) sufficient to pay the interest on said debentures and the principal thereof.

Debentures
how payable.

5. The debentures to be signed as aforesaid shall be payable in equal annual payments from the date thereof, and the interest, at such rate not exceeding six per cent. per annum as the said council shall determine, shall be payable yearly or half yearly according to the coupons attached thereto. 5

Refund in
respect of
certain local
improvement
works
authorized.

6. The said corporation may pass a by-law authorizing the refunding from year to year out of the funds of the Town of Sarnia to each person owning lands fronting on those portions of the works hereinbefore in the preamble to this Act referred to, of a sum sufficient to make in the opinion of the council the amount payable by such persons equal as compared with the assessment for the remainder of such works. 10

Irregularities
not to invalid-
ate debentures.

7. No irregularity in the form either of the said debentures or the by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest, or any or either of them or any part thereof. 15 20

Provisions
respecting
assent of
electors.

8. It shall not be necessary to obtain the assent of the electors of the said Town to the passing of the by-law authorizing the issue of said debentures, or to observe the formalities in relation thereto prescribed by "*The Consolidated Municipal Act of 1884*," but such assent of the said electors shall be obtained before the other by-law hereby authorized shall have any validity or force. 25

No. 34.

2nd Session, 5th Parliament, 4S Vic, 1885.

BILL.

An Act respecting the Town of Sarnia.

First Reading, 1885.

(PRIVATE BILL.)

Mr. PARDEE.

TORONTO:

An Act respecting the Town of Sarnia.

WHEREAS the corporation of the Town of Sarnia by their petition, have represented that they have incurred debts to the amount of eleven thousand nine hundred and twenty five dollars, and have prayed that they may be authorized to issue debentures for payment of such debts; and whereas the said corporation have further represented that the assessment for the construction of a block pavement on that portion of Front street in the Town of Sarnia, between the south side of Francis street and the north side of Nelson street, and the assessment for the construction of a sewer on that portion of Christina street, between the south limit of George street and the north limit of Cromwell street, are as compared with the assessment for the remainder of such works unequal and unjust, and have prayed that they may be authorized to equalize such assessment as hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts, as follows:

1. The said corporation may issue debentures under the corporate seal signed by the mayor and countersigned by the treasurer of the said corporation for the time being, for such sums not exceeding eleven thousand nine hundred and twenty-five dollars in the whole, as the municipal council of the said town may direct; and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable at any place in this Province as the municipal council may deem expedient.

Issue of debentures for \$11,925 authorized.

2. The said corporation may raise by way of loan upon the credit of the said debentures, from any person or persons, body or bodies corporate, in the Province of Ontario or elsewhere, who may be willing to lend the same, a sum not exceeding eleven thousand nine hundred and twenty-five dollars of lawful money of Canada.

Power to borrow on credit of debentures.

3. The treasurer of the said corporation shall discharge the liabilities provided for by this Act with the funds raised under this Act, and such funds shall be applied to the payment of such floating debt and to and for no other purpose whatever.

Application of funds under this Act.

4. For payment of the debentures to be issued under this Act, the municipal council shall impose a special rate per annum (over and above and in addition to all other rates to be

Special rate to be levied.

levied in each year) sufficient to pay the interest on said debentures and the principal thereof.

Debentures
how payable.

5. The debentures to be signed as aforesaid shall be payable in equal annual payments from the date thereof, and the interest, at such rate not exceeding six per cent. per annum as the said council shall determine, shall be payable yearly or half yearly according to the coupons attached thereto, and a portion of the said debentures issued under any such by-law and each of such by-laws shall be made payable in each year for not more than twenty years from the time or times at which such by-law or by laws authorizing the issue of the same shall respectively be passed, and so that the sums to be levied under the said by-law or each of the said by-laws for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Application
of funds.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debt of eleven thousand nine hundred and twenty-five dollars and not otherwise, and shall, for that purpose, from time to time be deposited as the same shall be received and until the same shall be required for the said purpose, in any branch or agency of any chartered bank of Canada in the said town of Sarnia, or elsewhere in the Province of Ontario, or invested in Government securities or stocks, either of the Dominion of Canada or the Province of Ontario, and all such deposits or investments shall be made in the name of the said corporation as trustees of the said town, and shall be made upon such terms as the said municipal council and such bank or government shall from time to time agree upon, and shall be withdrawn therefrom only as the same may be required, from time to time, for the payment and redemption of the said outstanding debt and liabilities, or any part thereof, and not otherwise.

Refund in
respect of
certain local
improvement
works
authorized.

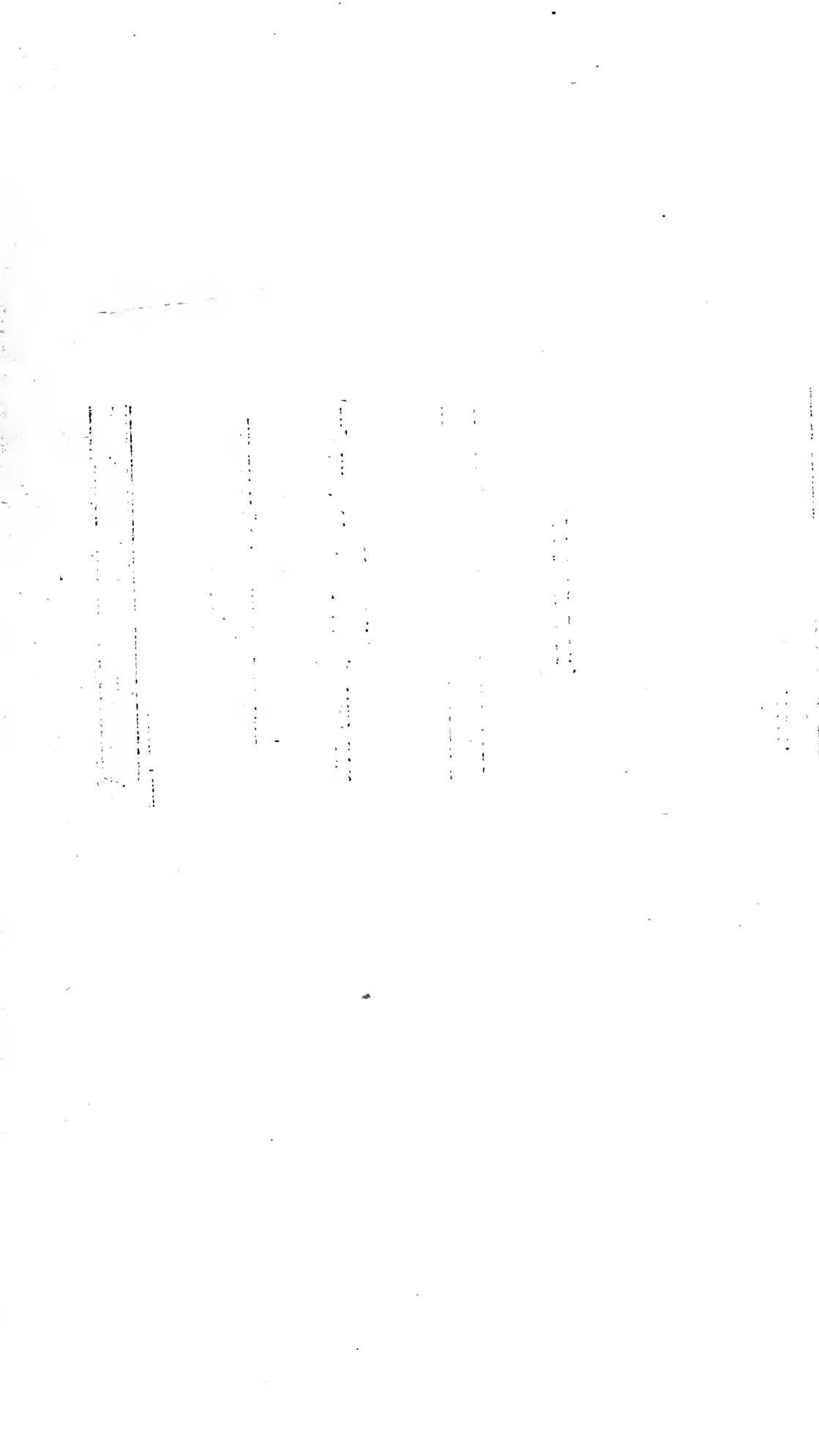
7. The said corporation may pass a by-law authorizing the refunding from year to year out of the funds of the Town of Sarnia to each person owning lands fronting on those portions of the works hereinbefore in the preamble to this Act referred to, of a sum sufficient to make in the opinion of the council the amount payable by such persons equal as compared with the assessment for the remainder of such works.

Irregularities
not to invalid-
ate debent-
tures.

8. No irregularity in the form either of the said debentures or the by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest, or any or either of them or any part thereof.

Provisions
respecting
assent of
electors.

9. It shall not be necessary to obtain the assent of the electors of the said Town to the passing of the by-law authorizing the issue of said debentures, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*, but such assent of the said electors shall be obtained before the other by-law hereby authorized shall have any validity or force.



BILL.

An Act respecting the Town of Sarnia.

*(Reprinted as amended by Private Bills
Committee.)*

First Reading, 13th February, 1885.

(PRIVATE BILL.)

Mr. PARDEE.



TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO

An Act respecting the Town of Sarnia.

WHEREAS the corporation of the Town of Sarnia by their Preamble.
 petition, have represented that they have incurred debts
 to the amount of *twelve thousand five* hundred dollars, and
 have prayed that they may be authorized to issue debentures
 5 for payment of such debts ; and whereas the said corporation
 have further represented that the assessment for the construc-
 tion of a block pavement on that portion of Front street in
 the Town of Sarnia, between the south side of Francis street
 and the north side of Nelson street, and the assessment for the
 10 construction of a sewer on that portion of Christina street,
 between the south limit of George street and the north limit
 of Cromwell street, are as compared with the assessment for
 the remainder of such works unequal and unjust, and have
 prayed that they may be authorized to equalize such assessment
 15 as hereinafter provided ; and whereas it is expedient to grant
 the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario enacts,
 as follows :

20 **1.** The corporation of the Town of Sarnia may  pass a Issue of debentures for \$12,500 authorized.
 by-law authorizing the issue of debentures for payment of the
 said debts mentioned in the preamble to this Act, and may there-
 after in accordance with the said by-law  issue debentures
 under the corporate seal signed by the mayor and countersigned
 25 by the treasurer of the said corporation for the time being,
 for such sums not exceeding *twelve thousand five* hundred
 dollars in the whole, as the municipal council of the said
 town may direct ; and the principal sum secured by the said
 debentures, and the interest accruing thereon, may be made
 30 payable at any place in this Province as the municipal council
 may deem expedient.

2. The said corporation may raise by way of loan upon the Power to borrow on credit of debentures.
 credit of the said debentures, from any person or persons, body
 or bodies corporate, in the Province of Ontario or elsewhere,
 35 who may be willing to lend the same, a sum not exceeding
twelve thousand five hundred dollars of lawful money of
 Canada.

3. The treasurer of the said corporation shall discharge the Application of funds under this Act.
 liabilities provided for by this Act with the funds raised under
 40 this Act, and such funds shall be applied to the payment of
 such floating debt and to and for no other purpose whatever.

Special rate to
be levied.

4. For payment of the debentures to be issued under this Act, the municipal council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year) sufficient to pay the interest on said debentures and the principal thereof.

5

Debentures
how payable.

5. The *principal sum to be secured by the debentures to be issued under this Act*, shall be payable in equal annual payments from the date thereof, and the interest, at such rate not exceeding six per cent. per annum as the said council shall determine, shall be payable yearly or half yearly according to the coupons attached thereto, and the debentures issued under such by-law shall be made payable in each year for not more than twenty years from the time at which such by-law authorizing the issue of the same shall be passed, and so that the sums to be levied under the said by-law for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Application
of funds.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debt of *twelve thousand five hundred dollars* and not otherwise, and shall, for that purpose, from time to time be deposited as the same shall be received and until the same shall be required for the said purpose, in any branch or agency of any chartered bank of Canada in the said town of Sarnia and all such deposits shall be made in the name of the said corporation as trustees of the said town, and shall be made upon such terms as the said municipal council and such bank shall agree upon, and shall be withdrawn therefrom only as the same may be required, from time to time, for the payment and redemption of the said outstanding debt and liabilities, or any part thereof, and not otherwise.

Irregularities
not to invalid-
ate debent-
tures.


7. No irregularity in the form either of the said debentures or the by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest, or any or either of them or any part thereof.



Refund in
respect of
local improve-
ments on
Front Street
authorized.

8. The said corporation may pass a by-law authorizing the refunding from year to year out of the funds of the Town of Sarnia to each person owning lands fronting on the works *upon that portion of Front street* hereinbefore in the preamble to this Act referred to, of a sum sufficient to make in the opinion of the council the amount payable by such persons equal as compared with the assessment for the remainder of such works.

Refund in re-
spect of local
improvements
on Christina
Street
authorized.

9. The said corporation may also pass a by-law authorizing the refunding from year to year out of the funds of the town of Sarnia to each person owning lands fronting on the works upon that portion of Christina street hereinbefore in the preamble to this Act referred to, of a sum sufficient to make in

the opinion of the council, the amount payable by such persons equal, as compared with the assessment for the remainder of such works. 

10. It shall not be necessary to obtain the assent of the 5 electors of the said Town to the passing of the by-law authorizing the issue of said debentures, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*, but the assent of the said electors  to the by-laws authorized by the eighth and ninth sections of this 10 Act  shall be obtained before the said by-laws shall have any validity or force.

Provisions
respecting
assent of
electors.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the Town of Sarnia.

First Reading, 13th February, 1885.

(*PRIVATE BILL.*)

(*Reprinted as further Amended by Private
Bills Committee.*)

Mr. PARDEE.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to consolidate the debt of the Town of Whitby and to provide for the collection of the taxes therein.

WHEREAS the corporation of the Town of Whitby by their petition have represented that they have incurred debts and liabilities for aiding the construction of the Whitby, Port Perry, and Lindsay railway; in the purchase of a steam fire engine and other apparatus for the protection of the town from fires; in granting aid to the Mudge and Yarwood Manufacturing Company; in building school-houses; in the purchase of a town hall, and for other purposes, and that debentures to secure the payment of such liabilities to the amount of one hundred and fifteen thousand three hundred dollars were issued by them, and that debentures to the amount of fifty-six thousand four hundred and fifty dollars so issued are still outstanding, and that the indebtedness of the said town, in addition to the outstanding debenture debt, now amounts to ten thousand one hundred dollars, and that such debentures have hitherto been regularly met at the maturity thereof, and that owing to the depreciation in the value of property in the town since the contracting of such debenture debts the annual revenue to be raised by taxation in order to meet the accruing debentures and payment of the town debts and current expenses will be insufficient without exceeding the limit authorized by law, and will be oppressive to the ratepayers thereof, and have prayed that the debt of the said town, now amounting to the sum of sixty-six thousand five hundred and fifty dollars, may be consolidated and that new debentures may be issued for the purpose of meeting and paying such old debentures from time to time as the same may mature, and for discharging the other liabilities of the town; and whereas the said corporation have also prayed that they may be empowered to collect their taxes annually therein in three payments, viz., by equal payments in the months of June, September, and December, and that powers may be given them to provide for the assessment of said town, the revision of the assessment roll, and to make such other provisions as may be necessary for so collecting their taxes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the corporation of the Town of Whitby are hereby consolidated at sixty-six thousand five hundred and fifty dollars, and it shall and may be lawful to and for the said corporation of the Town of Whitby to raise by way of

Debts consolidated at the sum of \$66,550.

loan upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued from any person or persons, body, or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding sixty-six thousand five hundred and fifty dollars of lawful money of Canada. 5

Authority to pass by-laws for new debentures.

2. The corporation of the Town of Whitby may from time to time, and as occasion may require or opportunity offer for redeeming debentures or payment of said other debts, pass by-laws, under the terms and conditions hereinafter provided, for authorizing the issue of debentures of the said town to an amount not exceeding in the whole the sum of sixty-six thousand five hundred and fifty dollars, and to impose in and by the said by-law or by-laws a special rate per annum on the whole ratable property of the municipality, to be called "The Consolidated Debenture Loan Rate," over and above and in addition to all other rates, to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually for interest and to provide a fund for the due payment of the principal, when the same shall fall due, of the said debentures last mentioned. 10 15 20

Assent of electors to by-laws not required.

3. It shall not be necessary to attain the assent of the electors of the said town to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*. 25

Debentures may be issued to the amount of \$66,550.

4. It shall and may be lawful for the municipal council of the said corporation of the Town of Whitby after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation under the corporate seal, signed by the mayor and countersigned by the treasurer and clerk of the said town for the time being, for such sums not exceeding in the whole the said sum of sixty-six thousand five hundred and fifty dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable half yearly. 30 35

Debentures, when and how payable.

5. The principal sum to be secured by the debentures to be issued under the preceding section of this Act shall be payable either in sterling or currency, and the same with the interest accruing thereon may be made payable either in this Province, in Great Britain or elsewhere, as the said council may by the by-law or by-laws direct, or shall deem expedient, and a portion of the said debentures issued under any such by-law shall be made payable in each year for a term not to exceed forty years from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures. 40 45

Application of funds.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debt of sixty-six thousand five hundred and fifty dollars, and not otherwise, and shall for that purpose from time to time be deposited until required in the agency of a chartered 50

bank of Canada at the Town of Whitby or elsewhere in this Province, or invested in government securities or stock either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council and such bank or
 5 government shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said outstanding debenture debt and other liabilities, or some part thereof, and not otherwise, and all such deposits or investments
 10 shall be made in the name of the said corporation as trustees of the said Town of Whitby.

7. The treasurer of the said town shall, on receiving instructions from the said council so to do, from time to time, but only with the consent of the holders thereof, call in any of
 15 the said outstanding debentures and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may with the like consent substitute therefor the said debentures or any of them above authorized to be issued by this Act, upon such terms as
 20 may be agreed upon between the said council and the said holders of said outstanding debentures, debts and liabilities.

8. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act authorizing the said loan shall not be repealed until the debt created
 25 under such by-law and the interest thereon shall be paid and satisfied.

9. Sections four hundred and eleven, four hundred and twelve and four hundred and thirteen of *The Consolidated Municipal Act, 1883*, shall be deemed applicable to the
 30 debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act.

10. The said municipal council shall, and it shall be the duty of the treasurer of the said town for the time being to invest or deposit from time to time all moneys raised by the
 35 special rate provided by this Act and the by-law or by-laws imposing the same, or derived from the investment or deposit of the said moneys as herein mentioned, less the interest payable in respect of the said debentures to be issued in pursuance of this Act for the then current year in any one of the modes of
 40 investment or deposit authorized by the sixth section of this Act, as the said council shall direct, and upon such terms as the said council and bank or government shall agree upon, and such moneys shall only be withdrawn therefrom as the same may be required from time to time for the payment and
 45 redemption of the lastly mentioned debentures or the said outstanding debts and liabilities or some part thereof, and to apply the residue of such moneys from time to time to the payment of interest on the said debentures, and not otherwise, nor for any other purpose whatever.

50 11. Notwithstanding anything in this Act contained, all the said now outstanding debentures which are public school debentures, or which have been issued for public school purposes, or which are debentures for or towards the payment of which the supporters of separate schools or their property in

Outstanding debentures may be called in.

By-laws not to be repealed until debt satisfied.

46 V., c. 18, ss. 411-413 to apply to debentures.

Investment of money raised by special rate.

Proviso as to outstanding school debentures.

the said Town of Whitby are not now liable or compellable to be rated or assessed, shall be provided for, retired and paid in all respects as if this Act had not been passed.

Inconsistent provisions in Municipal Act not to apply.

12. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form either of the said debentures authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof 5 10

Liability of corporation.

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Whitby from any indebtedness or liability which may not be included in the said debt. 15

Time for taking assessment and revising roll.

14. Notwithstanding anything contained in *The Consolidated Municipal Act, 1883*, or in any amendment thereto, or in the *Assessment Act*, or in any amendments thereto as to the periods for taking the assessment and for the periods named for the revision of the assessment rolls by the Court of Revision and by the county judge, the council of the corporation of the Town of Whitby may pass by-laws for regulating the above period, as follows: that is to say, for taking the assessment between the first day of July and the thirtieth day of September, the rolls being returnable in such case to the town clerk of the said town on the first day of October, and in such case the time for closing the Court of Revision shall be the fifteenth day of November, and for final return by the judge of the County Court the thirty-first day of December, and the assessment so made and concluded may be adopted by the council of the following year as the assessment on which the rate of taxation for the said following year shall be levied, and in the year following the passing of the by-law the council may adopt the assessment of the preceding year as a basis for the assessment of that year. 20 25 30 35

Date of payment and demand of taxes.

15. The council of the said Town of Whitby may also pass by-laws providing that the rate of taxes may be levied and the collector's roll for the said town may be made up on or before the first day of May in each year, and that the delivery to each person named on said roll or the leaving at the place of his residence or domicile or place of business, if within the said Town of Whitby, of a notice or memorandum of the taxes entered on such roll opposite his name by any officer of the said corporation or person named in a by-law of the council authorizing him so to deliver such notice, shall be a sufficient demand of such taxes under the *Assessment Act* and amending Acts. 40 45 50

Treasurer may perform certain duties instead of collector.

16. It shall not be necessary for the council of the Town of Whitby to appoint a collector of taxes, and if no collector is appointed in any year it shall be lawful for and be the duty of the town treasurer to take all such proceedings upon default in

payment of taxes for the collection of the same as collectors of taxes are by law authorized to take, and he shall perform the duties as to persons whose names appear on the roll and are not resident within the municipality which collectors of taxes
5 are by law required to perform, and shall make all the entries upon said roll which are required to be made by the collector.

17. In case the treasurer fails or omits to collect the taxes
or any portion thereof by the fourteenth day of December in
every year, or on such day in the next year not later than the
10 first day of February, as the council may appoint, the treasurer
or officer appointed to deliver such statement and demand,
shall make oath before the mayor that the service of such
demand of payment and demand of taxes required by sections
ninety-two and ninety-four of the *Assessment Act* in each
15 case by them or either of them performed has been truly
entered by him and stated in the collector's roll.

Treasurer to
return roll by
day to be
appointed by
council.

18. Nothing in this Act contained shall prevent the
appointment of a collector or officer for the purposes and with
the powers mentioned in the one hundred and second section
20 of the *Assessment Act*.

Collector may
be appointed.

No. 35.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to Consolidate the debt of the Town of Whitby, and to provide for the collection of taxes therein.

First Reading, 1885.

(*PRIVATE BILL.*)

Mr. DRYDEN.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act to consolidate the debt of the Town of Whitby.

WHEREAS the corporation of the Town of Whitby by Preamble.

5 their petition have represented that they have incurred debts and liabilities for aiding the construction of the Whitby, Port Perry, and Lindsay railway; in the purchase of a steam fire engine and other apparatus for the protection of the town from fires; in granting aid to the Mudge and Yarwood Manufacturing Company; in building school-houses; in the purchase of a town hall, and for other purposes, and that debentures to secure the payment of such liabilities to the amount of one hundred and fifteen thousand three hundred dollars were
10 issued by them, and that debentures to the amount of fifty-six thousand four hundred and fifty dollars so issued are still outstanding, and that the indebtedness of the said town, in addition to the outstanding debenture debt, now amounts to ten thousand one hundred dollars, and that such debentures have
15 hitherto been regularly met at the maturity thereof, and that owing to the depreciation in the value of property in the town since the contracting of such debenture debts the annual revenue to be raised by taxation in order to meet the accruing debentures and payment of the town debts and current
20 expenses will be insufficient without exceeding the limit authorized by law, and will be oppressive to the ratepayers thereof, and have prayed that the debt of the said town, now amounting to the sum of sixty six thousand five hundred and fifty dollars, may be consolidated and that new debentures may be
25 issued for the purpose of meeting and paying such old debentures from time to time as the same may mature, and for discharging the other liabilities of the town; and whereas it is expedient to grant the prayer of the said petition;

30 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the corporation of the Town of Whitby are hereby consolidated at sixty-six thousand five hundred and fifty dollars, and it shall and may be lawful to and for the
35 said corporation of the Town of Whitby to raise by way of loan upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued from any person or persons, body, or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the
40 same, a sum of money not exceeding sixty-six thousand five hundred and fifty dollars of lawful money of Canada.

Debts consolidated at the sum of \$66,550.

Authority to pass by-laws for new debentures.

2. The corporation of the Town of Whitby may from time to time, and as occasion may require or opportunity offer for redeeming debentures or payment of said other debts, pass by-laws, under the terms and conditions hereinafter provided, for authorizing the issue of debentures of the said town to an amount not exceeding in the whole the sum of sixty-six thousand five hundred and fifty dollars, and may impose in and by the said by-law or by-laws a special rate per annum on the whole ratable property of the municipality, to be called "The Consolidated Debenture Loan Rate," over and above and in addition to all other rates, to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually for interest and to provide a fund for the due payment of the principal, when the same shall fall due, of the said debentures last mentioned.

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Assent of electors to by-laws not required.

3. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*.

Debentures may be issued to the amount of \$66,550.

4. It shall and may be lawful for the municipal council of the said corporation of the Town of Whitby after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation under the corporate seal, signed by the mayor and countersigned by the treasurer and clerk of the said town for the time being, for such sums not exceeding in the whole the said sum of sixty-six thousand five hundred and fifty dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable half yearly.

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Debentures, when and how payable.

5. The principal sum to be secured by the debentures to be issued under the preceding section of this Act shall be payable either in sterling or currency, and the same with the interest accruing thereon may be made payable either in this Province, in Great Britain or elsewhere, as the said council may by the by-law or by-laws direct, or shall deem expedient, and a portion of the said debentures issued under any such by-law shall be made payable in each year for a term not to exceed *thirty* years from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

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Application of funds.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debt of sixty-six thousand five hundred and fifty dollars, and not otherwise, and shall for that purpose from time to time be deposited until required in the agency of a chartered bank of Canada at the Town of Whitby or elsewhere in this Province, or invested in government securities or stock either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council and such bank or government shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said out-

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standing debenture debt and other liabilities, or some part thereof, and not otherwise, and all such deposits or investments shall be made in the name of the said corporation as trustees of the said Town of Whitby.

- 5 **7.** The treasurer of the said town shall, on receiving instructions from the said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures and liabilities specially provided for by this Act, and shall discharge and satisfy the same
 10 with the funds raised under this Act, or may with the like consent substitute therefor the said debentures or any of them above authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures, debts and liabilities.
- 15 **8.** Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act authorizing the said loan shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.
- 20 **9.** Sections four hundred and eleven, four hundred and twelve and four hundred and thirteen of *The Consolidated Municipal Act, 1883*, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act.
- 25 **10.** The said municipal council shall, and it shall be the duty of the treasurer of the said town for the time being to invest or deposit from time to time all moneys raised by the special rate provided by this Act and the by-law or by-laws imposing the same, or derived from the investment or deposit
 30 of the said moneys as herein mentioned, less the interest payable in respect of the said debentures to be issued in pursuance of this Act for the then current year in any one of the modes of investment or deposit authorized by the sixth section of this Act, as the said council shall direct, and upon such terms as
 35 the said council and bank or government shall agree upon, and such moneys shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the lastly mentioned debentures or the said outstanding debts and liabilities or some part thereof, and to
 40 apply the residue of such moneys from time to time to the payment of interest on the said debentures, and not otherwise, nor for any other purpose whatever.
- 45 **11.** Notwithstanding anything in this Act contained, all the said now outstanding debentures which are public school debentures, or which have been issued for public school purposes, or which are debentures for or towards the payment of which the supporters of separate schools or their property in the said Town of Whitby are not now liable or compellable to be rated or assessed, shall be provided for, retired and paid in
 50 all respects as if this Act had not been passed.
- 12.** Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall

Outstanding debentures may be called in.

By-laws not to be repealed until debt satisfied.

46 V., c. 18, ss. 411-413 to apply to debentures.

Investment of money raised by special rate.

Provide as to outstanding school debentures.

Inconsistent provisions in Municipal Act not to apply.

not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form either of the said debentures authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof. 5

Liability of corporation.

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Whitby from any indebtedness or liability which may not be included in the said debt. 10

Forms.

14. The debentures to be issued under this Act may be in the form contained in Schedule "A" to this Act; and the by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form of Schedule "B" to this Act. 15

SCHEDULE "A."

Province of Ontario, Town of Whitby, Debenture.

Under and by virtue of the Act passed in the 48th year of the reign of Her Majesty Queen Victoria intituled an "Act to consolidate the debt of the Town of Whitby."

The Corporation of the Town of Whitby in the County of Ontario promise to pay to the bearer at the sum of \$ on the day of one thousand hundred and and the half yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at the Town of Whitby, in the County of Ontario, this day of A.D. 18 .

SCHEDULE "B."

By-law No. of the Council of the Corporation of the Town of Whitby.

By-law to authorize the issue of debentures for the sum of \$ under the authority of the Act passed in the forty-eighth year of the reign of Her Majesty Queen Victoria, intituled an "Act to consolidate the debt of the Town of Whitby."

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned to an amount not exceeding \$66,550, as the Corporation of the Town of Whitby in the County of Ontario may in pursuance of and conformity with the provisions of the said Act direct.

And whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$ payable on the day of with interest thereon at the rate of per centum per annum payable half yearly according to the coupons to the said debentures attached.

And whereas the amount of the whole ratable property of the said Town of Whitby according to the last revised assessment roll of the said town being for the year one thousand hundred and was

5 Therefore the corporation of the said town, enacts as follows :

1. That debentures under the said Act and for the purposes therein mentioned to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached 10 for the payment of interest at the rate of per centum per annum, payable half yearly on the first days of June and December in each year.

This by-law passed in open Council this day of in the year of our Lord one thousand and hundred and



2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to Consolidate the debt of the Town
of Whitby.

First Reading, 16th February, 1885.

(*PRIVATE BILL.*)

(*Reprinted as Amended by Private Bills
Committee.*)

MR. DRYDEN.

TORONTO:

PRINTED BY THE "GHP" PRINTING AND PUBLISHING CO.

An Act respecting St. Paul's Cemetery in the City of London.

WHEREAS the rector and churchwardens of Saint Paul's Church, in the City of London, have by their petition set forth that in accordance with the provisions of the Act of the Legislature of the Province of Ontario, passed in the forty-third year of Her Majesty's reign, chapter eighty, intituled, "An Act to authorize the Rector and Churchwardens of Saint Paul's Church, in the City of London, to lease, mortgage or sell certain lands heretofore known as 'Saint Paul's Cemetery,' and for other purposes," all the remains of the dead have been removed from those portions of Saint Paul's Cemetery, described in sections two and three of the said Act, to "Woodland Cemetery" in the Township of Westminster, and that the remains of the dead have been to a great extent voluntarily removed by friends and relatives from the central part of Saint Paul's Cemetery, to Woodland Cemetery; and that such removals are continually taking place and have been going on for nearly five years, and that in consequence thereof Saint Paul's Cemetery has greatly lost the character and appearance of a cemetery; and that since the passing of the said Act, great expense has been incurred in further laying out and beautifying Woodland Cemetery; and whereas the rector and churchwardens have prayed that an Act be passed authorizing the removal of all the remains of the dead from Saint Paul's Cemetery to Woodland Cemetery, aforesaid: and whereas it would greatly benefit the Town of London East that such removal should take place, and that the land be sold or leased in accordance with the provisions of the said Act; and whereas it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section three of the said Act is hereby repealed and the following section substituted therefor; 43 V., c. 80,
s. 3 repealed.

3. The said rector and churchwardens shall also have full power and authority, after giving notice, as hereinafter required, to remove of their own accord and at their own expense and without any further notice to the friends or relatives of the dead, all the remains of the dead now interred in St. Paul's Cemetery from the said place of interment to Woodland Cemetery aforesaid, and the remains of the dead so removed shall be reinterred at the expense of the rector and churchwardens in burial places or plots corresponding in size, as nearly as may be, with those from which such remains shall have been removed. Removal of
remains of
dead
authorized.

2. Section eight of the said Act is hereby repealed.

43 V., c. 80,
s. 8 repealed.

No. 36.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting St. Paul's Cemetery in
the City of London.

First Reading, 1885.

(PRIVATE BILL.)

Mr. MEREDITH.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to incorporate the Algoma Railway Company.

WHEREAS the persons hereinafter named and others have Preamble.
by their petition prayed to be incorporated as a com-

pany for the constructing, equipping, and leasing or operating
a railway from any point on the Sault Ste. Marie River to the
5 Victoria mine, in the Township of Jarvis, with power to extend
the same in a southerly or south-easterly direction to any
point on the Canadian Pacific Railway, with power to build in
sections; and whereas it is expedient to grant the prayer of
the said petition;

10 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Henry S. Howland, James G. Ross, the Hon. R. M. Wells, Incorporation.
Charles Silverman, James N. Scatchera, Colin Campbell, and
15 J. Pillsbury, together with such other persons and corpora-
tions as shall become shareholders in the company hereby
incorporated, shall be and are hereby constituted a body cor-
porate and politic, by the name of "*The Algoma Railway
Company.*"

2. The said company shall have full power to construct, Gauge and
location of
line.
equip, lease and operate a railway of a gauge of four feet
eight and one half inches, from any point on the Sault Ste.
Marie River to the Victoria mine, in the Township of Jarvis,
with power to extend the same in a southerly or south-easterly
25 direction to any point on the Canadian Pacific Railway, and
with full power to pass over any portion of the country between
the points aforesaid, and to carry their railway through Crown
lands, if any, lying between the points aforesaid.

3. The company is also authorized and empowered to make Agreement
with C.P.R.
Co., author-
ized.
30 necessary arrangements to contract and agree with the Cana-
dian Pacific Railway Company, for amalgamation, or for the
leasing their said line, or any part or parts thereof to the said
Canadian Pacific Railway Company, and may also make traffic
or running arrangements with the said company, provided that
35 the terms of such amalgamation or lease are approved of by two-
thirds of the shareholders present in person, or represented by
proxy at a special general meeting to be held for that purpose,
in accordance with this Act, but this section shall not be con-
strued as purporting or intending to confer rights or powers
40 upon any company which is not within the legislative authority
of this Province.

Constructions
in sections of
not less than
ten miles
authorized.

4. The said company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the *Railway Act of Ontario*, and amendments thereto, with respect to "plans and surveys" by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act of Ontario* and the amendments thereof, applied to, included in, or incorporated with this Act, or otherwise applicable to the said railway company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof; and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said *Railway Act of Ontario* and the amendments thereof, with respect to "plans and surveys".

Power to
acquire land
for gravel pits
etc.

5. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration as in case of acquiring the roadway, and the notice of arbitration, award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of the *Railway Act*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid, and such proceedings may be had by the said company, either for the right to the fee simple in the lands from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits
etc.

6. (1) When gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the *Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply, and

may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the *Railway Act of Ontario* shall not apply.

7. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel-pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or part thereof, from time to time as they may deem expedient, but the compulsory clauses of the *Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots in certain cases.

8. The said company shall, in addition to other powers to take or purchase lands, have power to take, purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine-houses, docks, and other erections for the use of the said company, and the same or portions thereof in their discretion to sell or convey, and also to make use for the purposes of the said railway of the water of any stream or water course at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.

Power to take land for building elevators, etc., and to use streams.

9. The said company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered; provided always, that any such snow fences so erected shall be removed on or before the first day of April next following.

Snow fences. Proviso.

10. Conveyances of land to the said company for the purposes of and under the powers given by this Act, made in the form set out in Schedule A hereto, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, includ-

Form of conveyances.

ing all entries and certificates thereof, and certificates indorsed on the duplicates thereof.

Telegraph lines.

11. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the *Act respecting electric telegraph companies*, are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Provisional directors and their powers.

12. From and after the passing of this Act the persons named in the first section of this Act shall be the provisional directors of the company, and such provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons who upon being so named shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors, as hereinafter provided and to cause surveys and plans to be made and executed, and to commence and proceed with the acquiring of land, and construction and equipment of the said railway, and with all such other powers as under the *Railway Act of Ontario*, and any other law in force in Ontario are vested in such boards.

Capital stock.

13. The capital of the said company shall be one hundred thousand dollars (with power to increase the same in manner provided by the *Railway Act of Ontario*) to be divided into one thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any county, city, town, township, or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Power to exclude persons from subscribing for stock.

14. The provisional or elected directors of the company may in their discretion exclude any one from subscribing for stock in the said company, or rescind the subscription, and return the deposit of any person, if they are of opinion that such person would hinder, delay, or prevent the company from proceeding

with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

10 **15.** On the subscription for shares of the said capital stock each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank of the Dominion having
15 an office in the Province of Ontario, to the credit of the said company.

Ten per cent. to be paid at time of subscription.

16. The directors for the time being may from time to time make calls, as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder; and
20 thirty days notice of each call shall be given, as provided in the *Railway Act of Ontario*.

Calls.

17. The provisional or elected directors may accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and may allow such percentage of discount thereon as they may deem expedient and reasonable, not exceeding twelve per centum, and thereupon may issue to each subscriber scrip to the full amount of such
25 stock subscribed.

Power of except payment of subscriptions in full.

18. As soon as shares to the amount of fifty thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank of the Dominion having an office in the
35 Province of Ontario, which on no account shall be withdrawn therefrom, unless for the service of the company, the directors shall call a meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof, for the purpose of electing directors to the said
40 company.

First election of directors.

19. In case the provisional directors neglect to call such meeting to be held on some day within the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the
45 same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than ten thousand dollars of the said capital stock, and who have paid up all calls thereon.

Provision in case directors neglect to call meeting.

20. In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the City of Toronto, once in each week for the space of at least four weeks; and such meeting shall be held at such place and on such day
50

Notice of meeting.

as may be named by such notice; at such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, and may also make or pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. 5

Annual meeting. 21. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the City of Toronto, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the City of Toronto. 10 15

Special meetings. 22. Special general meetings of the shareholders of the said company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section. 20

Votes. 23. Every holder of one or more shares of the said capital stock, shall at any general meeting of the shareholders be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting. 1 25

Representation of stock held by corporations. 24. At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such person shall at such meeting be entitled equally with other shareholders to vote by proxy. 30

Qualification of directors. 25. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon. 35

Rights of aliens. 26. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company; and all such shareholders, whether resident in the Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and aliens shall be eligible to office as directors of the said company. 40

Quorum of directors and appointment of a paid director. 27. Any meeting of the directors of the said company regularly summoned, at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors, and the said board of directors may employ and pay one of their number as managing director. 45

Delegation of power by directors. 28. Should the shareholders of the company resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any 50

particular matter or matters, it shall be lawful for the directors, after such resolution, to confer such power upon one or more of their number,

29. It shall be lawful for the directors to enter into a con-
 5 tract or contracts with any individual or association of individ-
 uals, for the construction or equipment of the line or any por-
 tion thereof, including or excluding the purchase of the right
 of way, and to pay therefor, either in the whole or in part,
 either in cash or bonds, or in paid up stock; provided that no
 10 such contract shall be of any force or validity till approved of
 by two-thirds of the shareholders, present in person or by
 proxy, at a meeting specially convened for considering the
 same.

Power to con-
 tract for con-
 struction or
 equipment of
 line.

Proviso.

30. The said company may receive from any government,
 15 or from any persons or bodies corporate, municipal or politic
 who may have power to make or grant the same, aid towards
 the construction, equipment, or maintenance of the said rail-
 way, by way of bonus, gift or loan, in money or debentures, or
 other securities for money, or by way of guarantee, upon such
 20 terms and conditions as may be agreed upon.

Aid to Com-
 pany by grant
 of money.

31. Any municipality through which the said railway may
 pass is empowered to grant by way of gift to the said company
 any lands belonging to such municipality which may be
 required for right of way, station grounds, or other purposes
 25 connected with the running or traffic of the said railway; and
 the said railway company shall have power to accept gifts of
 land from any government, or any person, or any body politic
 or corporate, and shall have power to sell or otherwise dispose
 of the same for the benefit of said company.

Aid to Com-
 pany by grant
 of land.

32. The corporation of any municipality through any part
 of which the railway of the said company passes or is situated,
 may, by by-law specially passed for that purpose, exempt the
 said company and its property within such municipality, either
 in whole or in part, from municipal assessment or taxation, or
 35 may agree to a certain sum per annum or otherwise in gross or
 by way of commutation or composition for payment or in lieu
 of all or any municipal rates, or assessments to be imposed by
 such municipal corporation, and for such term of years as such
 municipal corporation may deem expedient, not exceeding
 40 twenty-one years, and no such by-law shall be repealed
 unless in conformity with a condition contained therein.

Exemption
 from taxation.

33. Any municipality through which the said railway
 passes may pass a by-law or by-laws empowering the said
 company to make their road and lay their rails along any
 45 of the highways within such municipality, and it shall and
 may be lawful for the said company to enter into and per-
 form any such agreements as they may from time to time
 deem expedient, with any municipality, corporation or per-
 son, for the construction or for the maintenance and repair
 50 of gravel or other public roads leading to the said railway.

Municipalities
 may authorize
 the company
 to make their
 road on
 highways.

34. It shall be competent for the directors of the said
 company to issue as paid-up stock any ordinary stock, and
 allot and pay the same for right of way, plant, rolling-stock, or
 55

Issue of paid
 up stock.

material of any kind, and also for the services of contractors, engineers and other persons, whether directors of the company or otherwise, who may have been, are, or may be engaged in and about the prosecution of the proposed undertaking; provided that no such stock or bonds shall be allotted to any director or directors of the said company until the resolution authorizing the same shall have been made or confirmed at a meeting of the shareholders of the said company. 5

Power to
make certain
payments in
stock.

35. The said provisional directors or the elected directors may pay or agree to pay in paid-up stock or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material or plant or rolling-stock, buildings or lands, and also subject to the sanction of a vote of the shareholders, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling-stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. 10 15 20

Issue of
bonds.

36. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds or debenture stock for the purpose of raising money for prosecuting the said undertaking, and such bonds and scrip for debenture stock shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, and such bonds and debenture stock shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired, and upon the franchises of the company, and each holder of the said bonds or debenture stock shall be deemed to be a mortgagee and incumbrancer *pro rata* with all other holders thereof, upon the undertaking and the property of the company as aforesaid; provided however, that the issue of bonds and debenture stock shall not exceed in all the sum of twenty-five thousand dollars per mile; and provided, that in the event at any time of the interest upon the said bonds and debenture stock remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of bonds and debenture stock shall have and possess the same rights and privileges and qualifications for directors, and for voting, as are attached to shareholders; provided that the bonds shall have been first registered, and the debenture stock, and any transfers thereof, shall have been registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof, and that, notwithstanding that any such bonds may have been already registered by a former holder thereof. 25 30 35 40 45 50 55

Proviso.

Proviso.

Proviso.

37. Any such bonds and the coupons thereof may be made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name; such bonds and debenture stock are hereby declared to be personal property.

Bonds to be personal property and transferable by delivery.

38. The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or debenture stock which they can, under the powers of this Act, issue for the construction of the railway or otherwise.

Power to mortgage bonds.

39. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such note or bill made, accepted, or indorsed by the president or vice-president of the company, and countersigned by the secretary, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary, be individually responsible for the same unless the said promissory note or bill of exchange have been issued without the sanction and authority of the directors as herein enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Power to become parties to promissory notes, etc.

Proviso.

40. Any debenture stock authorized under this Act which from time to time shall be created shall be entered by the company in a register to be kept for that purpose at their head office, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to either of such debenture stock, with the respective amounts of the stock to which they are respectively entitled, and the said company may also open registers for the same purpose in Great Britain.

Registration of debenture stock.

41. The company shall deliver to every holder a certificate stating the amount of debenture stock held by him and all regulations or provisions for the time being applicable to certificates of ordinary shares of the capital of the company, and transfer of such shares shall apply, *mutatis mutandis*, to certificates and transfers of the debenture stock subject to the provisions of this Act; provided the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the debenture stock proposed to be transferred, be delivered up to be cancelled, or such delivery and cancellation dispensed with by the company, and a new certificate or certificates issued in lieu thereof.

Certificates to be given to holders of debenture stock.

42. The said debenture stock shall not be transferable in amounts less than one hundred pounds sterling, and no transfer shall include any fractional part of ten pounds sterling.

Debenture stock not transferable in less amounts than £100 sterling.

- Power to make regulations for transfer, etc. of stock. **43.** The directors may from time to time make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock and debenture stock, and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the registers and transfer books for the purpose of dividends as they may find expedient, and all such regulations not being inconsistent with this Act, and with the *Ontario Railway Act*, as altered or modified by this Act, shall be valid and binding. 5
- Company empowered to issue debenture stock and bonds. **44.** The said company shall have all the powers necessary for the issue of the said debenture stock authorized by this Act, and for carrying out the objects of this Act in respect thereof. 10
- Debenture stock to be personal property. **45.** The said debenture stock and bonds to be issued by the said railway company shall be deemed to be, and are hereby declared to be personal estate. 15
- Power to sell or mortgage debenture stock and bonds. **46.** The said company shall have the right to sell such debenture stock and bonds at such prices as they may deem expedient, and shall also have the right to mortgage, pledge and hypothecate the same for any advance made to the company. 20
- Application of proceeds. **47.** The money to be realized from the sale of, or raised by mortgaging, pledging or hypothecating, the said debenture stock and bonds shall be applied towards the cost of constructing and equipping the said railway. 25
- Time limited for commencement and completion. **48.** The said railway shall be commenced within three years and completed within five years after the passing of this Act; and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. 30

SCHEDULE A.

Section 10.

Know all men by these presents, that I (or we) [*insert the name of vendor or vendors*] in consideration of dollars paid to me (or us) by the Algoma Railway Company, the receipt whereof is hereby acknowledged, do grant and convey to the said company, and I (or we) [*insert name of any other party or parties*] in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release to the said company all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of

their railway, to hold with the appurtenances unto the said the Algoma Railway Company, their successors and assigns.

[*Here insert any other clauses, covenants or conditions required.*]

And I (or we) the wife (or wives) of the said
do hereby bar my (or our) dower in the
said lands.

As witness my (or our) hand and seal (or hands and seals)
this day of A.D. 18

Signed, sealed and delivered }
in presence of }

[L.S.]

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to Incorporate the Algoma Railway
Company.

First Reading, 1885.

(*PRIVATE BILL.*)

Mr. GIBSON
(*Hamilton*).

TORONTO:

PRINTED BY THE "GHRP" PRINTING AND PUBLISHING CO.

An Act to confirm a certain By-law of the Town of
Niagara Falls, and for other purposes.

WHEREAS, by an Act passed in the thirty-third year of Her Majesty's reign, and chaptered thirty-two, known as the *Canada Southern Railway Act, 1869*, it is provided that the corporation of any municipality through any part of which the railway passes or is situate, may by by-law, specially passed for the purpose, agree with the said railway company to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient; and whereas, the municipal corporation of the Town of Niagara Falls has, by by-law number one hundred and fifty-eight, passed on the sixth day of January, one thousand eight hundred and eighty-five, agreed with the said company and also with the Niagara River Bridge Company, the Erie and Niagara Railway Company, and the Michigan Central Railroad Company, to commute all taxes and rates as therein specified, which may or might be payable by the said companies within that municipality for five years at a fixed sum of two thousand five hundred dollars per annum; and whereas, doubts have been expressed as to the application of the said Act to the said by-law, and it is provided therein that the same shall be confirmed by this Legislature; and whereas it is expedient that the said by-law should be confirmed;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-law of the municipal corporation of the Town of Niagara Falls, set forth in schedule A, hereto annexed, passed on the sixth day of January, one thousand eight hundred and eighty-five, as number one hundred and fifty-eight, is hereby legalized, confirmed and declared to be legal, valid and binding notwithstanding anything in any Act contained to the contrary thereof: and such by-law shall have the same force and effect as if incorporated in this Act.

2. The corporation of the Town of Niagara Falls may, from time to time hereafter, make with the said companies mentioned in the said by-law agreements or arrangements in renewal of, or similar to the one in the said by-law mentioned, and for such periods and for such annual commutation as the council of the said corporation may decide upon, and may pass by-laws for that purpose; provided that no such by-law shall

Preamble.

By-law 158 confirmed.

Power to commute taxes of Canada Southern and other railways

be valid or operative for a period longer than twenty years from the date of the final passing of such by-law.

33 V., c. 32,
s. 8 to apply
to branches of
Canada Southern
Railway.

3. Section eight, of chapter thirty-two, of the Acts passed in the thirty-third year of Her Majesty's reign, is hereby confirmed and made applicable to any line or branch of the Canada Southern Railway Company which now is or hereafter may be constructed, and to the municipality or municipalities through or in which such line or branch, or any of them, now passes or may hereafter pass, or now is or may hereafter be situate.

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SCHEDULE "A."

By-Law No. 158.

By-law regarding the commutation of the taxes of the Niagara River Bridge Company, the Canada Southern Railway Company, and other railway companies :

Whereas certain differences have arisen between the corporation of the Town of Niagara Falls on the one side, and on the other side the Niagara River Bridge Company, the Canada Southern Railway Company, the Erie and Niagara Railway Company, and the Michigan Central Railroad Company, in reference to the assessment and taxation by the corporation of Niagara Falls of the properties belonging to the said companies within the municipality of Niagara Falls ;

And whereas such differences have arisen both as regard to the legal right of the said corporation to tax portions of the said property, and also as to the amount for which the same should be taxed ;

And whereas for the purpose of settling such differences it has been agreed between the said corporation and the companies that the taxes payable, or to be payable by all the said companies for the year one thousand eight hundred and eighty-four and the four following years shall be fixed at the sum of two thousand five hundred dollars per annum, and that at the expiration of that time, in default of any fresh agreement in reference thereto, the said companies and the corporation shall have and be in the same legal status as they now are, without their legal rights being affected by the said agreement, or this By-law ;

And whereas the corporation have agreed to petition the Legislature for an Act to legalize this By-law in case that may be necessary ;

And whereas by an Act of the Legislature of Ontario, 33 Victoria, chapter 32, it is lawful for the corporation of any municipality to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment or in lieu of all municipal rates or assessments, and for such term of years as such corporation may deem expedient ;

Be it therefore enacted that the annual sum of two thousand five hundred dollars be accepted by the corporation of the Town of Niagara Falls for each of the years 1884, 1885, 1886, 1887, and 1888, by way of commutation and in lieu of all and every municipal rate or rates, or assessment, and of all school,

county, local improvement or other rates or assessments that have been or can be imposed by the municipal corporation of the Town of Niagara Falls during each and every of the years aforesaid, upon or in respect of the real estate, property and effects, whether at present in possession or hereafter to be acquired, of the said the Niagara River Bridge Company, the Canada Southern Railway Company, the Erie and Niagara Railway Company and the Michigan Central Railroad Company :

And further, that the Mayor and Clerk of this corporation be authorized to execute a petition under the seal of this corporation to the Legislature of the Province of Ontario, asking that this By-law may be legalized.

And be it further enacted that if the said companies shall fail or refuse to pay the said sum of two thousand five hundred dollars in each of the said years the officers of this corporation are authorized to assess and collect taxes upon the properties of the said companies in the ordinary way as if no commutation had been made.

Read a third time and passed in council this sixth day of January, A. D. 1885.

(Signed)

J. ROBINSON, (Corporate Seal)
Town Clerk.

(Signed)

JOHN WAUGH,
Mayor.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to confirm a certain By-law of the
Town of Niagara Falls, and for other
purposes.

First Reading, 1885.

(*PRIVATE BILL.*)

Mr.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Act Incorporating the St. George's Society of Toronto.

WHEREAS the St. George's Society of Toronto have, by their petition, represented that it is advisable and necessary in the interests of the said Society that the Act passed in the twenty-second year of Her Majesty's reign, chaptered seventy-two, incorporating the said Society, should be amended in several particulars, and have prayed for an Act for that purpose, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section one of the said Act is hereby amended by striking out all the words of the said section after the word "thereof" in the twenty-first line thereof, and the following provision is hereby substituted therefor, viz.: "Provided always that the said corporation may acquire any other real estate, or any interest therein, by gift, devise, or bequest, and may hold such estate for a period of not more than ten years, and the same or any part or portion thereof or interest therein which may not within the said period have been alienated and disposed of by the corporation shall revert to the party from whom the same was acquired, his heirs or other representatives; and provided also that the proceeds of such property as shall have been disposed of during the said period, and the other available funds, shall be invested for the use of the said corporation in Dominion, Provincial or Municipal securities, in mortgages of real estate in this Province or in the debentures, or fully paid-up stock of incorporated loan companies, with power to change the same from time to time and to deposit its moneys with such companies and chartered banks, and to hold deposit receipts therefor."

22 V., c. 72, s. 1, amended.

Right to acquire and hold real estate.

2. Section two of the said Act is hereby amended by adding at the end thereof the words: "provided also that the said corporation may, in like manner, elect other officers at such meeting and may fill vacancies that may arise in any office from time to time as shall be provided for in the said "By-laws."

22 V., c. 72, s. 2, amended.

3. Section three of the said Act is hereby amended by adding the words "or secretary" after the word "treasurer" in the fourth line thereof, and striking out the words "and none other."

22 V., c. 72, s. 3, amended.

22 V., c. 72, s.
4, repealed.

Corporation
may make by-
laws.

4. Section four of the said Act is hereby repealed and the following is hereby substituted therefor:—
It shall be lawful for the said corporation to make By-laws not contrary to the provisions of this Act for the admission and expulsion of members, the election of officers and regulating the holding of office and for the proper administration of the property and affairs of the said corporation; and to add to, repeal or amend such By-laws from time to time at any annual general meeting of members; provided that such By-laws, or amendments, or repeals of the same shall have been proposed and seconded at a previous quarterly meeting and that notice of the same specifying their nature shall have been inserted in two daily newspapers published in the City of Toronto at least twice in each of the two weeks immediately preceding the holding of the annual meeting at which such By-laws, amendments or repeals are to be submitted; and no By-laws, amendments or repeals shall have any effect unless sanctioned by the vote of at least two-thirds of the members present at such annual meeting.”

22 V., c. 72, s.
11, repealed.

Accounts to be
submitted
annually.

5. Section eleven of the said Act is hereby repealed and the following is substituted therefor, namely:—
The said Committee of Management shall annually submit to the members at every annual general meeting a statement of the receipts and expenditure for the preceding year, and also of the assets and liabilities of the said corporation certified by the treasurer and two auditors to be elected at any general meeting of the corporation.”

Power to re-
peal or amend
existing by-
laws.

6. The said corporation is hereby empowered, notwithstanding anything hereinbefore contained, to repeal, add to or amend its existing By-laws at any time during the year next ensuing the passing hereof, at a special meeting to be called by the President for that purpose; provided that notice of such meeting and its object shall be published in two daily newspapers published in the City of Toronto at least twice in each of the two weeks immediately preceding the holding of such meeting, and such repeals, additions or amendments shall be sanctioned by the vote of at least two-thirds of the members present at such special meeting.

No. 39.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Act Incorporating the
St. George's Society of Toronto.

First Reading,	1885.
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(PRIVATE BILL.)

Mr. MORRIS.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Act Incorporating the St. George's Society of Toronto.

WHEREAS the St. George's Society of Toronto have, by their petition, represented that it is advisable and necessary in the interests of the said Society that the Act passed in the twenty-second year of Her Majesty's reign, chaptered seventy-two, incorporating the said Society, should be amended in several particulars, and have prayed for an Act for that purpose, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section one of the said Act is hereby amended by striking out all the words of the said section after the word "representatives" in the twenty-ninth line thereof, and by inserting in lieu thereof the following provision; "and provided also that the proceeds of such property as shall have been disposed of during the said period, and the other available funds, shall be invested for the use of the said corporation in Dominion, Provincial or Municipal securities, in mortgages of real estate in this Province or in debentures of loan companies, incorporated under chapter 164 of the Revised Statutes of Ontario or any Act incorporated therewith with power to change the same from time to time and to deposit its moneys with such companies and chartered banks, and to hold deposit receipts therefor"; but nothing herein contained shall affect the securities held by the said corporation at the passing thereof, or the re-investment of the same in similar securities

2. Section two of the said Act is hereby amended by adding at the end thereof the words: "provided also that the said corporation may, in like manner, elect other officers at such meeting and may fill vacancies that may arise in any office from time to time as shall be provided for in the said By-laws."

3. Section three of the said Act is hereby amended by adding the words "or secretary" after the word "treasurer" in the fourth line thereof, and striking out the words "and none other."

4. Section four of the said Act is hereby repealed and the following is hereby substituted therefor:—
It shall be lawful for the said corporation to make By-laws not contrary to the provisions of this Act for the admission Corporation may make by-laws.

and expulsion of members, the election of officers and regulating the holding of office and for the proper administration of the property and affairs of the said corporation; and to add to, repeal or amend such By-laws from time to time at any annual general meeting of members; provided that such By-laws, or amendments, or repeals of the same shall have been proposed and seconded at a previous quarterly meeting and that notice of the same specifying their nature shall have been inserted in two daily newspapers published in the City of Toronto at least twice in each of the two weeks immediately preceding the holding of the annual meeting at which such By-laws, amendments or repeals are to be submitted; and no By-laws, amendments or repeals shall have any effect unless sanctioned by the vote of at least two-thirds of the members present at such annual meeting.”

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22 V., c. 72, s. 11, repealed.

Accounts to be submitted annually.

5. Section eleven of the said Act is hereby repealed and the following is substituted therefor, namely:—
The said Committee of Management shall annually submit to the members at every annual general meeting a statement of the receipts and expenditure for the preceding year, and also of the assets and liabilities of the said corporation certified by the treasurer and two auditors to be elected at any general meeting of the corporation.”

20

Power to repeal or amend existing by-laws.

6. The said corporation is hereby empowered, notwithstanding anything hereinbefore contained, to repeal, add to or amend its existing By-laws at any time during the year next ensuing the passing hereof, at a special meeting to be called by the President for that purpose; provided that notice of such meeting and its object shall be published in two daily newspapers published in the City of Toronto at least twice in each of the two weeks immediately preceding the holding of such meeting, and such repeals, additions or amendments shall be sanctioned by the vote of at least two-thirds of the members present at such special meeting.

25

30

BILL.

An Act to amend the Act Incorporating the
St. George's Society of Toronto.

First Reading,	10th February,	1885.		
Second	"	23rd	"	1885.

(PRIVATE BILL.)

*(Reprinted as Amended by Committee of
whole House.)*

Mr. MORRIS.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting a certain By-law of the Village of
Beamsville.

WHEREAS William Gibson by his petition applied to the
corporation of the Village of Beamsville for the passing Preamble.
of a by-law enabling him to lay down a tramway from his
stone quarries in the Township of Clinton through the Village
5 of Beamsville to the station of the Grand Trunk railway in
the said Township of Clinton; and whereas the said corpora-
tion of the Village of Beamsville in accordance with the said
petition passed a by-law, number forty-nine, on the eighteenth
day of September, one thousand eight hundred and eighty-four,
10 empowering the said William Gibson to lay down a tramway
through certain streets in the said village; and whereas the
said William Gibson, in pursuance of the powers granted to
him under the said by-law, proceeded to lay down and com-
plete said tramway, and has used the same for the purpose of
15 hauling stone from his quarry in the said Township of Clinton;
and whereas doubts have been expressed as to the power of
the said corporation to pass any such by-law, and the said
William Gibson and the said corporation of the Village of
Beamsville have respectively petitioned that an Act be passed
20 to remove said doubt and to confirm and make valid the acts
of the said William Gibson, done under and upon the faith of
the said by-law, and it is expedient to grant the prayer of the
said petition.

Therefore Her Majesty, by and with the advice and consent
25 of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The consent of the said corporation of the Village of Consent of
corporation to
construction of
tramway, de-
clared binding.
Beamsville to the construction of the said tramway by the
said William Gibson upon the several streets specified in by-
30 law number forty-nine of the said corporation passed on the
eighteenth day of September, one thousand eight hundred and
eighty-four, is hereby declared to be binding, legal and valid
in all respects.

2. The acts of the said William Gibson done under the said Acts of W.
Gibson declar-
ed valid.
35 by-law in the construction of the said tramway are hereby
declared to be legal and valid.

No. 40.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting a certain By-law of the
Village of Beamsville.

First Reading, 1885.

(PRIVATE BILL.)

Mr. NELSON.



TORONTO:

PRINTED BY THE "GHP" PRINTING AND PUBLISHING CO.


An Act respecting a certain By-law of the Village of
Beamsville.


WHEREAS William Gibson by his petition applied to the Preamble.
corporation of the Village of Beamsville for the passing
of a by-law enabling him to lay down a tramway from his
stone quarries in the Township of Clinton through the Village
5 of Beamsville to the station of the Grand Trunk railway in
the said Township of Clinton; and whereas the said corpora-
tion of the Village of Beamsville in accordance with the said
petition passed a by-law, number forty-nine, on the eighteenth
day of September, one thousand eight hundred and eighty-four,
10 empowering the said William Gibson to lay down a tramway
through certain streets in the said village; and whereas the
said William Gibson, in pursuance of the powers granted to
him under the said by-law, proceeded to lay down and com-
plete said tramway, and has used the same for the purpose of
15 hauling stone from his quarry in the said Township of Clinton;
and whereas doubts have been expressed as to the power of
the said corporation to pass any such by-law, and the said
William Gibson and the said corporation of the Village of
Beamsville have respectively petitioned that an Act be passed
20 to remove said doubt and to confirm and make valid the acts
of the said William Gibson, done under and upon the faith of
the said by-law, and it is expedient to grant the prayer of the
said petition.

Therefore Her Majesty, by and with the advice and consent
25 of the Legislative Assembly of the Province of Ontario, enacts
as follows:—



1. The consent of the said corporation of the Village of Consent of
Beamsville to the construction of the said tramway by the corporation to
said William Gibson upon the several streets specified in by- construction of
30 law number forty-nine of the said corporation passed on the tramway, de-
eighteenth day of September, one thousand eight hundred and clared binding.
eighty-four, is hereby declared to be binding, legal and valid
in all respects  upon the said corporation, inhabitants and
property holders of the said village, and all other persons
35 whomsoever. 

2. The acts of the said William Gibson done under the said Acts of W.
by-law in the construction of the said tramway are hereby Gibson declar-
declared to be legal and valid. ed valid.

3.  The rights, liabilities, obligations and duties of the Rights and
40 said William Gibson and the said corporation, by reason of the liabilities, etc.,
passing of the said by-law, shall be the same, and no other of W. Gibson
greater or less than if the Municipal Council of the said cor- and of cor-
poration. poration.

poration had, at the time of the passing of the said by-law, the same authority for granting the powers and rights thereby granted to the said William Gibson as were then possessed by township councils. 

Costs of application pending in High Court of Justice not affected.

4.  Nothing in this Act contained shall be held or taken to affect the question of costs of the application now pending in the Queen's Bench Division of the High Court of Justice for Ontario styled "In the matter of William Kew and James J. Bradt, and the Municipal Corporation of the Village of Beamsville and William Gibson"; and the costs of, and incidental to, the said matter shall be disposed of by the said Court or a Judge thereof, as if this Act had not been passed.  5
10

No. 40.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting a certain By-law of the Village of Beamsville.

(Reprinted as Amended by Railway Committee.)

First Reading, 11th February, 1885.

(PRIVATE BILL.)

Mr. NEELON.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting the St. Catharines and Niagara
Central Railway Company.

WHEREAS the St. Catharines and Niagara Central Rail- Preamble.
way Company have petitioned for certain amendments
to their Act of Incorporation, passed in the forty-fourth year
of Her Majesty's reign, and chaptered seventy-three, and the
5 several Acts amending the said Act of Incorporation passed in
the forty-fifth year of Her Majesty's reign, and chaptered six-
ty-two, and in the forty-seventh year of Her Majesty's reign,
and chaptered seventy-two, and it is expedient to grant the
prayer of the said petition;

10 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. A quorum of the directors of the said company shall Quorum of
15 hereafter consist of a majority of the members of the directors.
board.

2. The shareholders of the company at a special general Bonds may be
meeting to be called for the purpose, may decide by a majority made to cover
of the shares present in person, and by proxy, that the bonds whole line or
20 authorized to be issued by section thirty-five of the Act, passed only specified
in the forty-fourth year of Her Majesty's reign, chapter seven- parts thereof.
ty-three, and by section one of the Act passed in the forty-
seventh year of Her Majesty's reign, chapter seventy-two, shall
cover the whole line of railway and all its property, or they
25 may divide the road and its various branches into two or more
sections for bonding purposes, and in case such division is de-
termined upon, the section which it is intended that bonds to
be issued shall cover, shall be clearly stated and designated in
the bonds, and the shareholders, at a meeting called as afore-
said, may, by resolution, authorize the said company to secure
30 such bonds by a deed or deeds of mortgage upon the whole line
of railway, or any section or sections thereof, and any such
deed may contain such description of the property mortgaged
thereby, and such conditions respecting the payment of the
bonds thereby secured and of the interest thereon, and the
35 remedies to be enjoyed by the holders of such bonds, or by any
trustee or trustees for them, in default of such payment, as are
approved by such meeting.

3. A By-law of the Corporation of the Town of Thorold, By-law of
heretofore passed, granting aid to the company by guarantee- Thorold in aid
ing the payment of interest to the extent of twelve hundred of railway con-
40 dollars yearly for twenty years upon bonds of the said com- firmated.
pany, and the payment, of the said annual sum, are hereby de-

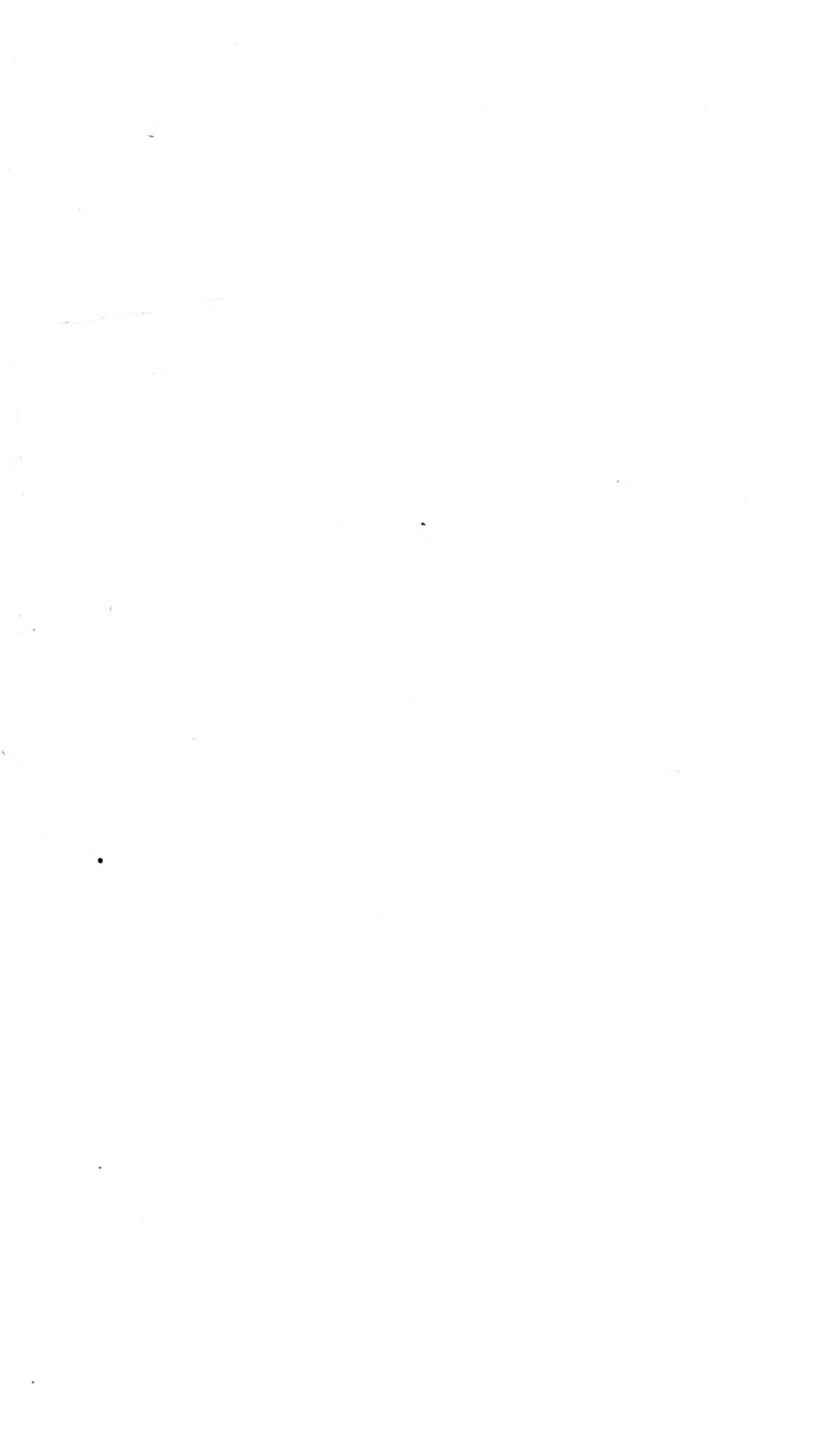
clared to be legal, valid, and binding upon the said corporation, and on default of payment from time to time on demand of interest due, guaranteed by the said By-law, the holders of the said bonds or any of them, shall have the same recourse as in case of any debt, debenture, or otherwise owing by the said corporation, any law, custom, or statute to the contrary notwithstanding, and notwithstanding any defect or omission of form or otherwise in the said By-law. 5

Issue of
debenture
stock author-
ized.

4. The directors of the company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue debenture stock for the purpose of raising money for prosecuting the undertaking of the railway, but only to an extent along with any issue of bonds as shall not exceed twenty thousand dollars per mile of the railway, and the scrip for debenture stock shall be made and signed by the president or vice-president of the company, and countersigned by the treasurer and under the seal of the company, and such debenture stock shall, without registration or formal conveyance, be taken and considered to be a first and preferential claim and charge along with the issue of bonds, if any, upon the undertaking and the real property of the company, and upon the franchises of the company, and each holder of debenture stock shall be deemed to be a mortgagee and encumbrancer pro rata, with all other holders thereof, and of bonds, upon the undertaking and property of the company; provided, that in the event at any time of the interest upon the said debenture stock remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of debenture stock shall have and possess the same rights and privileges for voting as are attached to shareholders; and provided, that the debenture stock and any transfers thereof shall have been registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary to register the same on being requested to do so by any holder thereof, and that notwithstanding that any such debenture stock may have been already registered by a former holder thereof. 10 15 20 25 30 35

Proviso.

Proviso.



2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the St. Catharines and
Niagara Central Railway Company.

First Reading, 1885.

(*PRIVATE BILL.*)

Mr. NELSON.

TORONTO:

PRINTED BY THE "GHR" PRINTING AND PUBLISHING CO.

An Act Respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto have by Preamble.
 their petition prayed for special legislation, relating to
 the several matters and things hereinatter set forth; and
 whereas it is expedient to grant the prayer of the said petition;
 5 Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

1. The agreement bearing date the twenty-sixth day of June, Agreement
 one thousand eight hundred and eighty-four, made between between Cor-
 10 the Corporation of the City of Toronto and the Corporation of City of Toron-
 the County of York, providing for the erection and maintenance to and County
 of a Court House, and other matters therein referred to; and of York con-
 a copy of which is set forth in the Schedule A to this Act, is firmid.
 15 hereby declared to be and shall be held to be a valid and bind-
 ing agreement between the said corporations; and it is hereby
 further enacted that the councils of the said municipalities
 shall have full power and authority, and they are and each of
 them is hereby authorized and empowered to pass any by-law
 or by-laws which may at any time, and from time to time, be
 20 necessary for the purpose of carrying into effect the said above
 in part recited agreement.

2. The proviso to section 3 of the Act passed by the said 46 V. c. 43,
 Legislature in the forty-sixth year of the reign of Her Majesty, s. 3, repealed
 chaptered forty-three, entitled *An Act Respecting the City of in part.*
 25 *Toronto*, is hereby repealed.

3. The Councils of the Corporations of the City of Toronto Settlement of
 and the County of York respectively are hereby authorized to claims be-
 settle and agree upon all questions, claims, demands, or dis- tween city and
 30 putes, existing between the said County and any incorporated county in
 village or town which may at any time hereafter be annexed to respect of
 the City of Toronto under the provisions of this Act, or which territory
 may arise out of the future annexation of any such village or annexed to
 town, or of any part of any adjoining municipality to the said city.
 City of Toronto; but in the event of the Councils of the said
 35 two corporations not being able to agree, then all such ques-
 tions, disputes, claims and demands, shall be determined by
 arbitration, under the provisions of *The Consolidated Muni-
 cipal Act, 1883*, and amendments thereto.

4. All by-laws heretofore passed by the Council of the City By-laws
 40 of Toronto, changing the names of streets, are hereby declared changing
 valid. names of streets con-
 firmed.

By-laws for
borrowing
money con-
firmed.

5. All by-laws heretofore passed by the said Council of the Corporation of the City of Toronto, for borrowing money on the general credit of the city, to provide for the payment of the city's share of local improvements and works, for borrowing money by the issue of debentures secured by special assessments on the Toronto Street Railway Company, to provide for the payment of the cost of their share of such local improvements, and for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such works, are hereby declared valid and effectual. 10

SCHEDULE A.

ARTICLES OF AGREEMENT made this twenty-sixth day of June, A.D. 1884, between the Corporation of the City of Toronto, (hereinafter called the city of the First Part), and the Corporation of the County of York (hereinafter called the County of the 15 Second Part); Whereas it is expedient and necessary that a new Court House for the said county and city should forthwith be built with proper rooms, offices and accommodation therein and convenient for the transaction of the business of the Court and other public business in connection with the administration of 20 justice;

And whereas the city has proposed to the county that the county should not erect such Court House, but in lieu thereof that the city should proceed to erect said Court House upon the terms hereinafter mentioned. 25

Now this agreement witnesseth that in consideration of the premises, and in pursuance of the said proposal and agreement, the said city doth hereby agree to and with the said the county that the city shall and will forthwith proceed with the selection of a suitable site at a convenient place in the said city for such 30 Court House, and shall and will, upon such selection being made, forthwith proceed to erect, build and maintain a suitable Court House thereon, regard being had to the future growth and requirements of the said city and of the County of York, with proper rooms, offices and accommodation therein for the conve- 35 nient transaction of the business of the Courts and other public business in connection with the administration of Justice now by law carried on and conducted in a Court House erected under the provisions of the law, but not for any separate use by the county as a county municipality, nor for any separate 40 use by the city as a city municipality, so that the same shall be fully completed and ready for use and occupation by the said courts and by the officers thereof as soon as possible, and within three years and six months from the date of this agreement at the latest, and that the council of the said Corpo- 45 ration of the City of Toronto will forthwith pass by laws for so carrying into effect the provisions of this agreement; and the city doth hereby agree to and with the county that the city shall and will maintain the said Court House and all offices and rooms, and shall and will keep the same in repair, together 50 with the grounds connected therewith, whether the same forms a separate building or is connected with any other to be built, and shall and will appoint keepers thereof whose duties shall be to attend to the proper lighting, heating and cleaning of the said Court House, rooms and offices, and that the city shall and 55

will from time to time provide all necessary and proper accommodation, fuel, light and furniture for the Courts of Justice, and shall and will from time to time provide proper offices, together with fuel, light and furniture for all offices connected
5 with such courts.

And the city doth further agree to and with the county that the cost of a site and of the erection of said Court House shall be borne solely by the said city, and the same shall be the property of the said city alone, and from and after the erection of
10 the said Court House the city shall and will assume and undertake the statutory obligations respecting a Court House of the Judicial County of York for judicial purposes only, and the same shall and will be fully observed and discharged by the said city, so that the said county shall be relieved therefrom.

15 And the county doth hereby agree to and with the said city that from and after the erection and completion of the said Court House and offices ready for use and occupation by the said Courts and the officers connected therewith, the said county shall, as part of the Judicial County of York, bear and pay to the
20 said city the just share and proportion of all charges and expenses from time to time, as the same may be incurred, of the proper lighting, cleaning and heating of the said Court House, and for providing all necessary and proper accommodation, fuel, light and furniture for the Courts of Justice and the officers
25 thereof, and of all other charges relating to the administration of justice which now are, or which at any time hereafter may be made by law payable by the county in the first instance, or which the county has heretofore borne, (except such constables' fees and such disbursements and charges connected with Coroners'
30 inquests, and such other charges as the county is now entitled to be repaid by the Province,) and shall also pay to the said city such sum annually in respect of the use of the said Court House for county purposes, including the holding of courts, and the use of portions thereof by judicial officers of the
35 judicial county, as a part of such judicial county should justly be charged with, regard being had to the cost of the site and of erecting, building, repairing and maintaining the said Court House, as may be mutually agreed upon by the city and the county, or settled by arbitration under *The Consolidated Municipal Act*, 1883, in case they do not agree, provided always
40 that in case the cost of the site and of the erection of the Court House aforesaid, with the offices aforesaid, shall have exceeded four hundred thousand dollars, yet in fixing such annual sum to be paid by the said county annually for the use of the said
45 Court House, the cost of the site and of the erection of the buildings aforesaid shall not be taken at any larger amount than four hundred thousand dollars, but the amount to be paid annually by the county shall be the proportion justly payable by the county as part of the said Judicial County aforesaid,
50 based upon the actual cost thereof, but not in any case exceeding the said sum of four hundred thousand dollars.

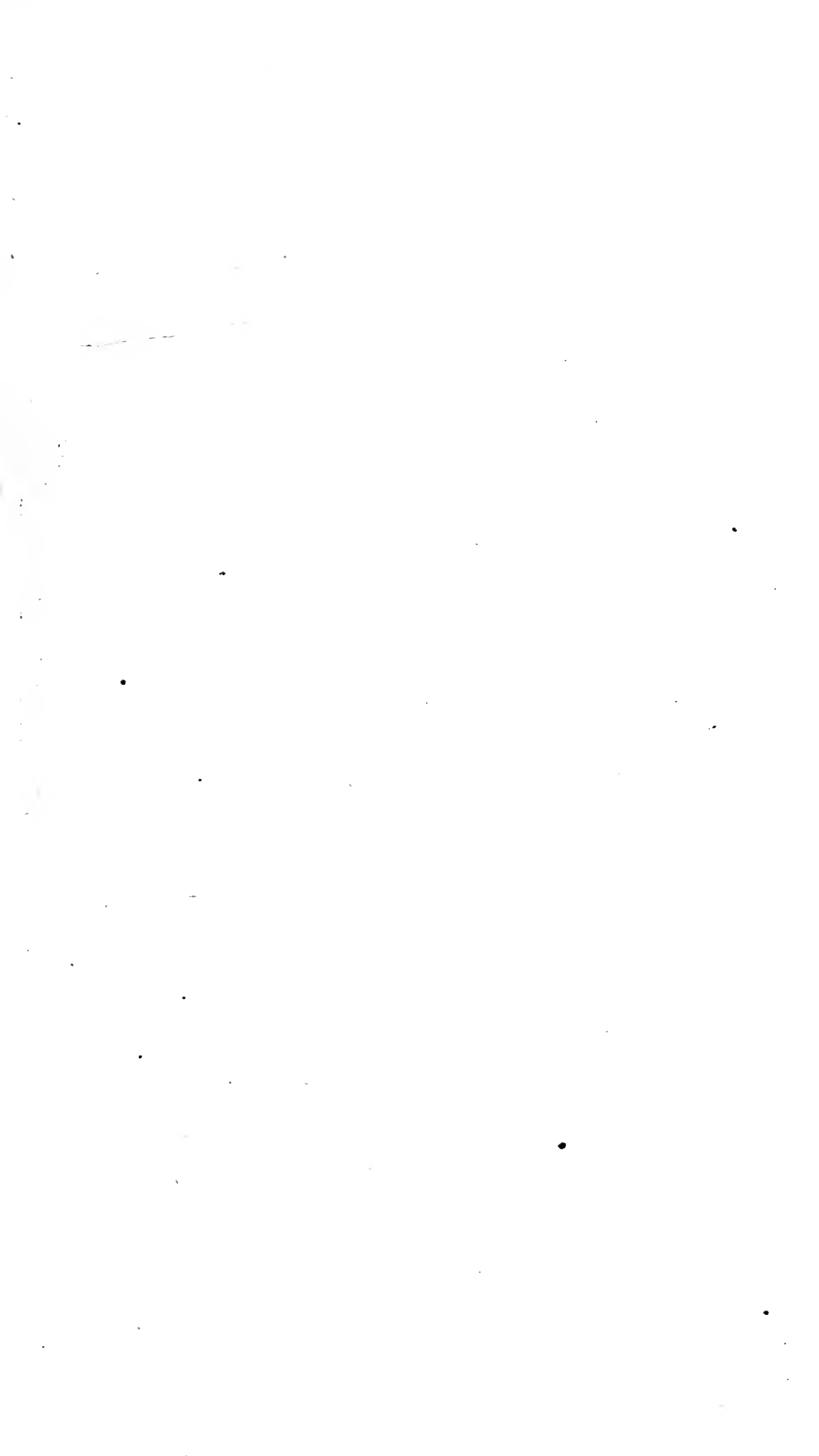
And the said city doth further agree to and with the county that from and after the completion of the said Court House all fees and other moneys now payable by the county under the
55 provisions of *The Jurors' Act* and amendments thereto and under chapters 84, 85 and 87 of the Revised Statutes of Ontario, and all other fees and moneys now payable or to be advanced out of county funds for or in connection with the administration of justice shall be thereafter paid or advanced by the city

and by and out of city funds. And the county doth further agree to and with the said city that the county shall pay and refund to the said city the proportion of all such fees and moneys as by law is now payable by the county as their proportion thereof, and the city shall be entitled to all fees and moneys now payable to the said county or the treasurer thereof, under the provisions of the said Acts, and to all refunds or reimbursements now payable to the county in respect thereof, all of which shall thereafter be paid to the said city and the treasurer thereof, instead of to the said county or the treasurer thereof, it being the true meaning and intent of this agreement and of the parties thereto, that from and after the completion of the said Court House the said city shall in all things assume the existing obligations of the county to provide funds respecting the administration of justice, and that the county shall contribute to the city their proportion only of the fees and moneys payable respecting such obligations. Provided always, and it is hereby agreed by and between the parties hereto, that in case after the lapse of five years from such compensation having been settled by agreement or award as above provided, it appears reasonable to the Lieutenant-Governor in Council upon the application of either party that the amount of such compensation payable by the county to the city in respect of the several matters and things above mentioned, should be reconsidered, he may by order in council direct that the then existing arrangement shall cease after a time named in the order, and after such time the councils of the said city and county shall settle anew by agreement or arbitration under the provisions of the said *Consolidated Municipal Act*, 1883, or any then existing modification thereof in that behalf, the amount to be paid from the time so named in the order, and that the said matter may be from time to time thereafter in like manner opened up at the end of every five years in manner aforesaid at the instance of either party.

And it is hereby further agreed that the county shall not be entitled to the separate use of the said Court House or of any of the offices therein, and that the same shall be used by the said county only as part of the Judicial County.

And it is hereby further agreed by and between the parties hereto that if any disputes shall arise between the said county and city in respect of the matters hereinbefore mentioned, the same shall from time to time be referred to arbitration in manner provided by *The Consolidated Municipal Act*, 1883, unless the said county and city shall from time to time mutually agree, and it is hereby lastly agreed that the said city and county shall join in a petition to the Legislature asking that this agreement be confirmed and be declared to be binding upon the said corporations respectively, and for such legislation as may be requisite to relieve the county from any further obligations to provide Court House accommodation for judicial purposes after the erection and completion of the said new Court House and other obligations aforesaid, and to confer upon the city the power to assume the same, and otherwise to carry out the provisions of this agreement.

In witness whereof the said corporations have hereto affixed their Corporate Seals the day and year first above written.



2nd Session, 5th Parliament, 48 Vic., 1885.

BILL.

An Act Respecting the City of Toronto.

First Reading, March, 1885.

Mr.

TORONTO:

PRINTED BY THE "GHP" PRINTING AND PUBLISHING CO.

An Act Respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto have by Preamble.
 their petition prayed for special legislation, relating to
 the several matters and things hereinafter set forth; and
 whereas it is expedient to grant the prayer of the said petition;
 5 Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

1. The agreement bearing date the twenty-sixth day of June, Agreement
 one thousand eight hundred and eighty-four, made between between Cor-
 10 the Corporation of the City of Toronto and the Corporation of poration of
 the County of York, providing for the erection and maintenance City of Toron-
 of a Court House, for the judicial County of York, and the to and County
 defraying of the cost of the administration of justice in and for of York con-
 15 said judicial county, after the erection of such court house, is firmed.
 hereby declared to be and shall be held to be a valid and bind-
 ing agreement between the said corporations, and it is hereby
 further enacted that the councils of the said municipalities
 shall have full power and authority, and they are and each of
 them is hereby authorized and empowered to pass any by-law
 20 or by-laws which may at any time, and from time to time, be
 necessary for the purpose of carrying into effect the said above
 in part recited agreement.

2. Notwithstanding anything contained in the Act passed by Council em-
 the Legislature of the Province of Ontario, in the forty-second powered to
 25 year of the reign of Her Majesty, chaptered seventy-five, it borrow for
 shall and may be lawful for the council of the City of Toronto, erection of
 and they are hereby authorized and empowered to pass by-laws court house,
 from time to time as occasion may require, without obtaining \$100,000, in
 the consent of the electors thereto before the final passing addition to
 30 thereof, for borrowing money by the issue of debentures or city \$300,000
 stock on the credit of the city at large, to the amount of one authorized by
 hundred thousand dollars, in addition to the sum of three 47 V., c. 59.
 hundred thousand dollars authorized by the Act passed by the
 said Legislature in the forty-seventh year of the reign of Her
 35 Majesty, chaptered fifty-nine, for the purpose of procuring a
 site for, and for erecting thereon a court house.

3. The proviso to section 3 of the Act passed by the said 46 V. c. 43,
 Legislature in the forty-sixth year of the reign of Her Majesty, s. 3, repealed
 chaptered forty-three, entitled an *Act Respecting the City of* in part.
 40 *Toronto*, is hereby repealed.

4. The Act passed by the said Legislature in the forty- 46 V. c. 46,
 sixth year of the reign of Her Majesty, chaptered forty-six, is amended.

hereby amended by adding a sub-section to section eight of the said Act, as follows :

Just allowances to be made by arbitrators.

(2) In adjusting their award the arbitrators shall among other things take into consideration the amount previously paid by the annexed territory, or which the annexed territory is then liable to pay for the construction of roads or bridges by the county without the limits of such annexed territory, and also what the county has paid or is liable to pay for the construction of roads or bridges within the annexed territory and they shall also ascertain and allow to the city the value of the interest of the annexed territory in all county property and assets, and shall make all just allowances as in the case of the separation and the adjustment of debts and assets of municipalities under the provisions of *The Consolidated Municipal Act, 1883*.

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Power to pass by-laws

5. The Council of the City of Toronto may pass, and is hereby authorized and empowered to pass by-laws :

Regulating second-hand stores ;

(1) For licensing and regulating second-hand stores, and the owners or keepers thereof, and the employees therein.

Regulating plumbers ;

(2) For licensing and regulating plumbers and for requiring all plumbing work and sanitary appliances connected with buildings to be inspected, and for appointing inspectors thereof and for securing the sanitary condition of buildings.

Naming streets.

(3) For changing the names of streets.

Fire escapes for hotels, etc.

(4) For requiring all hotels, lodging-houses, shops, factories and other buildings more than two stories in height, wherein any considerable number of persons are employed, lodged or kept, to be provided with adequate means of escape from such building for all such inmates or employees in case of fire.

Ward divisions.

(5) For a new division of the City of Toronto into wards, and for increasing or diminishing the number of such wards, and for increasing or diminishing the number of aldermen who shall represent every such ward in the Council, and for determining the duration of the term of office of mayor and aldermen ; provided that no such by-law shall become operative until after the same shall have been duly published once in each week for four weeks before the final passing thereof, in at least two newspapers published in the City of Toronto, and shall have been approved of by the Lieutenant-Governor in Council, and a day shall have been named by Royal Proclamation for the same coming into effect.

By-laws changing names of streets confirmed.

6. All by-laws heretofore passed by the Council of the City of Toronto, changing the names of streets, are hereby declared valid.

Allowance in respect of local improvements in certain cases.

7. Wherever it shall in the opinion of the Council of the City of Toronto be deemed expedient and necessary to open up and extend any street, lane or alley for the more immediate convenience or benefit of any locality, and the Council is of opinion that from any cause it is inequitable to charge the whole of the cost of the improvement on the lands fronting thereon, the Council shall determine what lands are benefited by the extension, opening up and improving such street, lane or alley, and the proportion in which the cost thereof shall

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be assessed against the lands so benefited, and also the proportion, if any, of the cost of the improvement, which shall be assumed by the city as its share thereof; provided always that the share or proportion of the cost of any such improvement
 5 assumed by the city as its share shall in no case exceed one-half the whole amount thereof, and may be provided for by the issue of debentures upon the credit of the city at large in like manner as in the case of the city's share of other local improvements; provided, also, that all assessments made under
 10 the above provisions shall be subject to an appeal to the Judge of the County Court in like manner as in the case of other special assessments for local improvements, under the provisions of *The Consolidated Municipal Act*, 1883, and amendments thereto.

15 **8.** The last preceding section shall be retrospective in its operation, and the said Council may avail itself of the provisions thereof in any case where a by-law shall have been passed for the opening up and extension of any street, lane or
 20 *Municipal Act*, 1883, and of the Act passed by the said Legislature in the forty-sixth year of the reign of Her Majesty, chaptered forty-three, and when the making of the special assessment to defray the cost of the improvement has been delayed until the exact cost has been ascertained, and such
 25 special assessment has not been made.

Provisions of preceding section retrospective.

9. It shall be deemed to have been and to be a sufficient compliance with the provisions of section 612, sub-section 1, of *The Consolidated Municipal Act*, 1883, and of section 20
 30 of the Act passed by the said Legislature in the forty-seventh year of the reign of Her Majesty, chaptered thirty-two, if the Council of the City of Toronto shall have passed a general by-law or general by-laws, providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which
 35 is proposed to be assessed upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited; and it shall not be
 40 deemed to have been, or to be, necessary to pass a special by-law for the purposes above mentioned in each particular instance.

General by-law for determining property benefited by improvements &c., sufficient under 46 V. c. 18, s. 612, sub-sec. 1, and 47 V. c. 32, s. 20.

10. All by-laws heretofore passed by the said Council of the City of Toronto, in pursuance of notice duly given under the provisions of sub-section 4 of section 612 of *The Consolidated*
 45 *Municipal Act*, 1883, no petition sufficiently signed having been presented to the said council against the proposed assessment, are hereby declared valid and effectual, notwithstanding special by-laws shall not have been passed to provide means of ascertaining what real property will be specially benefited
 50 in each particular instance; and it is hereby declared to have been, and to be, a sufficient compliance with the provisions of the clauses of the said *Consolidated Municipal Act*, 1883, and the said amending Acts, if the Court of Revision shall have met, or shall meet, and due notice of the sittings of the said
 55 Court of Revision, to hear appeals under the provisions of sections 612 and 618 of the said *Consolidated Municipal Act*,

By-laws heretofore passed in pursuance of notice under 46 V. c. 18, s. 612, assessment not having been petitioned against, confirmed.

1883, and of section 20 of the said Act, 47 V. c. 32, shall have been, or shall be, given to the parties entitled thereto, and an opportunity of appealing to the Judge of the County Court shall have been, or shall be, afforded to parties desiring so to do at any time before the final passing of the by-law providing for the special assessment upon the property benefited. 5

By-laws for borrowing money confirmed.

11. All by-laws heretofore passed by the said Council of the Corporation of the City of Toronto, for borrowing money on the general credit of the city, to provide for the payment of the city's share of local improvements and works, for borrowing money by the issue of debentures secured by special assessments on the Toronto Street Railway Company, to provide for the payment of the cost of their share of such local improvements, and for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such works, are hereby declared valid and effectual. 15

Local improvements of which notice given by one council may be carried out by succeeding council.

12. In any case where notice of a proposed improvement, work or service, to be paid for by special assessment as a local improvement, has been given by any Council of the City of Toronto, pursuant to the provisions of the Act hereinafter mentioned, or of *The Consolidated Municipal Act, 1883*, and no petition sufficiently signed has been presented to the said council against such proposed improvement, work or service and assessment within the time limited in that behalf by the said Acts, it shall be lawful for the said Council, or for the Council of any succeeding year, to carry on the proposed work, improvement or service to completion before making the assessment therefor; and such notice so given shall stand good as authority for undertaking any such work, improvement or service, and making such assessment or assessments, and passing all necessary by-laws, whether the same be undertaken and completed by the Council giving such notice, or by the Council of any succeeding year; and all notices heretofore given by any Council of the City of Toronto of any proposed improvements, works, or services and assessments therefor, pursuant to the provisions of the fourth section of the Act passed by the Legislature of the Province of Ontario, in the forty-fifth year of Her Majesty's reign, chaptered twenty-three, or of *The Consolidated Municipal Act, 1883*, are hereby confirmed, and declared valid and binding, on all real property affected thereby, and all assessments made or hereafter to be made, and all by-laws passed, or hereafter to be passed, to provide moneys for redeeming any temporary loan or paying off any debt contracted for any improvement, work or service undertaken and completed, pursuant to any such notice or notices, are hereby declared to be good, valid and binding assessments and by-laws, subject to compliance with the other provisions of *The Consolidated Municipal Act, 1883*, relating to the making of special assessments and passing by-laws for local improvements. 20 25 30 35 40 45

Don River Improvement.

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Powers as to lands.

13. In view of the necessity which exists for improving the Don river, and securing the sanitary condition of that part of the City of Toronto contiguous to the said river, it is hereby enacted that the Council of the City of Toronto shall have power and authority; and they are hereby authorized and empowered:— 55

(1) To at any time enter with their engineers, surveyors servants, or agents, upon the land of any person or corporation lying between the waters of Toronto Bay, or Lake Ontario, and the line of Bloor street, produced easterly across the river Don, and within a range or a distance of one thousand feet on either side of the said river, as at present located, for the purpose of making all necessary survey and taking all necessary levels, and doing all other things necessary and proper to enable them to determine upon the most feasible plan of improving the river Don and the lands in the valley on either side thereof adjacent thereto, and securing the sanitary condition of the neighbourhood.

To enter on and make surveys.

(2) To enter upon, take, use, and acquire all land and land covered by water lying between the waters of Toronto Bay or Lake Ontario, and the said line of Bloor street, produced easterly across the said river Don, and within a range, or distance of four hundred feet on either side of the centre line of the said river, as laid out on a map or plan prepared, or to be prepared, and adopted by the said council, for the purpose of straightening, widening, deepening and improving the said river, reclaiming the flat lands on either side thereof, and filling in, and otherwise improving the same, and fitting the said lands for such uses and purposes as they may see fit.

To take and acquire.

(3) To enter upon, take, and appropriate, for the use of the said city any lands of the Crown, lying between the said last mentioned boundaries that have not been already granted or sold, and also so much of the public beach, or of the land covered with the waters of the bay or lake, within a range of five hundred feet on either side of the centre of the said river, as shown on the said plan.

To take and appropriate granted lands.

(4) To enter into any contract or contracts with any person or persons, or body corporate, who may be willing to undertake the same for straightening the course of the said river Don, between the line of Bloor street, produced easterly, as aforesaid, and the Bay or Lake Ontario (but such course need not necessarily be in a straight line); for widening said river to a width of not more than one hundred and twenty feet, to deepen the same to such depth as the said council may see fit, to fill in, improve, and raise the land on either side thereof, within the limits aforesaid, to such height as the said council may see fit, and generally to carry out and complete all such works connected with the improvement of the said river, and the securing of the sanitary condition of the neighbourhood, as the said council may be advised to be proper and necessary for the uses and purposes contemplated by this Act.

To make contracts for straightening and widening river Don.

(5) To contract with the owners or occupiers of the lands which the said council is hereby authorized to take, within the limits aforesaid, and those having an interest in or right to use the said river within the limits above mentioned, for the purchase of the said lands, or of any part thereof, or of any privilege that may be required for the purposes of the said corporation in connection with the works and improvements contemplated by this Act. In case of any disagreement between the said council and the owners or occupiers, or other persons interested in any lands entered upon, taken, or used

To contract for purchase of lands.

by the said corporation in the exercise of any of the powers conferred by this Act, or injuriously affected by the exercise of said powers, as to the amount of purchase money of the said lands, or of any part thereof, or as to the amount of compensation to be made to any such person, every such dispute and claim shall be settled and determined by arbitration under the provisions of the *Consolidated Municipal Act*, 1883, and amendments thereto, if any, on that behalf. 5

(6) To lay out the said lands after the completion of each section of the said improvement and works as hereinafter provided, on either side of the said river according to such plan or plans of survey as they may see fit, reserving next the margin of the said river and the waters thereof within the limits aforesaid a strip of land not less than twenty-five feet in width for the purposes of railway tracks, switches and sidings to be used and occupied as hereinafter mentioned, and reserving also on either side of the said river within the limits aforesaid and immediately adjoining the said reservation for railway purposes, a strip of land along the whole length thereof within the limits aforesaid not less than fifty feet in width for the purpose of a public highway or street. 10 15 20

14. Upon the certificate of the City Engineer or other officer having charge of said works or improvements, that sections three, four and five thereof as hereinafter defined have been duly completed and laid out according to a plan as above provided, the said council shall cause the total cost of the lands, improvements and works including amounts paid for compensation and otherwise in connection with the said three sections, and interest paid on temporary loans, if any, to be ascertained, and shall ascertain and determine the proportion, part or share of the said total cost including interest as aforesaid, chargeable in respect of each and every lot or parcel of land as the same shall appear upon the plan of survey so to be made as aforesaid, after the completion of the said sections three, four and five, of which completion the certificate of the said engineer or other officer in charge of the said works shall be sufficient evidence. In ascertaining and determining the amount chargeable in respect of and against each lot as aforesaid, the said council shall proceed, as in the case of assessing for local improvements, under the provisions of the *Consolidated Municipal Act*, 1883, and amendments thereto, and when the said assessments shall have been made and finally confirmed the city clerk shall cause a copy thereof to be filed in the registry office for the city of Toronto, and give notice of such filing once in each week for four weeks in at least two of the daily newspapers published in the city of Toronto. 25 30 35 40 45

15. Any person or corporation who may have owned any such lot or lots of land prior to its expropriation by the said council under the provisions of this Act, or the heirs or assigns or successors of any such previous owner shall, at any time within one year after the publication of the notice of filing a copy of the said assessment in the registry office for the city of Toronto as above provided, be entitled, upon payment to the said corporation of the amount charged against any such lot or lots, together with interest thereon from the date of the assessment, to have a conveyance of the lot or lots executed by the said 50 55

To lay out lands as improvements are proceeded with.

Assessment of cost of improvements chargeable in respect of each lot.

Owners of lots expropriated entitled to conveyances of such lots on payment of assessed amount.

corporation (upon tendering the same for execution), and the said lot or lots shall be so conveyed free and clear of all charges and encumbrances and of the lien created by this Act.

5 **16.** It shall and may be lawful for the said council to make agreements with any railway company or companies whereby any such railway company or companies may acquire the use of the reservation for railway purposes above provided for, upon such terms and conditions as may be agreed upon between the said council and any such company or companies, provided
 10 always that no one railway company shall acquire any exclusive use of property in or control over the same or any part thereof, and all railway companies shall be entitled to the use thereof upon equal terms, and upon paying their just share and proportion of any expenditure which shall have been
 15 made or which may at any time require to be made for construction, maintenance and repair of tracks, switches and other necessary works required for the proper use thereof, and the fee of the said land shall always remain in the corporation of the city of Toronto.

Agreements with railway companies as to land reserved for railway purposes under s. 13, sub-s. 6.

20 **17.** The said contracts may be let and the said works may be carried on and completed in sections as follows: Provisions as to contracts.

(1) The first section shall extend from the line of Bloor street, produced easterly across the said river, as aforesaid, southerly to the line of Winchester street, produced easterly
 25 across said river.

(2) The second section shall extend from the said line of Winchester street, produced, southerly to the line of Carleton street, produced easterly across said river.

(3) The third section shall extend from the said produced
 30 line of Carleton street southerly to the produced line of King street, across the said river.

(4) The fourth section shall extend from the said produced line of King street southerly to the line of Eastern Avenue, produced easterly across the said river.

35 (5) The fifth section shall extend from the said produced line of Eastern Avenue southerly to the northern boundary line of the marsh lands heretofore patented to and belonging to the city of Toronto.

(6) The sixth section shall extend southerly or otherwise to
 40 the waters of the Bay or Lake Ontario, and to such point as may be determined by the said council.

18. The said council may commence the said works and carry on the same from time to time at such point or points, and upon such section or sections, as may to them seem best, and most advantageous; provided always, that the above sections, numbered three to five, both inclusive, shall be proceeded with and carried to completion with as little delay as possible.

Works may be carried on as Council deems advantageous.

19. The said council shall have full power and authority to erect and build over and across the said river at such points
 50 and places, and in such manner as they may deem best, all such bridges, with proper approaches thereto, as they may consider necessary, and may change the location of any existing bridge.

Power to build bridges.

Power to lease
or sell lots
where owners
do not
exercise option
given by
sec. 15.

20. The said council shall also have full power and authority to lease or sell any lot or lots of the said lands, as the same may be laid out upon the plan of survey, so to be made as aforesaid, which shall remain the property of the city of Toronto, after the time shall have expired within which previous owners, or their representatives, may be entitled to a conveyance, as herein provided; and said lots may be so leased or sold upon such terms as to the said council may seem best, provided always, that no such lot shall be sold for a less sum than the amount appearing chargeable against it by the assessment so to be made and filed as aforesaid, nor shall any lot be leased for a longer period or term than forty-two years. Lots sold as above provided shall be sold and conveyed, freed and discharged of the lien created by this Act, but the purchase money thereof shall be paid into and form part of the sinking fund hereinafter mentioned. 5 10 15

Power to
borrow for
improvement
works.

21. In view of the present unsanitary condition of that part of the said river and neighbourhood hereinafter mentioned, and of the necessity of commencing said works without delay, it shall and may be lawful for the said council, notwithstanding anything in *The Consolidated Municipal Act, 1883*, or any special or private Act relating to the City of Toronto contained, to pass such by-laws as may from time to time be necessary to raise a loan or loans for such amount or amounts not exceeding in all two hundred and fifty thousand dollars, as may be necessary for the purposes of improving that part of the said River Don lying below and south of the line of Carlton street produced easterly across the said river, and the construction and completion of the works connected therewith, including the purchase money for lands taken and compensation for damages as above provided, and to issue any number of debentures payable in this province or elsewhere in sums of not less than one hundred dollars, which may be requisite and necessary therefor. 20 25 30

Form of
debentures.

22. The debentures to be issued for the purposes aforesaid shall be payable in forty years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding six per centum per annum payable half-yearly, and for the purpose of redeeming the said debentures and paying the interest thereon, it shall and may be lawful for the said council in any by-law or by-laws to be passed for authorizing any such loan or loans or any part thereof and the issuing of debentures therefor, to impose a special rate per annum upon all ratable real and personal property in the municipality, to be called "The Don River and Marsh Lands improvement rate," over and above and in addition to all other rates to be levied in each year, which shall, together with such annual sum as the said council may receive from the rentals of the said lands so to be improved and leased as aforesaid, or any of them, or income or revenue derived from the said improvements and works, or any of them, under any leases or agreements in that behalf, with any persons or corporations who may use or occupy the same or any part thereof, be sufficient to form a sinking fund of three-fourths of one per centum per annum for that purpose over and above the interest payable on such debentures, which sinking fund shall be invested in each year either in the debentures provided for by this Act or in other debentures of the municipality, or Government debentures. 35 40 45 50 55

23. The said council may in their option, in lieu of issuing debentures under this Act, issue debentures to an amount not exceeding the said sum of \$250,000, for the purposes aforesaid, under the provisions of the Act passed by the Legislature of the Province of Ontario, in the forty-second year of the reign of Her Majesty, chaptered seventy-five, entitled *An Act respecting the Debenture Debt and certain property of the City of Toronto*.

Debentures may be issued under 42 V., c. 75.

24. No by-law for the raising of any such loan by the issue of debentures for any of the purposes aforesaid, shall require to be submitted to a vote of the ratepayers before the final passing thereof, anything in the said *Consolidated Municipal Act, 1883*, and amendments thereto, or any such special or private Act or Acts to the contrary notwithstanding.

Vote of ratepayers not required.

25. The works and improvements to be constructed under the provisions of this Act and all lands to be acquired for the purposes thereof or in connection therewith, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act as well as for the due and punctual payment of the interest thereupon, unless and until the same are freed and discharged under the provisions of section 8 of this Act, and all rents, issues and profits or other income in any manner derived therefrom or from any part thereof, shall be paid into a special fund and be applied in and towards the payment of the interest accruing due from time to time upon any loan or loans which may have been obtained under the provisions of this Act, and all amounts which may be paid in or received at any time and from time to time other than income or rents shall be placed to the credit of and form part of the sinking fund created by this Act, and shall be invested by the said corporation either in the purchase of the debentures issued under authority of this Act or of other debentures of the City of Toronto, or of Government debentures.

Cost of improvements a special charge on lands.

No. 42.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the City of Toronto.

First Reading, March, 1885.

Mr.

TORONTO:

PRINTED BY THE "GHP" PRINTING AND PUBLISHING CO.

An Act respecting the Royal Canadian Yacht Club.

WHEREAS the Royal Canadian Yacht Club have presented Preamble.
 their petition shewing that in order to carry on, manage
 and transact their affairs, and exercise the powers conferred up-
 on them by their Act of Incorporation passed in the thirty-first
 5 year of Her Majesty's reign and chaptered sixty-nine, they
 have from time to time found it necessary to mortgage their
 property which they always considered and believed, and were
 advised that they had power to do; and whereas, in order to
 defray expenditure and liabilities necessarily incurred by them,
 10 they did, on or about the 30th day of September, one thousand
 eight hundred and eighty-four, obtain by way of loan from
 George Gooderham and John Leys, the sum of \$12,000, and ex-
 ecuted a mortgage of their property to secure the same; and
 whereas during the completion of the said mortgage and ad-
 15 vance a question was raised as to the powers of the said pe-
 tioners to mortgage their property, and they thereupon agreed
 with the said George Gooderham and John Leys that if they
 would complete the said loan they, the said petitioners, would
 apply for an Act to declare their said powers and to remove
 20 such doubt; and whereas the said petitioners have prayed for
 the passing of an Act for such purpose, and it is expedient to
 grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 25 as follows:—

1. It is and shall be lawful for the Royal Canadian Yacht Power to
 Club to borrow money upon the credit of the club, and to hy- Mortgage.
 pothecate, pledge or mortgage the real or personal property of
 the club to secure any sum or sums of money so borrowed, at
 30 such rate of interest and on such terms as may from time to
 time be agreed upon.

2. The said mortgage to George Gooderham and John Leys Existing
 is declared to have been and to be within the powers of the mortgage con-
 said Royal Canadian Yacht Club, and to be valid accordingly. firmed.

3. The club shall have power to draw, make, accept and en- Power as to
 dorse all bills of exchange and promissory notes necessary for promissory
 the purposes of the club under the hands of their Commodore notes.
 and Honorary Secretary after authority from the Committee of
 Management of the club so to do, and the Committee of Man-
 40 agement shall likewise have authority in case of the absence or
 inability to act of the Commodore or Honorary Secretary or
 either of them, to appoint any other officer or member of the
 club to act in the place and stead of the one so absent or un-
 able to act; and in no case shall it be necessary that the seal
 45 of the club be affixed to any such bill or note, nor shall the
 Commodore or Secretary or such other person or persons ap-
 pointed in their place and stead as aforesaid, be individually
 responsible therefor; provided that nothing herein contained Proviso.
 shall be construed to authorize the club to issue notes or bills
 50 of exchange payable to bearer or intended to be circulated as
 money or as notes or as bills of a bank.

No. 43.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the Royal Canadian
Yacht Club.

First Reading, 1885.

(*PRIVATE BILL.*)

Mr. MORRIS.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to enable the Trustees of St. John's Church, Cornwall, to sell certain lands in the Town of Cornwall, and for other purposes.

WHEREAS it has been made to appear by the congregation Preamble.
of St. John's church in the Town of Cornwall, of the
Presbyterian Church in Canada (formerly in connection with
the Church of Scotland), represented by Daniel Eugene
5 McIntyre, Jacob Farrand Pringle, Oliver Groves, Donald Ban
MacIennan and Corydon Josephus Mattice, trustees thereof, that
by an Act of the Legislature of Ontario passed in the thirty-
fourth year of the reign of Her Majesty Queen Victoria, chap-
tered eighty-seven, the lands and premises hereinafter mentioned
10 were, together with other lands, declared to be vested in
certain trustees named in the said Act and their successors in
office, to be appointed as provided by the said Act, under the
name of "The Trustees of the Congregation of the Presby-
terian Church of Canada in connection with the Church of Scot-
15 land in Cornwall," upon the trusts as declared in the said Act ;
that by an Act passed in the thirty-eighth year of the reign
of Her Majesty Queen Victoria, chaptered seventy-five,
entitled *An Act respecting the union of certain Presbyterian
Churches therein named*, it was declared that as soon as the
20 union thereunder should take place "all property real or per-
sonal within the the Province of Ontario now belonging to or
held in trust for or to the use of any congregation in connec-
tion or communion with any of the said churches shall thence-
forth be held, used and administered for the benefit of the
25 same congregation in connection or communion with the united
body under the name of "The Presbyterian Church in Canada ;"
that Daniel Eugene McIntyre, Jacob Farrand Pringle, Oliver
Groves, Donald Ban MacIennan and Corydon Josephus Mattice
are the present trustees acting on behalf of the said congrega-
30 tion, having been duly appointed such trustees under the said
first above-mentioned Act ; and whereas the church edifice in
which the congregation now worships is erected upon a part
of lot number fifteen on the south side of Second street in the
said town of Cornwall, being a part of the lands hereinafter
35 mentioned, which said church edifice is now totally inadequate
for the requirements of the said congregation ; and whereas the
lands and premises hereinafter mentioned are situate in the
business part of the Town of Cornwall, and with the exception
of the church site are at present leased to and built upon by
40 various tenants, who hold the same under lease from the
trustees of the said congregation, all of which said leases will
expire at various times during the next ensuing fifteen years ;
and whereas the present rental value of the said property is
not at all commensurate with the actual cash value of the

same, the income derivable from the said rents being equivalent to an investment of the said property at less than two per centum interest on the actual cash value thereof; and whereas it is desirable that a new site should be procured on which to erect a new church edifice for the purposes of the said congregation, and that the trustees of the said congregation for the time being should be invested with additional powers with regard to the sale and disposal of the said hereinafter-mentioned lands; and whereas, in consequence of the numerous buildings erected upon the said lands, and of the want of uniformity in the time when the said leases will respectively expire, it is impossible to sell the whole of the said lands in one parcel, and the said lands will have to be sold in numerous distinct parcels; and whereas at a meeting of the congregation duly called it was resolved that the lands hereinafter mentioned should be sold, that the trustees of the said congregation should be authorized to expend in the erection of a new church edifice for the congregation a sufficient sum out of the proceeds of the sales thereof, that the residue should be invested as provided by the said resolution, which said resolution of the said congregation was duly approved of by the Presbytery of Glengarry, within the bounds of which the said congregation of St. John's church is situate; and whereas it is for the benefit of the said congregation that the said lands should be sold and the proceeds invested as is hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to sell lands.

1. The said Donald Eugene McIntyre, Jacob Farrand Pringle, Oliver Groves, Donald Ban Maclellan and Corydon Josephus Mattice and their successors in office shall have full power and authority to contract and to sell and to convey in fee simple free from the trusts under which the same are held, lot number fifteen on the north side of First street, and lot number fifteen on the south side of Second street in the said Town of Cornwall, in one or more parcels, from time to time, at private sale or by public auction, for cash or on credit, secured in such manner as to them seems fit, with power to buy in at any auction or auctions and to re-sell or to rescind or vary any sale or contract for sale that may have been entered into, and re-sell without being responsible for any loss or deficiency thereon, and on any sale or sales, conveyances to execute and deliver, and the consideration money to demand and receive, and to release, assign or sell any mortgages or other security that may be given for the purchase money or any part thereof.

Power to purchase a church site with proceeds of sale.

2. The trustees for the time being shall have power to purchase a new site on which to erect a church in the said Town of Cornwall, and to pay for the same out of the proceeds of the sale of the said lands.

Expenditure for new church.

3. The trustees for the time being shall have power to apply such sum as may be fixed upon by a majority of the said congregation entitled to vote present at a meeting of the said congregation duly called for such purpose, in the erection of a new church edifice.

4. The trustees for the time being shall, after payment of all necessary and reasonable charges and expenses, and after deducting such sum or sums as may have been paid for the church site and the erection of the church edifice, invest the remainder of the moneys arising from the sales or transfers aforesaid in such a manner as may be determined on by a majority of the congregation entitled to vote, present at a meeting duly called for the purpose.

Investment of surplus.

5. The purchaser or purchasers shall not be responsible for the application of the moneys arising from the sale of the said lands or any part thereof.

Purchasers not bound to see to application of purchase money.

6. Nothing in this Act contained shall be construed to affect any rights of any other person or persons in respect of said lands, nor any liens or encumbrances now existing on or against said lands.

Rights not affected.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to enable the Trustees of St. John's Church, Cornwall, to sell certain lands in the Township of Cornwall, and for other purposes.

First Reading, 1885.

(*PRIVATE BILL.*)

Mr. ROSS
(*Cornwall.*)

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to provide for the division of the Township of Melancthon.

WHEREAS certain inhabitants and ratepayers of the Township of Melancthon, in the County of Dufferin have by their petition represented that it is expedient to divide said Township of Melancthon into two distinct municipalities, inasmuch as such division will greatly promote the welfare, contentment and convenience of its inhabitants; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Upon, from and after the last Monday in the month of December, one thousand eight hundred and eighty-five, all that portion of the Township of Melancthon, in the County of Dufferin, known as the Old Survey, and consisting of the four most easterly concessions in the said township shall, with the inhabitants thereof, constitute a separate township or corporation, under the name of the Corporation of the Township of East Melancthon, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever, in the same manner to all intents and purposes as, and such municipality and township corporation hereby created, shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to other townships in the Province of Ontario.

2. Upon, from and after said last Monday in the month of December, one thousand eight hundred and eighty-five, all that portion of the said Township of Melancthon lying to the west of the allowance for road between the fourth concession of said Old Survey and that part of the said Township of Melancthon known as the New Survey, and being all of said township not included in said Old Survey, shall with the inhabitants thereof constitute a separate township or corporation under the name of the Corporation of the Township of West Melancthon and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to other townships in the Province of Ontario.

3. The assets and debts of the present municipality of Me-

Division of assets.

lancthon shall be divided between the said municipalities of East Melancthon and West Melancthon in the same manner, and by the same proceedings, as nearly as may be, as in the case of a separation of a junior township from a senior township, under the provisions of the *Municipal Act*, save that each of said municipalities shall be interested in the money in the hands of the Government of the Dominion of Canada, to the credit of the Land Improvement Fund of said Township of Melancthon, in proportion to the respective amounts contributed by the lands in said municipalities to said fund, and each of said municipalities shall be entitled upon the distribution of said fund to receive such proportionate part of the same.

Liability of new townships in respect of debt of undivided township.

4. So soon as the debts of said township shall have been divided as aforesaid, each of the said municipalities shall be bound to the payment of the share of the said debts which shall have been so assigned to it as aforesaid, as though such share of said debts had been incurred by such municipalities respectively, each of the townships however, remaining liable as surety in respect of the share, if any, of the said debts which it is not its duty primarily to pay, but both the said municipalities shall be liable to all creditors of said Township of Melancthon, and both the said corporations may be sued in any action for the recovery of any debt owing by the said Township of Melancthon at the time of the separation, or in respect of any other cause of action accrued against said township at the time of the separation.

Provisions of Municipal Act as to separation of townships to apply.

5. The provisions of the *Consolidated Municipal Act, 1883*, relating to the formation of new municipalities and having reference to the case of the separation of a junior from a senior township shall apply to the townships hereby formed as if such townships had been a union of townships, except where it is otherwise herein specifically provided; and for the purpose of applying such provisions the said township of West Melancthon shall be deemed to have been the senior township, and the said township of East Melancthon shall be deemed to have been the junior township.

Election of council.

6. The first nomination for the election of members of municipal councils for the said townships respectively, shall take place on the said last Monday in December, one thousand eight hundred and eighty-five, at noon, and the polling (if any) at such election, shall take place on the first Monday in the month of January, one thousand eight hundred and eighty-six; the returning officer at such election for the Township of West Melancthon shall be the township clerk of the present Township of Melancthon, and the returning officer at such election for the Township of East Melancthon shall be John Polly, of the said township, tanner; the place for holding such election for the Township of West Melancthon shall be the town hall in said township, and the place for holding such election for the Township of East Melancthon shall be at the public school house, in the present school section number two, situated in said township.

Duties and powers of returning officers.

7. The duties and powers of the said returning officers shall be those prescribed by law, and the provisions of section ninety-

nine of the *Consolidated Municipal Act, 1883*, shall apply to them.

8. The clerk of the present Township of Melancthon shall furnish to the returning officer of the Township of East Melancthon, before the said election, a true copy of the revised assessment roll of the said present Township of Melancthon for the year one thousand eight hundred and eighty-five, as far as the same contains the ratable property assessed, and the names of the owners, tenants and occupants thereof, within that part of the said township, which is hereby constituted the township of East Melancthon.

Township clerk to furnish returning officer of East Melancthon with copy of assessment roll.

9. The expenses and outlay, incurred in obtaining this Act, and all matters whatsoever incidental thereto, shall be borne and paid by the present Township of Melancthon.

Expenses of Act.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to provide for the division of the
Township of Melancthon.

First Reading, 1885.

(*PRIVATE BILL*).

Mr. MCGHEE.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to Incorporate the Niagara Falls Restoration and Improvement Company.

WHEREAS by an Act passed by the Legislature of Ontario, Preamble.
 in the forty-third year of the reign of Her present Majesty, chapter thirteen, it was recited that it had been proposed that the Governments of the Dominion of Canada and of
 5 the State of New York should take steps to restore, to some extent, the scenery around Niagara Falls to its natural condition, and to preserve the same from further deterioration, as well as to afford to travellers and others facilities for observing the points of interest in the vicinity of the said Niagara Falls;
 10 and in order to aid any action which the Government and Parliament of Canada might desire to take, for the purpose of acquiring the lands in the neighbourhood of the Falls, with a view to the said objects, certain powers were by the said Act bestowed upon the Minister of Public Works of Canada;
 15 and whereas since the passing of the said Act, no steps have been taken by the Government of the Dominion of Canada to avail itself of the provisions of the said Act; and whereas the persons hereinafter named have represented that they are desirous of carrying into practical effect the purposes recited in
 20 the said Act, and have petitioned that they may be incorporated with such powers as will ensure the restoration of the scenery around the said Falls and adjacent territory to its natural condition, and that they may be empowered to construct tramways, railways, and other works so as to afford further and
 25 greater facilities to travellers and others for observing the points of interest in the vicinity of the said Niagara Falls; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts
 30 as follows:

1. The Honourable Sir Alexander Campbell, K.C.M.G., Incorporation.
 Minister of Justice; the Honourable Sir Alexander Tilloch Galt, K.C.M.G.; the Honourable Sir William Pearce Howland, K.C.M.G.; Sir Roderick Cameron, the Honourable George
 35 William Allan, Senator; the Honourable William McMaster, Senator; the Honourable Josiah Burr Plumb, Senator; Hugh McLennan, Esquire; John Ferguson, Esquire, Member of Parliament; James Kirkpatrick Kerr, Esquire; Richard Harcourt, Esquire, Member Provincial Legislature; Walter Shanly,
 40 Esquire; James David Edgar, Esquire, Member of Parliament; John Morrison Gibson, Member of Provincial Legislature; William Oliver Buchanan, Esquire; John Macdonald, Esquire; Erastus Wiman, Esquire; Samuel Nordheimer, Esquire; Charles

Fuller Gildersleeve, Esquire; John Henry Fairbank, Esquire, Member of Parliament; Samuel D. Woodruff, Esquire, Nicol Kingsmill, Esquire; J. H. Bartlett, Esquire; together with such other persons as shall, in pursuance of this Act, become shareholders of the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name and style of "The Niagara Falls Restoration and Improvement Company." 5

Power to acquire lands.

2. With the view of restoring as far as possible the natural scenery in the vicinity of Niagara Falls, the said company shall have power to acquire and hold for the purposes of a public park, a strip of land in the Town of Niagara Falls, and Township of Stamford, along the bank and shore of the Niagara River, commencing at a point about five hundred yards above the "Burning Spring," and extending down and along the river to a point about seven hundred yards below the "Clifton House," and comprising all the land lying between the water's edge, at low water mark, and the brow of the hill of the upper plateau beyond the river bank, including the Cedar and Clark Hill islands. 10 15 20

General powers of company.

3. The company shall as soon as convenient remove all unsightly structures on the property acquired by them, and shall have power on the lands so acquired to establish and maintain a public park, and to make all necessary roads, walks, ways, clearings, plantings, alterations, removals, additions, structures, and other improvements which the directors may think necessary, to give full effect to the points of interest in and about the Falls, and as may be required for the comfort and convenience of the public, and also to retain, erect and maintain such hotels, restaurants and refreshment rooms, as may be necessary to accommodate the public, with power to hold government, municipal or other licenses connected with the maintenance of the same, and with power to lease and sub-let the same, and to construct, purchase or otherwise acquire such steamers, boats, or other vessels as the directors may deem necessary, and use and operate the same as ferry boats or otherwise on the Niagara River, when duly licensed by the proper authority, and may construct and operate inclined planes and elevators to and from the water's edge of the Niagara River, and may construct tramways and railways, with one or more set of rails, and to be worked by the force and power of steam, electricity, or of the atmosphere, or of animals, or by any mechanical power, or by any combination of them, in, over and upon the lands acquired by them, with power of extending the same to any point on the Niagara River, in the Township of Stamford, above Forster's Flats, on the said river; provided always that the company shall not commence any of the works aforesaid until the company have submitted to the Lieutenant-Governor in Council plans of their proposed works and the same shall have been approved by the Lieutenant-Governor in Council. 25 30 35 40 45 50

Proviso.

Expropriation of lands.

4. The company may, on obtaining the sanction of the Lieutenant-Governor in Council to the proposed plans for carrying out their undertaking, expropriate lands within the limits

aforesaid, and also such lands outside of such limits as may be needed for the purpose of constructing the said railways and tramways and the necessary stations and adjuncts thereto.

5 5. The clauses of the "*Railway Act of Ontario*," with the amendments thereto, relating to "powers," "plans and surveys," and "lands and their valuation," are hereby incorporated with this Act, and are to be read as a part thereof, and shall apply to the expropriation of lands, and otherwise in so far as they are not inconsistent with any special provisions in this Act contained.

Certain clauses of R.S.O., c. 165, incorporated.

6. Upon obtaining the approval of the Lieutenant-Governor in Council, the company may move and change that portion of the present highway between the new suspension bridge and the Table Rock, back from the edge of river bank or cliff, to a distance not exceeding two hundred and fifty yards at any one point, so as to permit the planting of trees, and the formation of an esplanade, and other improvements thereon; and in case of the removal of the present highway, the said company shall construct another and as convenient a highway, at their own expense, and the change of said highway shall not take place until the new and substituted highway shall have been constructed and approved by the Lieutenant-Governor in Council.

Power to change present highway, etc.

7. Conveyances to the company of lands acquired under this Act, in the form given in "Schedule A," to this Act, shall be sufficient to vest in the company all the estate and interest which could be conveyed by the grantors by any other form of deed, and may be registered in the same manner as other instruments of a like nature, under the registry laws of Ontario, and the registrar shall register the same upon payment of a fee of seventy-five cents.

Form of conveyance.

8. The Act passed in the forty-third year of Her Majesty's reign, chapter thirteen, respecting Niagara Falls and the adjacent territory, is hereby repealed.

43 V., c. 13 repealed.

9. The general park grounds of the company shall be open and free to the public without charge, subject to any general rules and regulations of the company as to management; but the company may collect reasonable tolls for the use of their inclined planes or elevators, tram or railways, or other works or appliances which involve the expenditure of money for maintenance or service; provided that all rules, regulations and tariffs of the company shall be subject to the approval of the Lieutenant-Governor in Council.

Company's grounds to be open to the public free of charge, etc.

10. Sir Alexander Campbell, Honourable George W. Allan Sir William Pearce Howland, Honourable William McMaster, Honourable J. B. Plumb, John Ferguson, James Kirkpatrick Kerr, Walter Shanly, James David Edgar, Richard Harcourt, John Morrison Gibson, Nicol Kingsmill, William Oliver Buchanan, J. H. Bartlett, with power to add to their number, shall be and are hereby constituted the first board of directors of the company, and shall hold office until other directors shall be elected; and the said board of directors shall have power and authority, immediately after the passing of this Act, to open stock books, and receive

First directors

subscriptions of stock, and the first payment of ten per centum thereon, and to take any preliminary steps in the nature of plans, surveys, or otherwise, that may be necessary or conducive to the obtaining of the approval of the Lieutenant-Governor in Council, or obtaining subscriptions of stock; and the said directors, or a majority of them, may in their discretion exclude 5 any person or persons from subscribing, who in their judgment would hinder, delay or prevent the company from proceeding with the undertaking, under the provisions of this Act.

Capital stock. 11. The capital stock of the company shall be 10 of dollars, divided into thousand shares of one hundred dollars each; but the same may be increased from time to time, by a vote of the directors, at any meeting, to a sum not exceeding of dollars, provided the assent of two-thirds 15 of the shareholders, voting in person or by proxy at any special meeting of shareholders called for that purpose, be given thereto; and such shares shall be personal property; each shareholder shall be individually liable to the creditors of the company only to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, 20 and until the whole amount of his stock has been paid up, but shall not be liable to any action therefor, before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such shareholder. 25

**Commence-
ment of opera-
tions.**

12. (1) When and so soon as shares to the amount of fifty thousand dollars in the capital stock of the said company shall have been subscribed, and ten per centum thereon shall have been paid into one of the chartered banks of the Dominion, the said first board of directors shall call a meeting of the share- 30 holders for the purpose of electing not more than seven, nor less than five directors for the management of the affairs of the said company; and on the election of such directors, the functions of the first board of directors shall cease; notice of the time, place and object of such meeting, shall be given in the 35 *Ontario Gazette*, and in at least one newspaper in the county of Welland, at least ten days prior to such meeting; and at such meeting the shareholders present, in person or by proxy, in a form to be settled by the first board, and who shall have paid ten per centum on the shares subscribed by them, shall elect not 40 less than five or more than seven persons to be directors of the said company, who shall hold office for one year, and until their successors are elected.

(2) The Lieutenant-Governor in Council may appoint a Director of the said company, who shall be in addition to, 45 and shall have the same rights, powers and duties as the other Directors, and such additional Director shall not be required to be a Shareholder of the company, and shall continue in office as such Director until the office is vacated by his death, or the appointment by the Lieutenant-Governor in Council of his 50 successor.

**General meet-
ings.**

13. Thereafter the general meetings and the special general meetings of the shareholders of the company shall be held in such place, on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall 55 be given as provided in section eleven.

14. Aliens, as well as British subjects, may be shareholders and directors in said company; but no person shall be elected a director unless he is the holder of ten shares of the stock of the said company, upon which all calls have been paid up. Rights of aliens; qualification of directors.
- 5 15. The directors for the time being may, from time to time, make calls as they think fit; provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call. Calls.
- 10 16. The company may make any arrangement or agreement with any railway, road or bridge company, lawfully authorized in that behalf, for the use or otherwise of any railway, road or bridge, connecting with, or in the vicinity of the said property, and for the better carrying out of the objects of the said company. Agreements with other companies.
- 15 17. The company shall have power to make rules, regulations or by-laws for the user of their property by the public, and for the maintenance of order thereon, subject to the approval of the Lieutenant-Governor in Council; provided that such rules, regulations or by-laws, shall permit the public to exercise the rights and privileges given under the ninth section of this Act, in a reasonable manner; and any person or servant of the company appointed to keep order, may, after taking the oath of office before a justice of the peace, act as, and perform the duties, and be subject to the responsibilities of a constable and peace officer, within the limits of said property and the municipalities adjacent thereto. Rules and regulations to keep order.
- 20 18. It shall be lawful for the council of any municipal corporation, in which any part of the property of the said company is situate, by by-law specially passed for that purpose, to agree to a certain sum per annum, or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by the council of such municipal corporation upon the property of the said company, and for such term of years as such council may deem expedient, not exceeding twenty years; and any such by-law shall not be repealed, unless in conformity with the agreement between said council and the said company respecting the said rates or assessments. Agreement as to taxes.
- 30 19. The council of every township, county, city and town and incorporated village may pass by-laws to aid and assist the said company in the same way and to the same extent and subject to the same provisions as to receiving the assent of the electors of the municipality as if the said company had been a railway company contemplated by the provisions of the "*Consolidated Municipal Act 1883*," section 628. Aid by municipalities.
- 40 20. The said company shall have power to borrow from time to time, either in this Province or elsewhere, such sums of money as shall be expedient for the completing and maintaining of their works, and to make bonds and debentures or other securities for the sum so borrowed, and to make the bonds, debentures or other securities granted for the sum so borrowed, payable either in currency or in sterling, or at such place within Borrowing powers.
- 50

this Province or without, as may be deemed advisable, and to sell the same at such prices or discounts as may be deemed expedient or necessary; and to hypothecate, mortgage and pledge the lands, tolls, revenues and other property of the company for the due payment of the said sum, and the interest thereon, but no such debenture shall be of a less sum than one hundred dollars. 5

Promissory
notes, etc.

21. The said company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory note or bill of exchange made or endorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a resolution of the said board of directors, shall be binding on the said company, and the said promissory note or bill of exchange shall shew on the face of it the date of the resolution authorizing the same; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. 10 15 20 25

Limitation on
transfer of
property.

22. None of the properties or franchises of the company shall be sold, assigned or transferred without the prior sanction of the Lieutenant-Governor in Council.

Time of com-
mencement.

23. The company shall be organized and work commenced within two years from the passing of this Act. 30

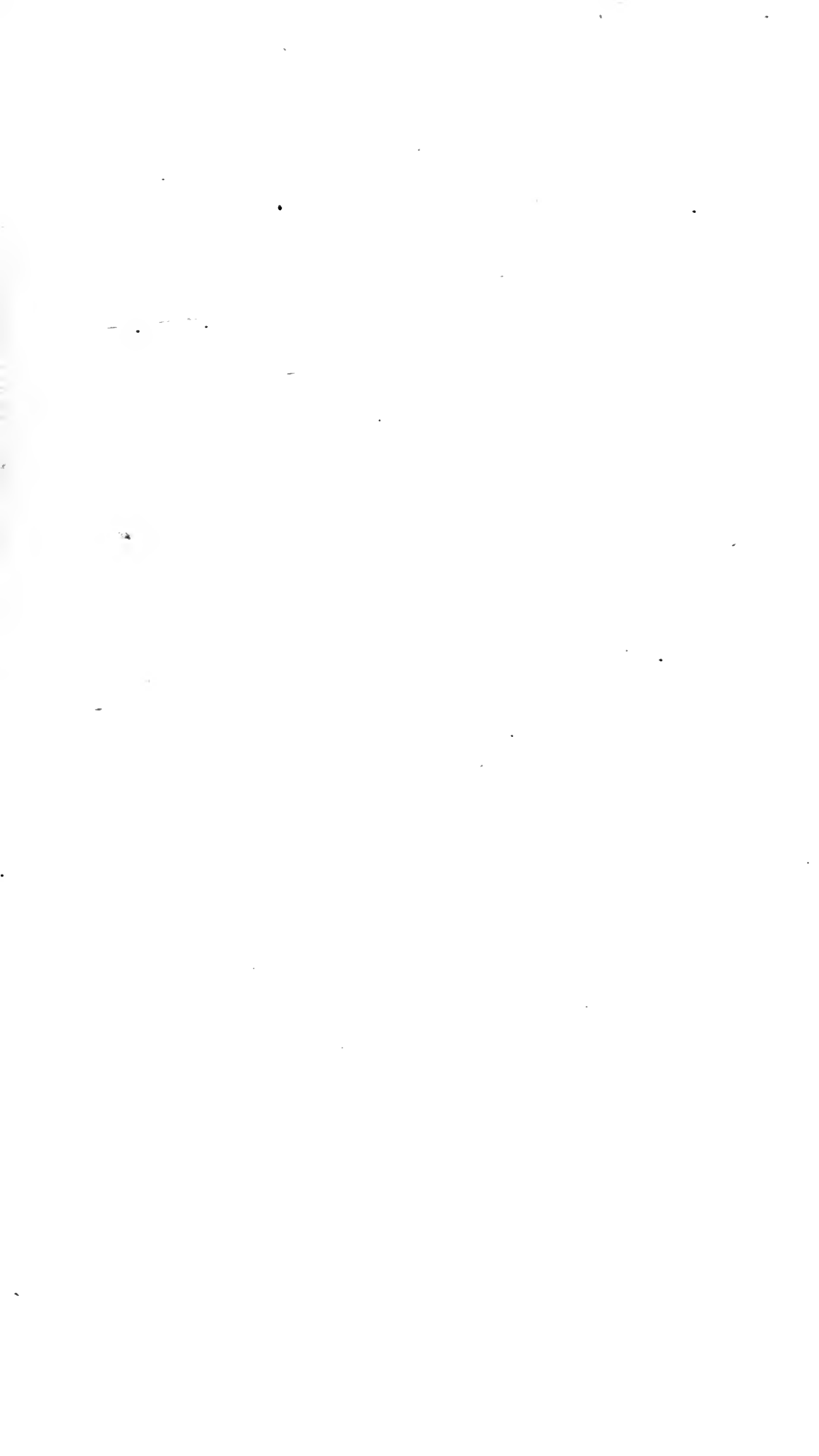
SCHEDULE A.

Know all men by these presents, that I (or we) (*insert the names of the vendors*), in consideration of dollars paid to me (or us) by the Niagara Falls Restoration and Improvement Company, the receipt whereof is hereby acknowledged, do grant and convey; and I (or we) (*insert the names of any other parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the lands*) to hold with the appurtenances, unto the said Niagara Falls Restoration and Improvement Company their successors and assigns, for ever (*here insert any other clauses, covenants or conditions required,*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in said lands.

As witness my (or our) hand and seal (or hands and seals), this day, A.D. 18 .

Signed, sealed and delivered,
in presence of }

[L. S.]



2nd Session, 5th Legislature, 48 Vic, 1885.

BILL

An Act to Incorporate the Niagara Falls
Restoration and Improvement Company.

First Reading, 1885.

(*PRIVATE BILL.*)

Mr. HARCOURT.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to authorize the Corporation of the Village of
Essex Centre to borrow certain moneys.

WHEREAS the corporation of the Village of Essex Centre, Preamble.
by their petition have represented that it would be for
the advantage of the village and the agricultural community
of the neighbourhood, to have suitable grounds for the holding
5 of agricultural exhibitions within the limits of the corporation;
and whereas they have represented that most desirable grounds
and buildings can be procured for that purpose for a sum not
exceeding five thousand dollars, which grounds are situated
within the limits of the said corporation; and whereas doubts
10 exist or have arisen as to the power of the said corporation to
issue debentures for the purchase of the said grounds and build-
ings; and they have therefore prayed that they may be auth-
orized to issue debentures for the purpose of providing funds
for the purchase of the said grounds; and whereas it is expedi-
15 ent to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The corporation of the Village of Essex Centre are here-
20 by empowered to issue debentures to the amount of five thou-
sand dollars and for no greater sum, for the purpose of provid-
ing funds to purchase the said exhibition grounds and the
buildings thereon erected, and it shall and may be lawful to
and for the said corporation to raise the said sum by way of
25 loan upon the credit of the debentures hereinafter mentioned,
and by this Act authorized to be issued, from any person or
persons, body or bodies corporate either in this Province or
elsewhere, who may be willing to lend the same.

Power to
borrow \$5,000
for purchase
of exhibition
grounds.

2. It shall and may be lawful for the said corporation of the
30 Village of Essex Centre to pass a by-law or by-laws authoriz-
ing the said loan of five thousand dollars, and the issuing of the
debentures therefor, in accordance with this Act, and to im-
pose in and by said by-law or by-laws a special rate per annum
on the whole ratable property of the said municipality, to be
35 called "The Special Debenture Loan Rate," over and above
and in addition to all other rates to be levied in each year,
which shall be sufficient to pay the sums falling due annually
for interest, and to provide a fund for the due payment of the
principal when the same shall fall due of the said debentures
40 last mentioned.

Power to pass
by-law author-
izing loan.

3. It shall and may be lawful for the municipal council of
the said corporation of the Village of Essex Centre, after the
Issue of
debentures
authorized.

passing of such by-law or by-laws authorizing the same, in accordance with this Act, to cause to be issued debentures of the said corporation, under the corporate seal, signed by the reeve, and countersigned by the treasurer and clerk of the said village for the time being, for such sums, not exceeding 5
in the whole the said sum of five thousand dollars as the said council shall direct and appoint, bearing interest at a rate not exceeding six per centum per annum.

Payment of debentures.

4. The principal sum to be secured by the debentures to be issued under the preceding section of this Act, with the interest accruing thereon, may be made payable in this Province or elsewhere, as the said council may by the by-law or by-laws direct or shall deem expedient; and a portion of the said debentures issued under any such by-law shall be made payable in each year for twenty years from the time 15
at which the by-law authorizing the issue of the same shall take effect; and so that the sum or sums to be levied for principal and interest shall be as nearly equal in each year as may be; and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures. 20

Application of proceeds of debentures.

5. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said sum of five thousand dollars as in the preamble to this Act mentioned, and not otherwise, and shall for that purpose be deposited, until required, in the agency of any char- 25
tered bank of Canada, doing business in the Province of Ontario, or invested in government securities or stock, either of the Dominion of Canada, or the Province of Ontario, upon such terms as the said municipal council and such bank or government shall from time to time agree upon, and shall only 30
be withdrawn therefrom as the same may be required, from time to time, for the payment of the said debentures so issued as aforesaid, amounting to the said sum of five thousand dollars and the interest thereon, or some part thereof, and 35
not otherwise.

Restriction as to repeal of by-law authorizing loan.

6. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act, authorizing the said loan shall not be repealed until the debt created under such by-law, and the interest thereon, shall be fully paid and satisfied. 40

Inconsistent provisions in Municipal Acts not to apply.

Defects of form not to invalidate debentures.

7. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act; and 45
no irregularity in the form either of the said debentures authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the 50
amount of the said debentures and interest, or any or either of them, or any part thereof.



2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to authorize the Corporation of
Essex Centre to borrow certain moneys.

First Reading, 1885.

(*PRIVATE BILL.*)

Mr. BALFOUR.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to enable the Trustees of the Will of the late John Lyons to invest certain moneys in certain Improvements upon the Trust estate, and to sell certain real estate.

WHEREAS, Joseph Gibson, of the Township of York, in the County of York, Grocer, and Thomas Ford, of the City of Toronto, Cordwainer, surviving trustees and executors under the will of John Lyons, late of the said City of Toronto, 5 deceased, have by their petition represented that the said John Lyons made and published his last will and testament as follows: "I, John Lyons, of the City of Toronto, in the County of York in the Province of Ontario, gentleman, hereby declare this to be my last will and testament—I give, devise and 10 bequeath all my real and personal estate unto my executors and executrix, hereinafter named, upon trust, in the first place out of the rents, issues and profits thereof to pay my dear wife, Mary Ann Lyons, the sum of one thousand dollars per annum for her maintenance and support during the term of her natural 15 life, if she shall so long continue my widow, and after her decease or second marriage to allow Mary Ann Close, my niece by marriage, daughter of James Close, of the County of Grey, to receive the rents, interests and profits of all my real estate, situate, lying and being in the City of Toronto, aforesaid, for 20 and during the period of her natural life, and after her death to convey the said real estate to her children upon their severally attaining the age of twenty-five years, and from the time of her death until the youngest child shall attain the age of twenty-five years, aforesaid, the rents, issues and profits are 25 to be applied to their support, and to allow Isabella Watt, wife of Matthew Andrews, of the Village of Yorkville, aforesaid, to receive all the rents, issues and profits arising from all my real estate, situate, lying and being in the said Village of Yorkville, for and during the term of her natural life, and after her death 30 to convey the said real estate in Yorkville, aforesaid, to her children, share and share alike, and after her death to apply the rents, issues and profits in the maintenance and support of her children until they severally shall attain the age of twenty-five years; all my real estate situate, lying and being in the 35 Township of York, to be sold by public auction at my death, the proceeds thereof to form part of my personal estate; all rents, issues and profits arising from my real and personal estate, after the payment to my wife as aforesaid, to form part of my personal estate; after the death or marriage 40 of my said wife to pay the rents, issues and profits arising from my personal estate semi-annually to the said Mary Ann Close and Isabella Watt Andrews during the period of their natural lives, in equal portions, and in case of the death of either of

them, then the share of the one so dying shall be applied to the support of her child or children, if any, and if not then to her heirs, and after the death of both of them then one-half the said personal estate shall be paid to the children of the said Mary Ann Close, and if no child or children, then to her heirs, 5
 and the other half to the child or children of the said Jane Watt Andrews, each child to be paid his or her share upon his, her or their attaining the age of twenty-five years respectively; I appoint my wife and Joseph Gibson, of the Village of Yorkville, aforesaid, grocer, and Thomas Ford, of the City of Toronto, afore- 10
 said, cordwainer, to be executors and trustees of my will; but if my wife should marry again she shall thereupon cease to be an executrix and trustee of my will, which shall thenceforth take effect and be executed in like manner as if the said Joseph Gibson and Thomas Ford had been originally appointed the 15
 sole trustees and executors; dated this eighteenth day of May, A.D. 1871; signed, John Lyons; signed by the said testator as his last will and testament in the presence of us present at the same time, who at his request, in his presence, and in the presence of each other, have subscribed our names as witnesses. 20
 Signed, Samuel Wickson, of the City of Toronto, solicitor; signed, Alexander Brown, of the City of Toronto, baker;" and that the said testator died on or about the twenty-sixth day of May, 1871; and that probate of the said will was duly granted by the Surrogate Court of the County of York on the eighth 25
 day of June, 1871, to the said Mary Ann Lyons, widow of the said John Lyons, since deceased, and the said petitioners, Joseph Gibson and Thomas Ford; and that the said Mary Ann Close named in the said will is now Mary Ann Keighley, the widow of John C. Keighley, late of the said City of Toronto, accountant, 30
 and has three children, Mary Walker Keighley, Maggie Robinson Keighley and Sarah Louise Keighley, aged respectively twelve, seven and five years; and that the real estate mentioned in the said will as being situate in the City of Toronto is composed of the following parcels of land, namely: firstly, that 35
 certain parcel or tract of land situate in the said City of Toronto, containing 7,800 square feet, more or less, composed of part of Park Lot Number Eight, in the first concession from the bay described as follows: commencing at a point on the east side of Yonge street at the distance of 95 chains and 47 28-33 links on 40
 a course north, 16 degrees west from the south-west angle of the said park lot, then north 16 degrees, west 60 feet, then north 74 degrees east 130 feet, then south 16 degrees east 60 feet, then south 74 degrees west 130 feet to the place of beginning; secondly, that parcel or tract of land situate in the 45
 said City of Toronto being composed of part of the rear part of Park Lot Number Nine, described as follows: commencing at a point on the south side of Bloor street at a distance of 120 feet westerly from the north-east angle of said park lot nine, then westerly along the said south side of Bloor street 45 feet, then 50
 southerly parallel to Yonge street 66 feet, then easterly parallel to Bloor street 45 feet, then northerly parallel to Yonge street 66 feet to the place of beginning; together with the right of way in common over a lane ten feet wide adjoining the said property on the west; thirdly, that parcel or tract of land in 55
 the said City of Toronto composed of part of the said rear part of park lot number nine, described as follows: commencing at the north-east angle of said park lot number nine, being the intersection of the southerly limit of Bloor street with the

westerly limit of Yonge street, then southerly along the westerly limit of Yonge street 66 feet, then westerly parallel to Bloor street 120 feet, then northerly parallel to Yonge street 66 feet, more or less, to the southerly limit of Bloor street, then 5 easterly along the southerly limit of Bloor street 120 feet to the place of beginning; and that upon the said parcel firstly described there is a wooden cottage, and upon the said parcel secondly described there are two wooden cottages, all of which were erected in the lifetime of the said testator, and were at the 10 time of his death a source of reasonable income, but which have since become old and greatly deteriorated in value, and by reason thereof and of the changes in the condition and value of real estate in the neighbourhood have ceased to be a source of income, as the rentals thereof are insufficient to pay for taxes 15 and insurance and adequate repairs, and the said cottages are rapidly and unavoidably deteriorating, and likely to become a charge and burden upon the said estate; and that the said parcel firstly hereinbefore described has become valuable for building purposes of a better character than the said cottages, 20 and is likely in the course of time to increase in value; and that for the expenditure of about \$4,500 there could be erected upon the said parcel of property four stores, which would each yield a considerable rental and prove a valuable investment for the estate; and that the said trustees and executors have in 25 their hands, belonging to the said Mary Ann Keighley and her children, the sum of \$4,600, or thereabouts, held upon the like trusts as the said real estate; and that it would be of great advantage to the said Mary Ann Keighley and her children if the said trustees were empowered 30 to invest the sum of \$4,500, or thereabouts, of the moneys in their hands in the improvement of the said estate by the erection of stores upon the said firstly described parcel; and that it would also be greatly to the interest and advantage of the said Mary Ann Keighley and her children if the said secondly 35 described parcel were sold and the proceeds thereof invested and held by the said trustees upon the trusts declared in the said will, or expended in manner above mentioned in improvements upon the said firstly described parcel of land; and that the said John C. Keighley departed this life on the third day 40 of February, A.D. 1885, leaving him surviving the said Mary Ann Keighley, his widow, and the said three children, who are altogether dependent for their support upon the income derived from the said real estate and the moneys hereinbefore mentioned in the hands of the said trustees, which altogether in the 45 present condition of the said estate does not amount to more than the sum of \$500 per annum, and is likely to become materially decreased, and the said trustees have therefore, with the consent and concurrence of the said Mary Ann Keighley, petitioned for an Act to enable them to sell the said parcel of 50 land hereinbefore secondly described, and to enable them to invest the moneys of the said estate in the manner hereinbefore mentioned; and it is expedient to grant the prayer of the said petitioners;

Therefore, Her Majesty, by and with the advice and consent 55 of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to
Trustees to
improve prop-
erty.

1. The said Joseph Gibson and Thomas Ford, their heirs and assigns, trustees as aforesaid, are hereby declared to have and shall have power with the concurrence of the said Mary Ann Keighley, or if she be under any disability or incapacity, or be dead, then at their own discretion, to invest a sum or sums from time to time, not exceeding in the whole \$5,000, of the moneys which are now or may hereafter be held by them under the said will upon trust for the said Mary Ann Keighley and her children in the improvement of the said firstly described parcel of property in the manner aforesaid to such an extent as they may deem advisable, and according to such plans and specifications as to them may seem suitable. 5 10

To sell.

2. The said Joseph Gibson and Thomas Ford, their heirs and assigns, trustees as aforesaid, are hereby declared to have and shall have power with the concurrence of the said Mary Ann Keighley, or if she be under any disability or incapacity, or be dead, then at their own discretion to sell and dispose of the said parcel hereinbefore secondly described, upon such terms and for such prices as to them may seem advisable, the proceeds of sale to be held upon the like trusts as the said parcel of land was held according to the terms of the said will, with the additional powers of investment confirmed by the first section of this Act. 15 20

To mortgage.

3. The said trustees, their heirs and assigns, trustees as aforesaid, and the said Mary Ann Keighley, are hereby declared to have and shall have power with the sanction of the High Court of Justice, Chancery Division, to raise the sum of \$5,000 by mortgage upon the said real estate or any part thereof. 25

To convey.

4. The said trustees, their heirs and assigns, trustees as aforesaid, and the said Mary Ann Keighley, are respectively hereby declared to have and shall have power for the purposes aforesaid to execute all deeds and conveyances necessary for the conveyance of the said lands and the purposes of this Act. 30

BILL.

An Act to enable the Trustees of the Will of the late John Lyons to invest certain moneys in certain improvements upon the trust estate, and to sell certain real estate.

First Reading, 1885.

(*PRIVATE BILL.*)

MR. CLARKE
(*Toronto.*)

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to enable the Town of Trenton to develop the water power of the River Trent within its limits, and for other purposes.

WHEREAS the Municipal Council of the Corporation of the Town of Trenton, have, by their petition, represented that on the river Trent within the limits of the said corporation, there exists a magnificent undeveloped water power which the council and citizens are most anxious to have developed and utilized, that in the session of this House in the year one thousand eight hundred and eighty-two, in an Act to extend and define the limits of the Town of Trenton the limits of the town were extended to enable its inhabitants to develop the said water power, that the said council have, since the passing of the said Act, put forth every effort to have the owners come to some arrangement whereby the said water power could be developed, that such efforts have been ineffectual ; in the month of October, in the year one thousand eight hundred and eighty-four, in order to enable the corporation of Trenton to develop said water power for the promotion of manufactures in the said Town of Trenton, the Government at Ottawa passed an Order in Council removing restrictions in the way of placing obstacles in said river, and granting permission to the corporation of Trenton to erect a dam on said river, that the council and inhabitants of the said town feel that it would be largely in their interests if the corporation of said Town of Trenton, with a view of creating a large manufacturing centre, and making the sanitary condition of the town more perfect, and protection more secure, were permitted to acquire by purchase or otherwise, and hold land on the banks of the river Trent, within the limits of the corporation, for the purpose of developing the water power of said river, for the promotion of manufactures and for other purposes, to construct, use and maintain on said river within said town limits a dam ; to lease or sell, or otherwise dispose of such lands and surplus power to be obtained and created ; to do and perform such other necessary acts as will tend to the promotion of manufactures by the development and utilization of said water power, and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows ;

1. The Corporation of the Town of Trenton, in the County of Hastings, shall have power to acquire by purchase, lease or otherwise, land from riparian owners and others, owners of land contiguous to the river Trent, within the corporate limits of the corporation of said town, and to hold and enjoy the same.

Power to corporation of Trenton to acquire land.

or sell, lease, or otherwise dispose thereof or any part thereof for the purpose of developing the water power of said river, and for the promotion of manufactures and other like purposes, as hereinafter provided.

Erection of dam across the river Trent.

2. The said corporation shall also have power to construct' 5
build, purchase, improve, extend, hold, maintain, repair, use-
manage, own, sell, lease, or otherwise dispose of, a dam across
the said river Trent at any suitable place within the limits of
the said town as hereinafter provided.

Water power.

3. The said corporation shall have power to pen back, gather 10
and husband water for water power purposes, by said dam, and
to hold, enjoy, use, own, sell, lease, or otherwise dispose of the
whole or any part of said water power to individuals, or com-
panies or corporation.

Employment of engineers, etc.

4. The said corporation shall have power to employ engin- 15
eers, surveyors and such other persons, and to rent with such
conditions, covenants and stipulations as the said corporation
shall deem requisite or necessary, or purchase, at the option of
the corporation, such lands, buildings, quarries, stones, timbers,
materials and privileges as in their opinion may before, dur- 20
ing the construction or at any future time be necessary to en-
able them to fulfil their duties, exercise and enjoy their rights
and privileges in that behalf under this Act.

Power to enter upon lands.

5. The said corporation, their engineers, surveyors, servants 25
and workmen, from time to time, and at such times as the said
corporation shall see fit, may enter into and upon the lands of
any person, persons, copartnerships, bodies politic or corporate,
in the said municipality, and may survey, set out and ascertain
such parts thereof as are required for the purposes of the said
dam, the construction thereof, and of flumes, and sluicings and 30
anchoring of the rods of said dam, and for flooding or overflow-
ing, and may expropriate the same as hereinafter provided, as
any engineer, surveyor, or other person authorized in this be-
half by the said corporation shall judge suitable or expedient
and proper for said purpose, and may contract with the owner 35
or occupier of the said lands, and those having a right or in-
terest in the said lands for the purchase or the releasing
thereof, or of any part thereof, or of any privilege that may be
required for the purposes of building a dam and flumes, and
sluicings therewith, overflowing and flooding lands, and creat- 40
ing and enjoying such water power as aforesaid.

Arbitrations.

6. In case of any disagreement between the said corporation
and the owners or occupiers or any other person interested in
such lands, respecting the amount of purchase or yearly rental
or value thereof, or as to the damages such expropriation will 45
cause or otherwise, the same shall be decided by arbitra-
tion in accordance with the Municipal Act, and as hereinafter
provided.

Lands of infants, etc.

7. In case any such owner or occupier is an infant, an idiot,
or an insane person, or is absent from the Province, or in case 50
such lands are mortgaged or pledged to any person, the Judge
of the County Court of the county in which said municipality
is situate, on application being made to him for that purpose

by said corporation, and upon proof of notice of such application having been served or given as is hereinafter provided, shall nominate and appoint three indifferent persons as arbitrators.

5 (2) The award of the majority of the arbitrators in writing, shall be binding on all parties concerned as fully as if all had joined therein.

8. Any sum so agreed upon or awarded shall, in case of purchase, be paid within three calendar months from the time 10 agreed upon, or from the date of the award, as the case may be; and in case of renting, the rent agreed upon or awarded shall be paid at the times agreed upon or fixed in the award, but in either case, if a motion is made to amend or set aside the award, payment may be delayed until the determination of 15 the motion.

(2) In default of such payment the proprietor or proprietors may resume possession of his or their property, and all his or their rights shall thereupon revive.

9. In case the person to whom damages are awarded is an 20 infant, an idiot, or an insane person, or is absent from the province, or refuses to accept the amount awarded, the said corporation may pay the same with interest to the committee of the person under any of the said disabilities, or may pay the same into the High Court of Justice, to the credit of such person or persons, and such payment shall be a sufficient payment 25 by the said corporation.

(2) Any notice required to be served on any person under any of the said disabilities shall be served on the person in whose care or under whose custody or control the person 30 may be.

(2) If any person so required to be served is absent from the province, or cannot be found, notice may be given by publishing the same for such time in the *Ontario Gazette*, and in one paper published in the county in which the said lands lie, as 35 may be ordered by the High Court of Justice, or a judge thereof, or said County Court Judge.

10. The lands so ascertained, set out or expropriated by the said corporation for the purposes aforesaid, shall upon payment of the said moneys to the person entitled thereto, or into court 40 aforesaid, be vested in the corporation in fee simple, except when the lands are rented, in which case the term and possession shall be as agreed upon by the respective parties, or as awarded by the arbitrators, but the said corporation shall have power at the end of the term, or during the last year thereof, 45 to again rent or purchase such lands at the option of the said corporation, at a rental or price to be agreed, ascertained and determined in manner aforesaid.

11. The said corporation may construct, erect and maintain across said river and in or upon said lands, a dam of sufficient 50 height for the said purposes, and the piers, abutments, machinery and other structures requisite for the undertaking, and for penning back and husbanding the water of said river, and

the conveying the same through flumes and sluices or otherwise.

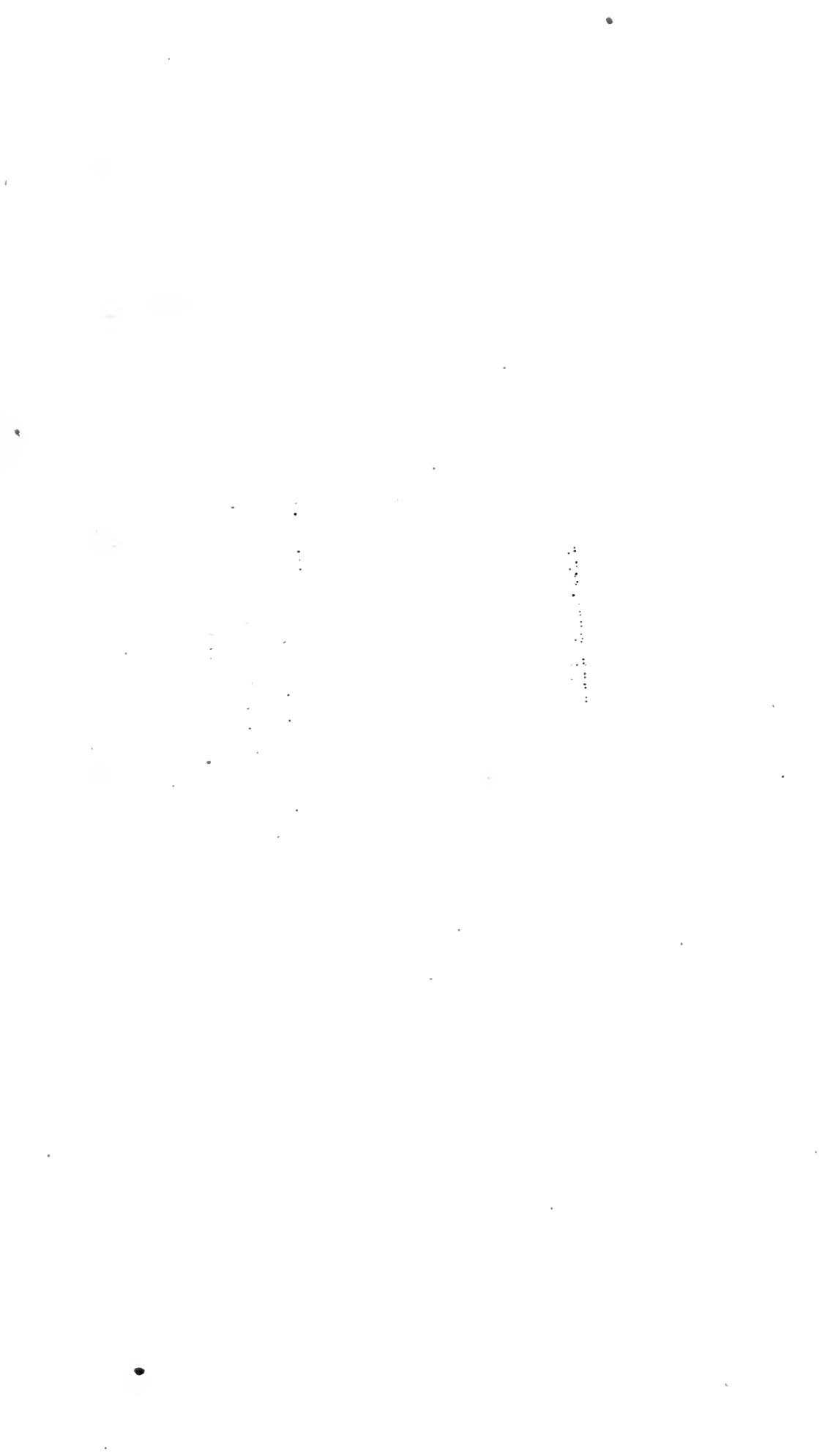
Dams, etc., to be the property of the corporation. **12.** The said dam, piers, abutments, machinery, flumes, sluiceways, and the structure shall likewise be vested in and be the property of the said corporation of the said municipality, with the power, right to use, sell, lease or otherwise dispose of the same in part or in whole as the said corporation may deem expedient. **5**

Exemption of property from taxation. **13.** The said dam, piers, flumes and sluices and all real or personal property connected with or appertaining to or belonging to the said water power, shall be exempt from taxation; the said corporation shall have power to construct or erect a bridge in connection with said dam for the passage of vehicles and foot passengers, and for the use and passage of locomotives, cars, or steam carriages, and may grant, sell, or rent said bridge, or the privilege of crossing and using the said bridge for the purposes above mentioned, to any person or persons, or body corporate. **10**
Bridges. **15**

Contracts for the erection of works. **14.** The said corporation shall also have the power, right or privilege of negotiating with any person or persons, co-partnerships, body politic or corporate, for the construction or erection of said dam or bridge, or either, upon such terms as may be agreed upon, and may receive from last said parties, and own, hold and enjoy waterpower, and water privilege created by the construction and erection of such dam, and may grant, sell, lease, or otherwise dispose of said water power and water privilege, for the purpose of manufactures, or may use the same or such part thereof as may be requisite to drive machinery or apparatus for generating electricity for lighting the said town, or may use said power or water privilege for the purpose of water works for domestic and fire purposes, and in such case said corporation shall have all the power, rights, and privileges, and duties contained in, under and by the *Municipal Water Works Act, 1882*, and thereupon said Act shall be deemed to be part of this Act. **20**
25
30
35

Loans. **15.** The said corporation shall have power to raise money by debenture in accordance with the Municipal Act, to purchase or rent said lands, to construct said dam, flumes and sluices, and develop said water power, or to grant a bonus to any person or persons, co-partnership, body politic or corporate, for the construction thereof, and upon such terms and conditions as may be agreed upon. **40**

Corporation not to engage in manufacturing. **16.** Said corporation shall not, as a corporation, engage in any manufacturing, directly or indirectly.



2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to enable the Town of Trenton to develop the waterpower of the River Trent within its limits, and for other purposes.

First Reading, 9th February, 1885.

(PRIVATE BILL.)

Mr. SULLS.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to enable the Town of Trenton to develop the water power of the River Trent within its limits, and for other purposes.

WHEREAS the Municipal Council of the Corporation of the Town of Trenton, have, by their petition, represented that on the river Trent within the limits of the said corporation, there exists a magnificent undeveloped water power which the council and citizens are most anxious to have developed and utilized; that in the session of this House in the year one thousand eight hundred and eighty-two an Act *was passed* extending the limits of the town *so as* to enable its inhabitants to develop the said water power; that in the month of October, in the year one thousand eight hundred and eighty-four, in order to enable the corporation of Trenton to develop said water power for the promotion of manufactures in the said Town of Trenton, the Government at Ottawa passed an Order in Council granting permission to the corporation of Trenton to erect a dam on said river; that it would greatly benefit the said town if the corporation were permitted to acquire and hold land on the banks of the river Trent, within the limits of the corporation, for the purpose of developing the water power of said river, and to construct, use and maintain a dam on said river within said town limits, and were also permitted to lease, sell, or otherwise dispose of such lands and surplus power to be obtained and created, and to do and perform such other necessary acts as will tend to the development and utilization of said water power; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

1. The Corporation of the Town of Trenton, in the County of Hastings, shall have power to acquire by purchase, or lease from riparian owners and others, land contiguous to the river Trent, within the corporate limits of said town, and to hold and enjoy the same, or sell, lease, or otherwise dispose thereof or any part thereof for the purpose of developing the water power of said river, and for the promotion of manufactures and other like purposes, as hereinafter provided.

2. The said corporation shall also have power, so far as this Legislature has authority to confer the same, and so far as the same may not interfere with persons whose rights have not been acquired by the said corporation, to construct, build, purchase, improve, extend, hold, maintain, repair, use, manage, sell, lease, or otherwise dispose of a dam across the said River

Trent, and in or upon any lands on which they may acquire the right so to do, and the piers, abutments, machinery and other necessary structures appurtenant to and connected with such dam, and may pen back, gather, and husband water for water power purposes by said dam, and may hold, enjoy, use, own, sell, lease or otherwise dispose of the whole or portions of such water power to individuals, companies or corporations.

Employment
of engineers,
etc.

3. The said corporation shall have power to employ engineers, surveyors and such other persons, and to rent with such conditions, covenants and stipulations as the said corporation shall deem requisite or necessary, or purchase, at the option of the corporation, such lands, buildings, materials and privileges as in their opinion may be necessary to enable them to fulfil their duties, and exercise and enjoy their rights and privileges in that behalf under this Act.



Power to enter
upon lands.

4. The said corporation may *acquire such lands* as any engineer, surveyor, or other person authorized in this behalf by the said corporation shall judge suitable or expedient and proper for said purpose, and may contract with the owner or occupier of the said lands, and those having a right or interest in the said lands for the purchase or the releasing thereof, or of any part thereof, or of any privilege that may be required for the purposes of creating and enjoying such water power as aforesaid.

Dam, etc., to
be the property
of the corpora-
tion.

5. The said dam, piers, abutments, machinery, flumes, sluiceways, and the structure shall likewise be vested in and be the property of the said corporation of the said municipality, with power to use, sell, lease or otherwise dispose of the same in part or in whole as the said corporation may deem expedient.

Exemption of
property from
taxation.

6. All real or personal property connected with or appertaining to or belonging to the said water power, *and belonging to the corporation of the said town*, shall be exempt from taxation. The said corporation shall have power to construct or erect a bridge in connection with said dam for the passage of vehicles and foot passengers, and for the use and passage of locomotives, cars, or steam carriages, and may grant, sell, or rent said bridge, or the privilege of crossing and using the said bridge for the purposes above mentioned, to any person or persons, or body corporate;  Provided that the said corporation may, if it thinks fit, lease any part of the said property as exempt from taxation; but no part leased shall be so exempt unless it is so provided by such lease. 

Contracts for
the erection of
works.

7. The said corporation shall also have the power of negotiating with any person for the construction or erection of said dam or bridge, or either, upon such terms as may be agreed upon, and may *own*, hold and enjoy *any* water power, and water privilege created by the construction and erection of such dam, and may grant, sell, lease, or otherwise dispose of said water power and water privilege, for the purpose of manufactures, or may use the same or such part thereof as may be requisite for generating electricity for lighting the said town, or for the purpose of water works for domestic and fire pur-

poses, and in such case said corporation shall have all the powers, rights, privileges, and duties conferred by *The Municipal Water Works Act, 1882*.

- 5 **8.** The said corporation shall have power to pass a by-law or by-laws for raising money by debentures subject to and in accordance with the provisions of *The Consolidated Municipal Act, 1883*, for the purpose of purchasing or renting said lands, constructing said dam, flumes and sluices, and developing said water power. Issue of debentures.
- 10 **9.** The said corporation shall not, directly or indirectly, engage in any manufacturing enterprise or business under any powers conferred by this Act. Corporation not to engage in manufacturing.
- 15 **10.** All the rights and powers hereby granted to the said corporation shall be by it used and employed within seven years from the date of passing this Act, otherwise the same shall absolutely cease and determine; but this is not to interfere with the acts, matters and things by the said corporation lawfully done under and by virtue of this Act. Time in which powers of corporation to be exercised.
- 20 **11.** The council of the said corporation shall have power to pass a by-law or by-laws subject to and in accordance with the provisions of *The Consolidated Municipal Act, 1883*, for granting aid by way of bonus for the construction, erection and maintenance of dams, piers, abutments, flumes and sluiceways, for the promotion of manufactures within its limits, by granting Bonus to company or person constructing dam.
- 25 such sum or sums of money for the purposes aforesaid, or any of them, to such person or persons, or body corporate as the said council may determine upon, and to pay such sum either in one sum, or in annual or periodical payments, with or without interest, and subject to such terms, conditions, and restrictions
- 30 as the said council may deem expedient.

BILL.

An Act to enable the Town of Trenton to develop the waterpower of the River Trent within its limits, and for other purposes.

First Reading, 23rd February, 1885.
Second " 18th March, 1885.

*(Reprinted as Amended by Committee of
whole House.)*

Mr. SILLS.

TORONTO:

PRINTED BY THE "GHP" PRINTING AND PUBLISHING CO.

An Act to enable the Town of Trenton to develop the water power of the River Trent within its limits, and for other purposes.



WHEREAS the Municipal Council of the Corporation of the Town of Trenton, have, by their petition, represented that on the river Trent within the limits of the said corporation, there exists a magnificent undeveloped water power which the council and citizens are most anxious to have developed and utilized; that in the session of this House in the year one thousand eight hundred and eighty-two, in an Act to extend and define the limits of the Town of Trenton the limits of the town were extended to enable its inhabitants to develop the said water power, that the said council have, since the passing of the said Act, put forth every effort to have the owners come to some arrangement whereby the said water power could be developed; that such efforts have been ineffectual; that in the month of October, in the year one thousand eight hundred and eighty-four in order to enable the corporation of Trenton to develop said water power for the promotion of manufactures in the said Town of Trenton, the Government at Ottawa passed an Order in Council removing restrictions in the way of placing obstacles in said river, and granting permission to the corporation of Trenton to erect a dam on said river; that the council and inhabitants of the said town feel that it would be largely in their interests if the corporation of said Town of Trenton, with a view of creating a large manufacturing centre, and making the sanitary condition of the town more perfect, and protection more secure, were permitted to acquire by purchase or otherwise, and hold land on the banks of the river Trent, within the limits of the corporation, for the purpose of developing the water power of said river, for the promotion of manufactures and for other purposes, to construct, use and maintain on said river within said town limits a dam; to lease or sell, or otherwise dispose of such lands and surplus power to be obtained and created; to do and perform such other necessary acts as will tend to the promotion of manufactures by the development and utilization of said water power, and whereas it is expedient to grant the prayer of the said petition:



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

1. The Corporation of the Town of Trenton, in the County of Hastings, shall have power to acquire by purchase, lease or otherwise, land from riparian owners and others, owners of land contiguous to the river Trent, within the corporate limits of the corporation of said town, and to hold and enjoy the same,

Power to corporation of Trenton to acquire land.



or sell, lease, or otherwise dispose thereof or any part thereof for the purpose of developing the water power of said river, and for the promotion of manufactures and other like purposes, as hereinafter provided.

Erection of dam across the river Trent. **2.** The said corporation shall also have power  so far as this **5**
 Legislature has authority to confer the same  to construct, build, purchase, improve, extend, hold, maintain, repair, use, manage, own, sell, lease, or otherwise dispose of, a dam across the said river Trent at any suitable place within the limits of the said town as hereinafter provided. **10**

Rights as to water power. **3.** The said corporation shall have power  so far as this **15**
 Legislature has authority to confer the same  to pen back, gather and husband water for water power purposes, by said dam, and to hold, enjoy, use, own, sell, lease, or otherwise dispose of the whole or any part of said water power to individuals, **15**
 or companies or corporation.

Employment of engineers, etc. **4.** The said corporation shall have power to employ engineers, surveyors and such other persons, and to rent with such conditions, covenants and stipulations as the said corporation shall deem requisite or necessary, or purchase, at the option of **20**
 the corporation, such lands, buildings, quarries, stones, timbers, materials and privileges as in their opinion may be before, during the construction or at any future time be necessary to enable them to fulfil their duties, and exercise and enjoy their rights and privileges in that behalf under this Act. **25**

Power to enter upon lands. **5.** The said corporation, their engineers, surveyors, servants and workmen, from time to time, and at such times as the said corporation shall see fit, may enter into and upon *any* lands in the said municipality, and may survey, set out and ascertain such parts thereof as are required for the purposes of the said **30**
 dam, the construction thereof, and of flumes, and sluicings and anchoring of the *ends* of said dam, and for flooding or overflowing, and may, *subject to the provisions hereinafter contained*, expropriate the same as any engineer, surveyor, or other person authorized in this behalf by the said corporation **35**
 shall judge suitable or expedient and proper for said purpose, and may contract with the owner or occupier of the said lands, and those having a right or interest in the said lands for the purchase or the releasing thereof, or of any part thereof, or of any privilege that may be required for the **40**
 purposes of building a dam and flumes, and sluicings therewith, overflowing and flooding lands, and creating and enjoying such water power as aforesaid.

Arbitrations. **6.** In case of any disagreement between the said corporation and the owners or occupiers or any other person interested in **45**
 such lands, respecting the amount of purchase or yearly rental or value thereof, or as to the damages such expropriation will cause or otherwise, the same shall be decided by arbitration in accordance with the Municipal Act, and as hereinafter provided;  and the arbitrators shall have authority to award **50**
 by whom the costs of the arbitration and award or any part thereof shall be paid .

7. (1) In case any such owner or occupier is an infant, an idiot, Lands of infants, etc. or an insane person, or is absent from the Province, or in case such lands are mortgaged or pledged to any person, the Judge of the County Court of the county in which said municipality
5 is situate, on application being made to him for that purpose by said corporation, and upon proof of notice of such application having been served or given as is hereinafter provided, shall nominate and appoint three indifferent persons as arbitrators.

10 (2) The award of the majority of the arbitrators in writing, shall be binding on all parties concerned as fully as if all had joined therein.

8. (1) Any sum so agreed upon or awarded shall, in case of purchase, be paid within three calendar months from the time
15 agreed upon, or from the date of the award, as the case may be; and in case of renting, the rent agreed upon or awarded shall be paid at the times agreed upon or fixed in the award, but in either case, if a motion is made to amend or set aside the award, payment may be delayed until the determination of
20 the motion.

(2) In default of such payment the proprietor or proprietors may resume possession of his or their property, and all his or their rights shall thereupon revive, ~~and~~ and he shall in such case be entitled to recover his costs, of and incidental to the arbitra-
25 tion and other proceedings, from the corporation. ~~and~~

9. (1) In case the person to whom *any money* is awarded for purchase money, rental or damages is an infant, an idiot, or an insane person, or is absent from the province, or refuses to accept the amount awarded, the said corporation may pay the
30 same with interest to the committee of the person under any of the said disabilities, or may pay the same, *with interest thereon in advance for six months*, into the High Court of Justice, to the credit of such person or persons, and such payment shall be a sufficient payment by the said corporation, ~~and~~ and shall deliver to the Registrar of the Court or other proper officer a duly
35 verified copy of the award. ~~and~~

(2) Any notice required to be served on any person under any of the said disabilities shall be served on the person in whose care or under whose custody or control the person
40 may be, ~~and~~ and shall also be served upon such person's legal guardian or committee in case he has any. ~~and~~

(3) If any person so required to be served is absent from the province, or cannot be found, notice may be given by publishing the same for such time in the *Ontario Gazette*, and in a
45 newspaper published in the *said town*, as may be ordered by the High Court of Justice, or a judge thereof, or said County Court Judge.

10. The lands so ascertained, set out or expropriated by the said corporation for the purposes aforesaid, shall upon payment
50 of the said moneys to the person entitled thereto, or into court aforesaid, be vested in the corporation in fee simple, except when the lands are rented, in which case the term and possession shall be as agreed upon by the respective parties, or as awarded by the arbitrators, but the said corporation shall have

power at the end of the term, or during the last year thereof, to again rent or purchase such lands at the option of the said corporation, at a rental or price to be agreed, ascertained and determined in manner aforesaid.

Rights of riparian proprietors.

11. But nothing in this Act contained shall interfere with the absolute right of riparian proprietors, whose lands have not been expropriated, to use such portions of the water as may be penned back by the said dam without any let or hindrance by the said corporation and without any rent or charge therefor.

Erection of dams, etc.

12. The said corporation may, so far as this Legislature can confer such authority, construct, erect and maintain across said river and in or upon said lands, a dam, as *hereinbefore mentioned*, of sufficient height for the said purposes, and the piers, abutments, machinery and other structures requisite for the undertaking, and for penning back and husbanding the water of said river, and the conveying the same through flumes and sluices or otherwise, and for such purposes shall have power to build all necessary abutments or piers on the east side of the said river.

Dams, et c., to be the property of the corporation.

13. The said dam, piers, abutments, machinery, flumes, sluiceways, and the structure shall likewise be vested in and be the property of the said corporation of the said municipality, with the power, right to use, sell, lease or otherwise dispose of the same in part or in whole as the said corporation may deem expedient.

Exemption of property from taxation.

14. The said dam, piers, flumes, sluices, *sites* and all real or personal property connected with or appertaining to or belonging to the said water power, and *belonging to the corporation of the said town*, shall be exempt from taxation; the said corporation shall have power to construct or erect a bridge in connection with said dam for the passage of vehicles and foot passengers, and for the use and passage of locomotives, cars, or steam carriages, and may grant, sell, or rent said bridge, or the privilege of crossing and using the said bridge for the purposes above mentioned, to any person or persons, or body corporate.

Bridge.


Contracts for the erection of works.

15. The said corporation shall also have the power, right or privilege of negotiating with any person for the construction or erection of said dam or bridge, or either, upon such terms as may be agreed upon, and may receive from said parties, and own, hold and enjoy water power, and water privilege created by the construction and erection of such dam, and may grant, sell, lease, or otherwise dispose of said water power and water privilege, for the purpose of manufactures, or may use the same or such part thereof as may be requisite to drive machinery or apparatus for generating electricity for lighting the said town, or may use said power or water privilege for the purpose of water works for domestic and fire purposes, and in such case said corporation shall have all the powers, rights, privileges, and duties contained in, under and by *The Municipal Water Works Act, 1882*.

Power to lease, etc., water power.

Power to settle by arbitration


16. If the corporation is not able to agree with any person or persons as to the amount of rental to be paid or in regard

to any other of the terms of leasing or disposing of the said water power, or property, or any portion of it, except as to the quantity to be taken, then such matter may at the desire of the corporation or such party be left to arbitration in accordance with the provisions of *The Consolidated Municipal Act*, and the finding by the arbitrator or arbitrators shall be binding on the parties as to such matters. 



rental, etc., of water power belonging to corporation.

17. The said corporation shall have power to raise money by debentures *subject to and in accordance with the provisions of The Consolidated Municipal Act, for the purpose of purchasing or renting said lands, constructing said dam, flumes and sluices, and developing said water power.*



Loans.

18. Said corporation shall not, directly or indirectly, engage in any manufacturing enterprise or business under any powers conferred by this Act. 

Corporation not to engage in manufacturing.

19.  All the rights and powers hereby granted to the said corporation shall be by it used and employed within seven years from the date of passing this Act, otherwise the same shall absolutely cease and determine; but this is not to interfere with the acts, matters and things by the said corporation lawfully done under and by virtue of this Act. 

Time in which powers of corporation to be exercised.

20.  Nothing in this Act contained shall be held to confer any power upon the said corporation to acquire any right or interest in any lands other than the following, being parts of Blocks A and F in the Delaney Block in the Town of Trenton, and formerly parts of lots numbers three and four in the second concession of the Township of Murray, described as follows, that is to say:—Commencing on the north side of Murray street, being the original road allowance between concessions one and two in the Township of Murray, at the distance of two chains in perpendicular width from its intersection with the west side of the River Trent, thence northerly, on a straight course, parallel to a line drawn from the intersection of the west bank of the River Trent with said concession road allowance to the intersection of said west bank of river with the southerly limit of the Grand Trunk Railway property, thirty-five chains, more or less, to said southerly limit of Grand Trunk Railway property, thence easterly along said limit to the water's edge of the River Trent, thence southerly along said water's edge to the northerly limit of the above mentioned concession road allowance, now Murray street, and thence westerly along said limit two chains and fifty links, more or less, to the place of beginning, containing, exclusive of the canal, six acres more or less. 

Limit of lands which corporation authorized to appropriate.

BILL.

An Act to enable the Town of Trenton to develop the waterpower of the River Trent within its limits, and for other purposes.

First Reading, 23rd February, 1885.

(PRIVATE BILL.)

*(Reprinted as Amended by Private Bills
Committee.)*

MR. STILLS.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act respecting the Village of Parkdale.

WHEREAS by an Act of the Legislature of the Province Preamble.
of Ontario, passed in the forty-fourth year of Her
Majesty's reign, and chaptered forty-four, and intituled *An Act*
respecting Water and Gas Works at Parkdale, authority is
5 given to the municipal council of the said village to issue
debentures for the purposes therein mentioned to an amount
not exceeding one hundred thousand dollars; and whereas by-
law number seventy-nine of the said village, authorizing the
issue of debentures for the said purposes to the amount of thirty
10 thousand dollars, was duly submitted to and received the
assent of the electors of the said village, and debentures in
pursuance of the said by-law to the amount of the said sum of
thirty thousand dollars have been issued thereunder; and
whereas by-law number one hundred and nine of the said village
15 authorizing the issue of debentures for the said purposes to the
amount of fifty thousand dollars (in addition to the said debentures
issued under by-law number seventy-nine aforesaid) was
duly submitted to and received the assent of the electors of
the said village, and debentures in pursuance thereof to
20 the amount of twenty-seven thousand dollars have been
issued thereunder; and whereas by an Act of the Legis-
lature of the Province of Ontario, passed in the forty-
seventh year of Her Majesty's reign, and chaptered fifty-
six, and intituled *An Act to empower the Municipality of the*
25 *Village of Parkdale to make Special Assessments and for*
other purposes, the said last-named debentures to the amount
of twenty-seven thousand dollars were declared to be valid
and binding upon the said municipality; and whereas by-law
one hundred and ninety-one of the said village, authorizing the
30 further issue of debentures for the said purpose to the amount
of fifteen thousand dollars, was passed by the council of the
said village without the assent of the electors on the assump-
tion that under by-law one hundred and nine aforesaid, which
had been duly assented to by the electors, and which provided
35 for the issue of debentures to the amount of fifty thousand
dollars, and under which only twenty-seven thousand dollars
of debentures had been issued as aforesaid, the said council had
authority to do so; and whereas doubts have been raised as to
the validity of said by-laws and of the said fifteen thousand
40 dollars of debentures last issued as aforesaid, and as to the
power of the said council to pass any by-law or by-laws for
of the issue of debentures for the said purposes without the assent
of the electors, although the said electors have assented to the issue
of eighty thousand dollars of debentures in all as aforesaid for
45 the said purposes and only seventy-two thousand dollars of
debentures in all have been issued as aforesaid; and whereas

doubts have also been raised as to the power of the said council, even with such assent, to pass such a by-law or by-laws for the issue of debentures beyond the said sum of fifty thousand dollars ; and whereas it is expedient to remove such doubts ;

Therefore Her Majesty, by and with the advice and consent 5
of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Certain by-laws and debentures legalized.

1. By-laws numbers seventy-nine, one hundred and nine and one hundred and ninety-one of the said village, and the debentures heretofore issued thereunder, including the said 10
issue under by-law one hundred and ninety-one, of the said fifteen thousand dollars of debentures, are hereby declared to be valid and binding upon the municipal corporation of the Village of Parkdale to all intents and for all purposes whatsoever. 15

Powers to issue debentures for \$3,000.

2. At any one time, or from time to time, as the council of the said corporation may deem expedient, the said council may pass a by-law or by-laws without procuring or obtaining the assent of the electors thereto for the issue of further debentures for the purposes mentioned in the Act, 44 Vic., cap. 44, to 20
an amount not exceeding the sum of eight thousand dollars, being the difference between eighty thousand dollars, the total amount to which the electors have heretofore assented, as aforesaid, and seventy-two thousand dollars, the total amount of debentures issued as aforesaid for the said purposes. 25

Further issue of debentures.

3. After the said eight thousand dollars of debentures shall have been issued the said council may, either at any one time or from time to time, with the assent of the electors in the manner provided by the said Act, 44 Vic., cap. 44, pass a by-law or by-laws for the issue of debentures for the purposes 30
mentioned in the said Act, so that the whole amount of the debentures to be authorized by the said by-law or by-laws shall not exceed the sum of twenty thousand dollars, or with the debentures to the issue of which the said electors have heretofore assented as aforesaid, the sum of one hundred thousand dollars. 35

The same.

4. Should the said council submit to the electors and should the electors assent to a by-law for the issue of the whole of the said twenty-thousand dollars of debentures, then the said council may either at one time or from time to time, as they 40
may deem expedient, without any fresh by-law or by-laws, issue the debentures thereunder, having regard to the provisions of the said Act, 44 Vic., cap 44, as to the respective dates of the maturity of the said debentures and otherwise.

5. And whereas the corporation of the Village of Parkdale 45
have by Petition set forth that they have incurred debts for works or improvements done or constructed as local improvements under the provisions of *The Municipal Act* without by-laws having been passed authorizing such works or improvements or providing for the borrowing of the moneys, or for making assessments for such works or im- 50
provements, and they are desirous of being authorized to cause an assessment to be made, and to pass by-laws to provide funds for the payment of the debts so incurred for such

works or improvements, and to pass other by-laws and to have other by-laws validated, and it is deemed expedient to grant the prayer of the said petition.

It is therefore enacted as follows:—

- 5 (1) In any case where a debt has been incurred in respect of any of the local works or improvements set forth in schedule “A” to this Act, it shall be lawful for the council of the Village of Parkdale, and they are hereby authorized to cause an assessment or assessments to be made upon the property liable
 10 therefor under the local improvement clauses of *The Municipal Act*, and to pass a by-law or by-laws to provide funds for the payment of the debts so incurred for the said works or improvements, and to validate all rates and assessments already or hereafter to be levied in respect thereof, and not contrary
 15 to the provisions of this Act.
- (2) In making such assessments, and in passing such by-law or by-laws, the amounts to be provided for shall be the amounts remaining unpaid in respect to such works or improvements, after crediting the amounts (if any) which shall have been
 20 paid under any assessment made to pay any such debt or debts, but in the making of any such assessment under the provisions of this section, any increase or decrease of the annual rate of assessment heretofore fixed or levied in respect of any property shall be alike as to all the properties affected by such assess-
 25 ment.
- (3) In ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited by such works or improvements, the amount paid in respect of such property shall be taken into
 30 consideration and allowed.
- (4) With respect to any such by-laws or debts and any debentures to be issued thereunder or therefor the said council shall have all the powers conferred upon municipal councils by section 410 of *The Consolidated Municipal Act, 1883*.
- 35 (5) In all cases in which by-laws of the said village for the construction of works as local improvements shall have been passed, and in which the estimated cost of such works shall have been exceeded by the actual cost thereof (which said by-laws and the amounts still required to pay for the works
 40 authorized thereby are set out in the first part of schedule “B” to this Act) and in the case of all works embraced in schedule “A” to the Act of the Legislature of Ontario, 47 Vic., cap. 56, in respect of which the actual cost thereof shall have exceeded the sums mentioned in said schedule “A” (which said works
 45 and the amounts still required to pay for the same are set out in the second part of schedule “B” to this Act) the municipal council of the said village is hereby empowered to pass a further by-law or by-laws authorizing the issue of supplemental debentures for the amount by which the actual cost of such
 50 works has exceeded the estimated or scheduled cost thereof as aforesaid, together with interest on such excess, and authorizing a supplemental assessment or assessments to be made for paying the said supplemental debentures upon the respective properties upon which the former assessments for the same
 55 purposes were respectively levied or authorized so to be upon the respective owners thereof.

Assessments
for local works
or improve-
ments.

(6) Section one of the said Act, 47 Vic., cap. 56, is hereby amended by inserting between the words "the" and "works" in the second line thereof the word "local," and by inserting between the words "made" and "and" in the fifth line thereof the words "upon the property liable therefor under the local improvement clauses of *The Municipal Act.*" 5

(7) Section five of the said Act is also hereby amended by inserting between the words "corporation" and "notwithstanding" in the ninth line thereof the words "and upon the property liable therefor under the local improvement clauses of *The Municipal Act.*" 10

Certain by-laws and debentures legalized.

(8) By-laws numbers _____ of the said municipality for the issuing of debentures to the amount of _____ and

respectively in respect of certain works and improvements on 15
Close avenue in the said village and also all debentures issued or to be issued thereunder are hereby declared to be valid and binding to all intents and for all purposes whatsoever.

6. And whereas the said corporation have by their petition also set forth that they have, with the assent of the electors 20
of the said municipality, issued debentures to the amount of ten thousand dollars and have paid the moneys realized from the sale of the said debentures on account of the cost of construction of a subway on Queen street between Parkdale and the City of Toronto, pursuant to the terms of an agreement 25
entered into between the said municipality and the Grand Trunk Railway Company and other railway companies, that the said subway is now built and has cost more than the original estimate, and it will be necessary for the said corporation to issue debentures to the amount of five thousand dollars 30
in addition to the said sum of ten thousand dollars to pay in full the moneys payable by them for the said work under the said agreement, and they are desirous of being authorized to pass a by-law to provide funds to pay for the said work and to issue debentures to the extent of the said additional 35
sum of five thousand dollars therefor, and it is deemed expedient to grant the prayer of the said petition;

It is therefore further enacted as follows:—

Power to issue debentures for \$5,000 for cost of subway.

(1) The corporation of the Village of Parkdale are hereby authorized and empowered from time to time or at any one time 40
to pass by-law or by-laws for the issue of debentures not exceeding in amount the sum of five thousand dollars, for the purpose of obtaining the sum, in addition to the said sum of ten thousand dollars which the said corporation require to raise on account of the expense of the said subway, the said 45
debentures to be payable at the expiration of twenty years from the date thereof, and to bear interest at the rate of six per centum per annum payable half yearly.

(2) The said by-law or by-laws shall settle a certain specific sum to be raised annually for the payment of the interest during the currency of the debentures; also a certain specific sum to be raised annually for the payment of the debt, such sum to be such as will be sufficient, with the estimated interest on the investment thereof to discharge the debt when payable. 50

(3) And in settling the sum to be raised annually for the payment of the debt the rate of interest on the investment shall not be estimated at more than five per centum per annum to be capitalized yearly.

5 (4) The by-laws shall provide that such annual sum shall be raised and levied in each year by a rate sufficient therefor on all the ratable property in the municipality.

7. And whereas the said corporation have by their petition also set forth that for sanitary purposes they are desirous of
10 being empowered to pass by-laws for the construction of drainage works or improvements for sanitary purposes, and to collect the cost of the said works or improvements from the locality as local improvements without the consent of any of the rate-payers and to issue debentures for the cost thereof as for local
15 improvements, and it is deemed expedient to grant the prayer of the said petition.

It is therefore further enacted as follows:—

(1) The five hundred and seventieth section of *The Consolidated Municipal Act of 1883* is hereby amended so far as the
20 same relates to the Village of Parkdale by inserting after the words "any lands" in the eleventh line thereof the words "or where in the opinion of the council it is necessary for sanitary or drainage purposes."
46 Vic., c. 18, s. 570, amended so far as relates to Parkdale.

(2) The six hundred and twelfth section of the said Act is
25 hereby amended so far as the same relates to the Village of Parkdale by inserting after the word "subject" in the fifth line of the fourth sub-section thereof the words "save where in the opinion of the council the work or improvement is necessary for sanitary or drainage purposes."
46 Vic., c. 18, s. 612.

SCHEDULE "A."

(See Section 5.)

Showing debts incurred for works or improvements done or constructed as local improvements, without by-laws.

NATURE OF WORK OR IMPROVEMENT.	LOCALITY.	COST.
Levelling, grading sidewalks and crossing.....	Jamieson Avenue from Queen Street to Grand Trunk (formerly Great Western) Railway track	\$1,643 80
Grading, boulevarding and curbing.....	Wilson Avenue, both sides	44 05

SCHEDULE "B."

NO. BY-LAW.	WORK.	ESTIMATED OR SCHEDULED COST.	ACTUAL COST INCLUDING INTEREST.	SUPPLEMENTAL DEBENTURES.
FIRST PART.				
25	Jamieson Avenue, S.	368 00	405 21	37 21
39 and 77	Dowling Avenue	1130 00	1208 26	78 26
54	Duncan, Ruth and Fuller.	1500 00	1545 25	45 25
58	Dunn Ave. Railway Crossing. .	240 22	448 65	208 48
63	Tyndall Avenue	300 00	378 78	78 78
83	Marian St. extension	800 00	1180 46	380 46
112	Queen and Dufferin	1085 48	1231 40	145 95
135	Callendar Street	2866 00	2733 61	367 61
164	Leopold Street	252 43	257 43	5 00
SECOND PART.				
.....	Union Street	355 08	357 25	2 17
.....	Abbs Street	38 00	43 02	5 02
.....	Dowling Avenue Crib	660 00	729 97	69 97

No. 51.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the Village of Parkdale.

First Reading, 1885.

(PRIVATE BILL.)

Mr. GRAY.

An Act respecting the Village of Parkdale.

WHEREAS by an Act of the Legislature of the Province Preamble.
of Ontario, passed in the forty-fourth year of Her
Majesty's reign, and chaptered forty-four, and intituled *An Act*
respecting Water and Gas Works at Parkdale, authority is
5 given to the municipal council of the said village to issue
debentures for the purposes therein mentioned to an amount
not exceeding one hundred thousand dollars; and whereas by-
law number seventy-nine of the said village, authorizing the
issue of debentures for the said purposes to the amount of thirty
10 thousand dollars, was duly submitted to and received the
assent of the electors of the said village, and debentures in
pursuance of the said by-law to the amount of the said sum of
thirty thousand dollars have been issued thereunder; and
whereas by-law number one hundred and nine of the said village
15 authorizing the issue of debentures for the said purposes to the
amount of fifty thousand dollars (in addition to the said debentures
issued under by-law number seventy-nine aforesaid) was
duly submitted to and received the assent of the electors of
the said village, and debentures in pursuance thereof to
20 the amount of twenty-seven thousand dollars have been
issued thereunder; and whereas by an Act of the Legis-
lature of the Province of Ontario, passed in the forty-
seventh year of Her Majesty's reign, and chaptered fifty-
six, and intituled *An Act to empower the Municipality of the*
25 *Village of Parkdale to make Special Assessments and for*
other purposes, the said last-named debentures to the amount
of twenty-seven thousand dollars were declared to be valid
and binding upon the said municipality; and whereas by-law
one hundred and ninety-one of the said village, authorizing the
30 further issue of debentures for the said purpose to the amount
of fifteen thousand dollars, was passed by the council of the
said village without the assent of the electors on the assump-
tion that under by-law one hundred and nine aforesaid, which
had been duly assented to by the electors, and which provided
35 for the issue of debentures to the amount of fifty thousand
dollars, and under which only twenty-seven thousand dollars
of debentures had been issued as aforesaid, the said council had
authority to do so; and whereas doubts have been raised as to
the validity of said by-laws and of the said fifteen thousand
40 dollars of debentures last issued as aforesaid, and as to the
power of the said council to pass any by-law or by-laws for
the issue of debentures for the said purposes without the assent
the electors, although the said electors have assented to the issue
of eighty thousand dollars of debentures in all as aforesaid for
45 the said purposes and only seventy-two thousand dollars of
debentures in all have been issued as aforesaid; and whereas

doubts have also been raised as to the power of the said council, even with such assent, to pass such a by-law or by-laws for the issue of debentures beyond the said sum of fifty thousand dollars ; and whereas it is expedient to remove such doubts ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :— 5

Certain by-laws and debentures legalized.

1. By-laws numbers seventy-nine, one hundred and nine and one hundred and ninety-one of the said village, and the debentures, heretofore issued thereunder, including the said issue under by-law one hundred and ninety-one, of the said fifteen thousand dollars of debentures, are hereby declared to be valid and binding upon the municipal corporation of the Village of Parkdale to all intents and for all purposes whatsoever. 10 15

Power to issue debentures for \$8,000.

2. At any one time, or from time to time, as the council of the said corporation may deem expedient, the said council may pass a by-law or by-laws without procuring or obtaining the assent of the electors thereto for the issue of further debentures for the purposes mentioned in the Act, passed in the forty-fourth year of Her Majesty's reign, and chaptered forty-four, to an amount not exceeding the sum of eight thousand dollars, being the difference between eighty thousand dollars, the total amount to which the electors have heretofore assented, as aforesaid, and seventy-two thousand dollars, the total amount of debentures issued as aforesaid for the said purposes. 20 25

By-laws authorizing further issue of debentures for \$20,000.

3. After the said eight thousand dollars of debentures shall have been issued the said council may, either at any one time or from time to time, with the assent of the electors in the manner provided by the said Act, passed in the forty-fourth year of Her Majesty's reign, and chaptered forty-four, pass a by-law or by-laws for the issue of debentures for the purposes mentioned in the said Act, so that the whole amount of the debentures to be authorized by the said by-law or by-laws shall not exceed the sum of twenty thousand dollars, or with the debentures to the issue of which the said electors have heretofore assented as aforesaid, the sum of one hundred thousand dollars. 30 35

Issue of debentures authorized by preceding section.

4. Should the said council submit to the electors and should the electors assent to a by-law for the issue of the whole of the said twenty-thousand dollars of debentures, then the said council may either at one time or from time to time, as they may deem expedient, without any fresh by-law or by-laws, issue the debentures thereunder, having regard to the provisions of the said Act, passed in the forty-fourth year of Her Majesty's reign, and chaptered forty-four, as to the respective dates of the maturity of the said debentures and otherwise. 40 45

Provision as to cost of works constructed as local improvements.

5. And whereas the corporation of the Village of Parkdale have by Petition set forth that certain by-laws of the said village have been passed for the construction of works as local improvements, and the actual cost of such improvements has exceeded the estimated cost thereof, and certain other works have been constructed by said village as local improvements, and by the Act of the Legislature of Ontario, passed in the 50

forty-seventh year of Her Majesty's reign, and chaptered fifty-six, the said municipality has been authorized to pass by-laws to provide for the cost of such works, and whereas the cost thereof has exceeded the amounts provided for in said Act, and
 5 the said corporation are desirous of being authorized to pass by-laws to provide funds for the said excess in the cost of such improvements, and also to have any doubts removed as to the mode of raising the moneys provided for in the said Act for the improvements therein mentioned, and it is deemed expedient to
 10 grant the prayer of such petition ;

It is therefore enacted as follows :—

In all cases in which by-laws of the said village for the construction of works as local improvements shall have been passed, and in which the estimated cost of such works shall
 15 have been exceeded by the actual cost thereof (which said by-laws and the amounts still required to pay for the works authorized thereby are set out in the first part of the schedule to this Act) and in the case of all works embraced in schedule
 " A " to the Act of the Legislature of Ontario, 47 Vic., cap. 56,
 20 in respect of which the actual cost thereof shall have exceeded the sums mentioned in said schedule " A " (which said works and the amounts still required to pay for the same are set out in the second part of the schedule to this Act) the municipal council of the said village is hereby empowered to pass a fur-
 25 ther by-law or by-laws authorizing the issue of supplemental debentures for the amount by which the actual cost of such works has exceeded the estimated or scheduled cost thereof as aforesaid, together with interest on such excess, and author-
 30 izing a supplemental assessment or assessments to be made for paying the said supplemental debentures upon the respective properties upon which the former assessments for the same purposes were respectively levied or authorized so to be upon the respective owners thereof.

(2) Section one of the said Act, passed in the forty-seventh
 35 year of Her Majesty's reign, and chaptered fifty-six, is hereby amended by inserting between the words " the " and " works " in the second line thereof the word " local," and by inserting between the words " made " and " and " in the fifth line thereof the words " upon the property liable therefor under the local
 40 improvement clauses of *The Municipal Act*."

(3) Section five of the said Act is also hereby amended by inserting between the words " corporation " and " notwithstanding " in the ninth line thereof the words " and upon the property liable therefor under the local improvement clauses of
 45 *The Municipal Act*."

6. And whereas the said corporation have by their petition also set forth that they have, with the assent of the electors of the said municipality, issued debentures to the amount of ten thousand dollars and have paid the moneys realized from
 50 the sale of the said debentures on account of the cost of construction of a subway on Queen street between Parkdale and the City of Toronto, pursuant to the terms of an agreement entered into between the said municipality and the Grand Trunk Railway Company and other railway companies, that
 55 the said subway is now built and has cost more than the

Power to issue debentures for \$5,000 for cost of subway.

original estimate, and it will be necessary for the said corporation to issue debentures to the amount of five thousand dollars in addition to the said sum of ten thousand dollars to pay in full the moneys payable by them for the said work under the said agreement, and they are desirous of being authorized to pass a by-law to provide funds to pay for the said work and to issue debentures to the extent of the said additional sum of five thousand dollars therefor, and it is deemed expedient to grant the prayer of the said petition ;

It is therefore further enacted as follows :— 10

(1) The corporation of the Village of Parkdale are hereby authorized and empowered from time to time or at any one time to pass a by-law or by-laws for the issue of debentures not exceeding in amount the sum of five thousand dollars, for the purpose of obtaining the sum, in addition to the said sum of ten thousand dollars which the said corporation require to raise on account of the expense of the said subway, the said debentures to be payable at the expiration of twenty years from the date thereof, and to bear interest at the rate of six per centum per annum payable half yearly. 15 20

(2) The said by-law or by-laws shall settle a certain specific sum to be raised annually for the payment of the interest during the currency of the debentures ; also a certain specific sum to be raised annually for the payment of the debt, such sum to be such as will be sufficient, with the estimated interest on the investment thereof to discharge the debt when payable. 25

(3) And in settling the sum to be raised annually for the payment of the debt the rate of interest on the investment shall not be estimated at more than five per centum per annum to be capitalized yearly. 30

(4) The by-laws shall provide that such annual sum shall be raised and levied in each year by a rate sufficient therefor on all the ratable property in the municipality.

SCHEDULE.

No. BY-LAW.	WORK.	ESTIMATED OR SCHEDULED COST	ACTUAL COST INCLUDING INTEREST.	SUPPLEMENTAL DEBENTURES.
FIRST PART.				
25	Jamieson Avenue, S.....	368 00	405 21	37 21
39 and 77	Dowling Avenue	1130 00	1208 26	78 26
54	Duncan, Ruth and Fuller.....	1500 00	1545 25	45 25
58	Dunn Ave. Railway Crossing..	240 22	448 65	208 48
63	Tyndall Avenue	300 00	378 78	78 78
83	Marian St. extension	800 00	1180 46	380 46
112	Queen and Dufferin	1085 48	1231 40	145 95
135	Callendar Street	2366 00	2733 61	367 61
164	Leopold Street	252 43	257 43	5 00
SECOND PART.				
.....	Union Street	355 08	357 25	2 17
.....	Abbs Street	38 00	43 02	5 02
.....	Dowling Avenue Crib	660 00	729 97	69 97

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the Village of Parkdale.

First Reading, 25th February, 1885.

(PRIVATE BILL)

*(Reprinted as Amended by Private Bills
Committee.)*

Mr. GRAY.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to incorporate the St. Clair, Essex Centre and
Erie Railway Company.

WHEREAS the construction of a railway has become desirable for public convenience from some point on Lake St. Clair, in the County of Essex; thence to run in a southerly or south-westerly direction to a point on the Canada Southern Railway within the limits of the Village of Essex Centre, thence
5 in a south-easterly direction through the Township of Colchester and Gosfield to the Village of Kingsville, and thence easterly to the Village of Leamington in the Township of Mersea, and thence in a southerly direction to a point on Lake Erie, all in the County of Essex aforesaid; and whereas a petition has
10 been presented by the municipal council of the Village of Essex Centre in the said County of Essex, and by the councils of the other interested municipalities for the incorporation of a company for that purpose; and whereas it is expedient to grant the prayer of the said petition;
15 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. James Brien, John Milne, Zacharia Gillies, A. J. Green, C. G. Fox, W. H. Allan, and George J. Thomas, together with
20 such other persons and corporations as shall in pursuance of this Act, become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of "The St. Clair, Essex Centre and Erie Railway Company."

25 2. The several clauses of the *Railway Act of Ontario*, and also the several sections thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "shares
30 and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "working of the railway," "actions for indemnity, and fines and penalties and their prosecution," and general provisions shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said
35 company, and to the railway to be constructed by them, except only so far as the same may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Railway Act* and amendments thereto so incorporated with
40 this Act.

Preamble.

Incorporation.

Application of
"The Railway
Act."

Location of line.

3. The said company hereby incorporated, and their agents or servants, shall have full power and authority under this Act, to lay out and construct and finish a double or single iron or steel railway from some point on Lake St. Clair in the County of Essex, thence to run in a southerly or south-westerly direction to a point on the Canada Southern Railway within the limits of the Village of Essex Centre, thence in a south-easterly direction through the Townships of Colchester and Gosfield to the Village of Kingsville, and thence easterly to the Village of Leamington in the Township of Mersea, and thence in a southerly direction to a point on Lake Erie, all in the County of Essex aforesaid. 5 10

Gauge.

4. The gauge of the said railway shall be four feet and one half inch in width.

Wharves, piers and warehouses.

5. The said company shall also have power to construct on the shores of Lake St. Clair and Lake Erie, or any other body or bodies of water, near to the said railway, such wharves, piers, warehouses, or other works as may be required for the use of the said company. 15

Navigation of vessels.

6. The said company shall have power to construct, purchase, charter and navigate boats or vessels of any description on such lake or body of water in order to supply facilities for traffic to be carried on said railway, or in connection with such railway. 20

Provisional Directors. Quorum.

7. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act. 25

Powers of Provisional Directors.

8. The said board of provisional directors shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada, having an office in the Province of Ontario, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under the *Railway Act of Ontario*, are vested in ordinary directors; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and con- 30 35 40 45 50

ductive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such shall best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at Essex Centre or at such other place as may best suit the interest of the said company. Meetings.

9. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. Conveyance of land.

10. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by the resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. Subscription for stock.

11. The said company may receive, either from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, bonuses, loans, or gifts of money or securities for money, in aid of the construction, equipment or maintenance of the said railway. Bonuses, etc., to company.

12. The capital stock of the company hereby incorporated shall be three hundred thousand dollars (with power to increase the same in the manner provided by the *Railway Act of Ontario*), to be divided into shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and the organisation of the said company, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality which may be affected by the said railway may, by resolution, of which seven days previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality a sum, not exceeding two hundred dollars, towards the preliminary expenses, which said sum, if the municipality so require, shall be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock. Capital stock. Municipal aid for preliminary expenses.

First meeting
for election of
directors.

13. When and as soon as shares to the amount of fifteen hundred dollars in the capital stock of the said company shall have been subscribed, and ten per centum paid thereon, the said provisional directors or a majority of them shall call a general meeting of the shareholders, for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the Village of Essex Centre, in the said County of Essex, of the time, place and purpose of said meeting. 5

Election of
directors.
Quorum.

14. At such general meeting the shareholders present, who shall have paid up ten per centum thereon, with such proxies as may be present, shall elect five, and not more than seven, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and the *Railway Act of Ontario*. 15

Qualification
of directors.

15. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least twenty shares of stock in the said company, and unless he has paid up all calls thereon. 20

Calls on stocks

16. The directors may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed, by each shareholder, and thirty days' notice shall be given of each call so made. 25

General
annual meet-
ing.

17. On the first Tuesday in June, and on the first Tuesday in June in each year thereafter, at the principal office of the said company, there shall be held a general meeting of the company, at which meeting the shareholders shall elect a like number, of not less than five or more than seven directors for the then ensuing year, in the manner hereinafter provided; and public notice of such annual meeting and election shall be published at least four weeks previously, in one or more newspapers in the County of Essex; and the election of directors shall be by ballot, and the persons so elected shall form the board of directors. 30

Notice of
meeting.
Election of
directors to
be by ballot.

Payment of
certain ex-
penses.
Authorized.

18. The directors to be elected by the shareholders may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who, in the opinion of a majority of the said directors may be, or may have been, of material aid in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional directors or not. 40

Special meet-
ings of share-
holders.

19. Special general meetings of the shareholders of said company may be held at the Village of Essex Centre or elsewhere in the said County of Essex, at such times and in such 50

manner, and for such purposes as may be provided by the by-laws of said company, upon such notice being given as is provided in section 17 of this Act.

20. It shall be lawful for any municipality or any por- Municipal aid.
 5 tion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money or de-
 10 bentures by way of bonus, gift or loan, or issuing municipal bonds to or in aid of the company and otherwise, in such manner and to such extent as such municipality shall think expedient; provided always, that when such bonds or debentures are
 15 or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, in accordance with and
 20 as provided by law in respect to granting aid by way of bonuses to railways.

21. In the case of a county municipality the petition shall Petitions in county municipality.
 be that of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county,
 25 who are qualified voters under the *Municipal Act*.

22. In case fifty persons, at least, rated on the last revised Petitions in other than county municipality.
 assessment roll of any municipality other than a county municipality, as freeholders who may be qualified voters under the *Municipal Act*, do petition the council of such municipality,
 30 and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such peti-
 35 tion introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid, in any portion of the said township municipality, do petition the council of the said
 40 municipality to pass a by-law in such petition, defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so
 45 desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such township municipality.

50 (2) For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus
 55 at the time and on the terms specified in the said petition;

(3) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, as near as may be, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, and for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly. 5

Passing municipal by-laws granting aid.

23. And in case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting the said council shall read the said by-law a third time and pass the same. 10

Issue of municipal debentures.

24. Within one month after the passing of such by-law the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act. 15

Levying sales on portions of municipality.

25. In case any bonus be so granted by a portion of a municipality the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of the municipality. 20

Application of Municipal Act as to by-laws.

26. The provisions of the *Municipal Act*, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of the municipality, to the same extent as if the same had been passed by or for the whole municipality. 25

Legality of by-laws.

27. All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby, shall be valid. 30

Exemption from municipal taxation.

28. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years. 40

Extending time by municipality for completion of work.

29. It shall and may be lawful for the council of any municipality that may grant, or that has granted, a bonus, gift or loan to the company, or the undertaking, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses, gift or loan. 50

30. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station ground or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of lands.

31. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the allowance for the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof from time to time as they may deem expedient; but the compulsory clauses of the *Railway Act of Ontario* shall not apply to this section.

Acquiring lands for stations, gravel pits, etc.

32. Whenever a municipality or municipalities shall grant a bonus to aid the said company, the debentures thereof shall, within one month after the passing of the by-law, be delivered to three trustees, one of whom shall be named by the company, one by the municipalities granting such bonuses, and one by the Lieutenant-Governor in Council; provided always that if the municipal councils interested shall refuse or neglect to name a trustee within two weeks after notice in writing to them of the appointment by the company, then the company shall be at liberty to name and appoint such trustee; in the event of the death, resignation, or inability or refusal to act on the part of any trustee, the party who originally appointed such trustee so dying or resigning, or becoming incapable or unwilling to act, may appoint a successor, and in the event of such party failing for two weeks after notice in writing to make such appointment, the company may appoint such trustee.

Trustees of municipal debentures.

33. The said trustee shall receive the said debentures in trust: Firstly, under the instructions of the directors of the company, to deposit the same in some chartered bank of Canada, doing business in the Province of Ontario; Secondly, to convert the same, or any of them, into money whenever required to do so by the directors of the company, but subject to the conditions of the by-law in relation thereto, as to time and manner, and to deposit the amounts realized from the sale thereof in such bank, in the name of the "St. Clair, Essex Centre and Erie Railway Company Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the Chief Engineer of the said railway, in the form set out in schedule "B" hereto, or to the like effect, setting out in such certificate the portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate.

Duties of the trustees.

and such certificate shall be attached to the cheque to be drawn by the said trustees.

Act of two trustees to be binding.

34. The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Bonds.

35. The directors of the said company, after the sanction of the shareholders, or a majority thereof, shall have first been obtained at any special general meeting to be called from time to time for such purpose or purposes, shall have power to issue bonds, not exceeding ten thousand dollars per mile of the said railway, made and signed by the president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the holders thereof, upon the undertaking and property of the company as aforesaid; provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided further, that the bonds and any transfers shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Form of bonds

36. All such bonds, debentures, and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Bills and notes

37. The said company shall have power and authority to become parties to promissory notes, and bills of exchange made or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such note or bill so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such note or bill, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said note or notes, bill or bills, have not been issued with the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Mortgaging bonds for advances.

38. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds

which they may be enabled, under the power of this Act, to issue for the construction of the said railway.

39. The said company shall have power to lease from any equipment company or other body any rolling stock that may be required for use on the said railway, and may, with the sanction of a majority of the shareholders, obtained at a special meeting called for that purpose, make any contract or agreement with any person or corporation, domestic or foreign, and enter into any arrangement with any other railway company or companies lawfully authorized in that behalf for amalgamating with such other company or companies.

Leasing rolling stock and amalgamating with other companies.

40. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line the powers conferred upon telegraph companies by the *Act respecting Electric Telegraph Companies* (being chapter one hundred and fifty-one) of the Revised Statutes of Ontario are hereby conferred upon the said company.

Telegraph lines.

41. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Aliens may be shareholders and directors.

42. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of shares.

43. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Charges by the company.

44. The said railway shall be commenced within three years and completed within seven years from the passing of this Act.

Commencement and completion of railway.

SCHEDULE "A."

(See Section 9.)

Know all men by these presents that I (or we) (insert also the name of wife or any person who may be a party) in consideration of _____ dollars paid to me (or us, as the case may be) by the "St. Clair, Essex Centre, and Erie Railway Company," the receipt whereof is hereby acknow-

50

ledged, do grant and release or do bar my dower in (*as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purpose of their railway, to hold with the appurtenances unto the said "St. Clair, Essex Centre, and Erie Railway Company," their successors and assigns.

As witness my (*or our*) hand and seals (*or hands and seals*),
 this day of one thousand
 eight hundred and
 Signed sealed and delivered }
 in the presence of [LS]

SCHEDULE "B."

(*See Section 33.*)

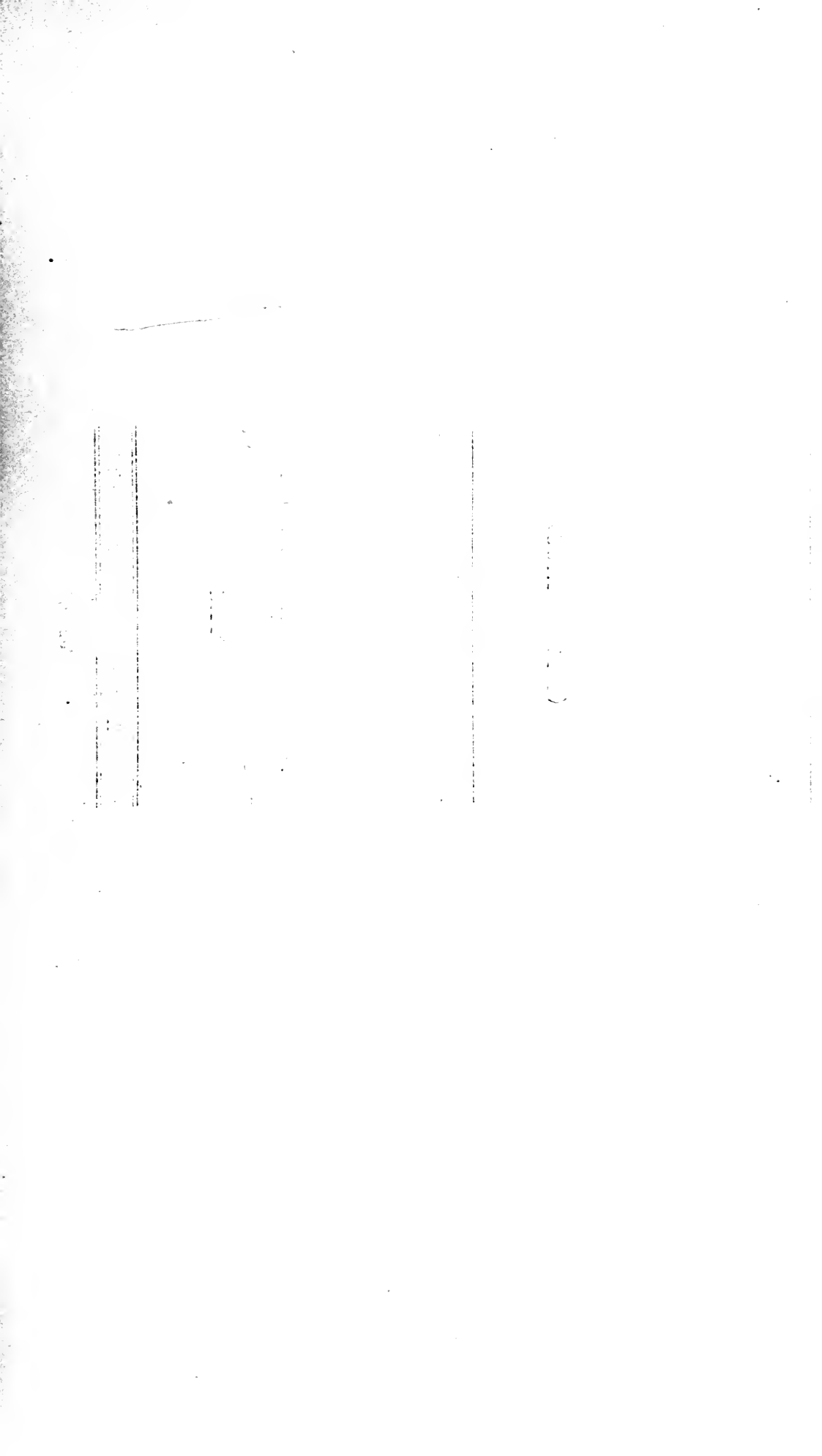
The St. Clair, Essex Centre, and Erie Railway Company's
 Office.

Engineer's Department:

A.D. 18

Certificate to be attached to cheques on the St. Clair, Essex
 Centre, and Erie Railway Municipal Trust Account, and given
 under section of cap 48 Vic.

I Chief Engineer of the St. Clair,
 Essex Centre, and Erie Railway Company do hereby certify
 that there has been expended in the construction of mile No.
 (the said mileage being numbered consecutively from
 No. to No.) the sum of
 dollars to date, and that the total *pro rata* amount due for
 the same from the said Municipal Trust Account amounts to
 the sum of dollars, which sum of
 dollars is due and payable under this Act.



2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to incorporate the St. Clair, Essex
Centre and Erie Railway Company.

1st Reading,	1885.
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(*PRIVATE BILL.*)

Mr. BALFOUR.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to incorporate the St. Clair, Essex Centre and
Erie Railway Company.

WHEREAS the construction of a railway has become desirable for public convenience from some point on Lake St. Clair, in the County of Essex; thence to run in a southerly or south-westerly direction to a point on the Canada Southern Railway within the limits of the Village of Essex Centre, thence in a south-easterly direction through the Townships of Colchester and Gosfield to the Village of Kingsville, and thence easterly to the Village of Leamington in the Township of Mersea, and thence in a southerly direction to a point on Lake Erie, all in the County of Essex aforesaid; and whereas a petition has been presented by the municipal council of the Village of Essex Centre in the said County of Essex, and by the councils of the other interested municipalities for the incorporation of a company for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. James Brien, John Milne, Zachariah Gillies, A. J. Green, C. G. Fox, H. W. Allan, and George J. Thomas, together with such other persons and corporations as shall in pursuance of this Act, become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of "The St. Clair, Essex Centre and Erie Railway Company."

2. The said company hereby incorporated, and their agents or servants, shall have full power and authority under this Act, to lay out and construct and finish a double or single iron or steel railway from some point on Lake St. Clair in the County of Essex, thence to run in a southerly or south-westerly direction to a point on the Canada Southern Railway within the limits of the Village of Essex Centre, thence in a south-easterly direction through the Townships of Colchester and Gosfield to the Village of Kingsville, and thence easterly to the Village of Leamington in the Township of Mersea, and thence in a southerly direction to a point on Lake Erie, all in the County of Essex aforesaid.

3. The gauge of the said railway shall be four feet *eight* and one half inches.

Provisional
Directors.
Quorum.

4. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act. 5

Powers of
Provisional
Directors.

5. The said board of provisional directors shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada, having an office in the Province of Ontario, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under the *Railway Act of Ontario*, are vested in ordinary directors; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such *exclusion will* best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at Essex Centre or at such other place as may best suit the interest of the said company. 15 20 25 30 35

Meetings.

Conveyance of
land.

6. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. 45

Subscription
for stock.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. 50

Bonuses, etc.,
to company.

8. The said company may receive, either from any government, or from any persons or bodies corporate, municipal or 55

politic, who may have power to make or grant the same, bonuses, loans, or gifts of money or securities for money, in aid of the construction, equipment or maintenance of the said railway.

- 5 **9.** The capital of the company hereby incorporated shall Capital stock.
 be three hundred thousand dollars (with power to increase
 the same in the manner provided by *The Railway Act of On-*
 10 *tario*), to be divided into *three thousand* shares of one hundred
 dollars each, and shall be raised by the persons and corpora-
 tions who may become shareholders in such company; and the
 money so raised shall be applied, in the first place, to the pay-
 ment of all fees, expenses and disbursements of and incidental
 to the passing of this Act, and for making the surveys, plans
 and estimates connected with the works hereby authorized;
 15 and the remainder of said money shall be applied to the mak-
 ing, equipping, completing and maintaining of the said rail-
 way, and to the other purposes of this Act; and until such
 preliminary expenses shall be paid out of such capital stock,
 the municipal corporation of any municipality *on or near the*
 20 *line of such works* may, by resolution, of which seven days pre-
 vious notice shall have been given and passed by a majority of
 the said municipal corporation, authorize the treasurer of such
 municipality to pay out of the general funds of such muni-
 cipality its fair proportion of such preliminary expenses
 which shall thereafter if such municipality shall so require
 25 be refunded to such municipality from the capital stock of
 the said company, or be allowed to it in payment of stock.

Municipal aid
for prelimin-
ary expenses.

10. When and as soon as shares to the amount of *thirty*
thousand dollars in the capital stock of the said company shall
 have been subscribed, and ten per centum paid thereon, the said
 30 provisional directors or a majority of them shall call a general
 meeting of the shareholders, for the purpose of electing direc-
 tors of the said company, giving at least four weeks' notice by
 advertisement in the *Ontario Gazette*, and in one or more
 newspapers published in the Village of Essex Centre, in the
 35 said County of Essex, of the time, place and purpose of said
 meeting.

First meeting
for election of
directors.

11. At such general meeting the shareholders present, who
 shall have paid up ten per centum thereon, with such proxies
 as may be present, shall elect *not less than five*, and not more
 40 than seven *persons as hereinafter mentioned*, to be directors of
 the said company (of whom a majority shall be a quorum), and
 may also pass such rules, regulations and by-laws as may be
 deemed expedient, provided they be not inconsistent with this
 Act and *The Railway Act of Ontario*.

Election of
directors.
Quorum.

- 45 12. No person shall be qualified to be elected as such
 director by the shareholders unless he be a shareholder hold-
 ing at least *ten* shares of stock in the said company, and
 unless he has paid up all calls thereon.

Qualification
of directors.

13. The directors may from time to time make calls as they
 50 shall think fit, provided that no calls shall be made at any one
 time of more than ten per centum of the amount subscribed
 by each shareholder, and thirty days' notice shall be given of
 each call *as provided in section ten*.

Calls on stocks

Payment of
certain ex-
penses
authorized.

14. The *provisional directors or the elected directors* may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who *may be employed by the directors* in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be *provisional or elected directors* or not; and any agreement so made shall be binding on the company

5

Annual
meeting.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the Village of Essex Centre, or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the Village of Essex Centre during the four weeks preceding the week in which such meeting is to be held

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Special meet-
ings of share-
holders.

16. Special general meetings of the shareholders of said company may be held at *such place and* at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in *the last preceding section*.

25

Aid from mu-
nicipalities.

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

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Proviso.

Provisions as
to bonus by-
laws.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

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(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;


45


(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Municipal Act*;


50


(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* as aforesaid ;

5 (4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, 10 being duly qualified voters as aforesaid.

19.  Such by-law shall in each instance provide : (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for 15 the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law ; (2) For assessing and levying upon all ratable property lying within the municipality or portion of the township 20 municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves 25 and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

20.  In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the 30 said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said 35 council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have 40 power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified 45 voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same ; but if amended, then by the railway company or the county as the arbitrators may order.

21.  The term " minor municipality " shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality. " Minor municipality," meaning of.

22.  Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality. Deposit for expenses.

cipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried, council to pass same :

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. 5

And issue debentures.

24. Within one month after the passing of such by-law, the said council and the mayor, warden, reeve, or other head, or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed, to the trustees appointed, or to be appointed, under this Act. 10

Levying rate on portions of municipality.

25. In case any *such loan, guarantee or bonus* be so granted by a portion of a *township* municipality the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of *such* municipality. 15

Application of Municipal Act as to by-laws.

26. The provisions of *The Municipal Act, and the amendments thereto* so far as the same are not inconsistent, with this Act, shall apply to any by-law so passed by or for a portion of a *township* municipality, to the same extent as if the same had been passed by or for the whole municipality. 20

Extension of time for commencement.

27. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year. 25

Extension of time for completion.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time. 30 35

Rate not exceeding three cents in the dollar valid.

29. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein. 40 45

Proviso.

Exemption from municipal taxation.

30. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a 50

certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

31. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station ground or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

32. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

34. (1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be

found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

(2) When estimating the damages for the taking of gravel, stone, earth or sand sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

Trustees of debentures.

35 Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

36 The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The St. Clair, Essex Centre and Erie Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor.

37. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to Trustees.

38. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting *the* said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Bonds.

39. All such bonds, debentures, and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Form of bonds.

40. The said company shall have power and authority to become parties to promissory notes, and bills of exchange for sums of not less than one hundred dollars, and any such promissory note or bill made, accepted, or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such *promissory* note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such *promissory* note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said *promissory* notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Bills and notes.

Mortgaging
bonds for
advances.

41. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the power of this Act, to issue for the construction of the said railway.

Agreements
for use of roll-
ing stock, etc.

42. It shall be lawful for the directors of the company to enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

43. The company incorporated by this Act is authorized and empowered to make necessary arrangements to contract and agree with the Great Western Railway Company of Canada (if lawfully authorized to enter into such arrangements) for amalgamation with the said Great Western Railway Company, or for the leasing their said line or any part or parts thereof to the said company, and may also make traffic running arrangements with the said company, provided that the terms of such amalgamation or lease are approved of by two-thirds of the shareholders present in person or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this province.

Telegraph
lines.

44. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line the powers conferred upon telegraph companies by *The Act respecting Electric Telegraph Companies* (being chapter one hundred and fifty-one of the Revised Statutes of Ontario) are hereby conferred upon the said company.

Aliens may be
shareholders
and directors.


45. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Transfer of
shares.

46. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Power to erect
warehouses.

47. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have

power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the 5 railway. 

48. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same 10 lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Collection of back charges.

49. The said railway shall be commenced within three years 15 and completed within seven years from the passing of this Act. Commencement and completion of railway.

 SCHEDULE A.

(See Section 6.)

Know all men by these presents, that I (or we) [*insert the name of the vendors*] in consideration of dollars paid to me (or us) by the "St. Clair, Essex Centre, and Erie Railway Company," the receipt whereof is hereby acknowledged, do grant and convey unto the said company and I (or we) in consideration of dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, as the case may be) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said "St. Clair, Essex Centre, and Erie Railway Company," their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of , A.D. 188 .
 Signed, sealed and delivered } [LS]
 in the presence of }

 SCHEDULE B.

(See Section 36.)


Chief Engineer's Certificate.

THE ST. CLAIR, ESSEX CENTRE AND ERIE RAILWAY COMPANY'S OFFICE.

No. *Engineer's Department.* A.D. 188

Certificate to be attached to cheques drawn on the St. Clair, Essex Centre, and Erie Railway Company Municipal Trust

Account, given under section chapter of the Acts
of the Legislature of Ontario, passed in the year of
Her Majesty's reign.

I, A.B., Chief Engineer of the St. Clair, Essex Centre, and
Erie Railway Company, do hereby certify that the said com-
pany has fulfilled the terms and conditions neces-ary to be ful-
filled under the by-law No. of the Township of (or
under the agreement dated the day of between
the corporation of and the said company) to entitle the
said company to receive from the said trust the sum of
[here set out the terms and conditions, if any, which have been
fulfilled]. 

No. 52.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL

An Act to incorporate the St. Clair, Essex
Centre and Erie Railway Company.

First Reading, 23rd February, 1885.

(PRIVATE BILL)

(Reprinted as Amended by Railway
Committee.)

Mr. BALFOUR.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND FUBLISHING CO.

An Act to amend the Acts relating to "The Land Security Company."

WHEREAS the Land Security Company has petitioned that Preamble.
 an Act may be passed extending the borrowing and other powers of the said company, and amending the Acts incorporating and relating to the said company so as to enable
 5 the said company to extend its operations, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

10 1. The second section of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered one hundred and twenty-36 V. c. 128, s. 2, repealed.
 eight, and intituled "*An Act to revive and amend the Act incorporating the Toronto House Building Association,*" as
 15 amended by the third section of the Act passed in the forty-fifth year of Her Majesty's reign and chaptered eighty, is hereby repealed, and the following section substituted therefor :

2. "The company shall have power to acquire and hold by Powers of the Association.
 lease, purchase, or other legal title, lands, houses, buildings, building material, or premises, to construct, erect, build, and
 20 maintain houses or other buildings, and to lease, exchange, sell, convey, dispose of, mortgage and charge the same as the company may deem for its advantage ; and also have the power to
 acquire by purchase or otherwise, any letters patent, or patent rights, for making or using concrete, or other building
 25 materials, and may use, sell and work the same to the same extent as the patentee or patentees thereof ; and also shall have power to invest in or lend its money on security of mortgage or real estate, whether freehold or leasehold, and whether
 30 the interest payable on such mortgage be greater or less than eight per centum, or Dominion or Provincial Government bonds or debentures, municipal securities or debentures of, or
 issued for or at the instance of, any school section or school trustee, or the stock of chartered banks within the Province, or the stock, bonds or debentures of any building society or
 35 loan company, or other such securities as the directors may approve of, and may purchase mortgages of real estate, whether of freehold or leasehold, that may be approved of by the directors, and may re-sell the same as they deem advisable, and for that purpose may execute such assignments or other instru-
 40 ments as may be necessary for carrying the same into effect ; and with respect to all such matters it shall have power to enter into, make and enforce all such contracts, stipulations, agreements, and conditions, as its directors for the time being may deem necessary for carrying out the same."

36 V. c. 128,
s. 5, amended.

2. The fifth section of the said Act passed in the thirty-sixth year of Her Majesty's reign, and chaptered one hundred and twenty-eight, as amended by the fifth section of the said Act passed in the forty-fifth year of the reign of Her Majesty, and chaptered eighty, is hereby further amended by striking out all the words after the words "one hundred dollars each," in the said section, and by substituting for the words "provided that the aggregate of such deposits shall not at any time exceed double the aggregate amount paid up on the capital of the company, and the aggregate of such deposits, bonds, or debentures shall not at any time exceed the subscribed capital of the company upon which not less than ten per cent. shall have been paid."

Power to act
as trustees or
agents.

3. The company is hereby empowered to act as an agency and may hold, invest, and deal with such lands, moneys, mortgages, securities or debts as shall from time to time be transferred or delivered to the company upon trust or as agents, and shall have the same power in respect of the same as if they belonged to the company, as well as all the powers and rights which corporations or parties so transferring or delivering the same might or could exercise, and the company may give such guarantee as may be agreed on for the proceeds of the same, or for the repayment of principal or interest or both of any such moneys, mortgages, securities, or debts.

BILL.

An Act to Amend the Acts relating to "The Land Security Company."

First Reading, 1885.

(PRIVATE BILL.)

Mr. HARCOURT.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting the Riverside Cemetery Company
of Port Arthur.

WHEREAS, the Riverside Cemetery Company of Port Arthur, incorporated under and by virtue of Chapter one hundred and seventy of the Revised Statutes of Ontario, entitled *An Act respecting Cemetery Companies*, is desirous of
5 selecting a certain piece or parcel of land within the limits of the Corporation of the Town of Port Arthur for the purpose of a cemetery or burying ground, containing twenty-six acres more or less, and described as follows, that is to say: situate, lying and being in the Town of Port Arthur, in the District of
10 Thunder Bay, and which is more particularly described as follows: commencing at a point where the eastern boundary of section fifty of the township of McIntyre, in the Town of Port Arthur intersects the northern limit of the "Oliver" road as now located, thence north astronomically eight chains and
15 sixty-six links to the north-east corner of section fifty aforesaid, thence west astronomically along the northern boundary of said section, thirteen chains and twenty-seven links to a post, thence south thirty-seven degrees west astronomically thirteen chains and seventy-five links to a post, thence west
20 astronomically three chains to the water's edge of what is commonly known as the First River, thence south-westerly along the water's edge ten chains more or less to a post planted at the western point of the property hereby described, thence south twenty-eight degrees thirty-six minutes east astronomically two
25 chains seventy-six links to a post planted on the north limit of the Oliver road, thence north-easterly along the northern limit of said road thirty chains and twenty links, more or less, to the point of commencement, containing by admeasurement twenty-six acres be the same more or less, being distant about two
30 miles from the business portion of the said Town of Port Arthur; And whereas, owing to the extensive limits of the Corporation of the Town of Port Arthur it would be highly inconvenient to be compelled to select a site for burial purposes beyond the limits of said town, and it is expedient to grant the
35 prayers of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Riverside Cemetery Company of Port Arthur is here-
40 by authorized and empowered to purchase the said piece or parcel of land so situate within the limits of the said Corporation of Port Arthur, and to hold and dispose of the same for the purposes of a cemetery or burying ground under and by virtue of the said Act respecting cemetery companies.

Power to company to purchase land in Port Arthur.

No. 54.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the Riverside Cemetery
Company of Port Arthur.

First Reading, 1885.

(PRIVATE BILL).

Mr. MCINTYRE.

TORONTO:
PRINTED BY THE "GHP" PRINTING AND PUBLISHING CO.

An Act to legalize a certain By-Law of the Village of Alliston.

WHEREAS the municipal council of the corporation of the Village of Alliston, in the County of Simcoe, did on the eighth day of September, in the year of our Lord one thousand eight hundred and eighty-four, pass a by-law after the same 5 was duly approved by the ratepayers of the said village, intituled a "By-law to aid and assist in the rebuilding of the Vulcan Foundry," and which said by-law is numbered eighty-one; And whereas the said by-law has been duly promulgated according to law, and no application or suit has been made or 10 entered to quash the same, but in consequence of the said by-law providing for the payment of the debentures to be issued thereunder and the interest thereon by certain special annual rates instead of by a certain specific sum to be raised annually in each year during the currency of the debt, and also of certain 15 formal defects in the said by-law doubts exist as to its validity; And whereas the Vulcan Foundry referred to in the said by-law has been rebuilt on the faith of the said by-law, and the debentures authorized thereby have been issued thereunder and negotiated, and the said corporation has received the proceeds 20 thereof, but owing to the aforesaid doubts the said corporation hesitate to pay over the money in accordance with the provisions of the said by-law, and are threatened with litigation by the persons entitled thereto; And whereas the municipal council of the corporation of the Village of Alliston have 25 petitioned praying that for the purpose of removing all doubts as to the validity of the said by-law arising from defects either of form or substance, an Act may be passed to confirm and legalize the said by-law number eighty-one, of the said Village of Alliston; And it is expedient to grant the prayer of the said 30 petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law number eighty-one of the municipal 35 council of the Village of Alliston, above in part recited, is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures issued or to be issued under the said by-law are hereby declared valid and binding upon the said corporation of the said Village of Alliston and 40 the ratepayers thereof.

By-law No. 81 of Alliston and debentures issued thereunder declared valid.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to legalize a certain By-law of the Village of Alliston.

First Reading, 1885.

(PRIVATE BILL.)

Mr. MCKAY.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act respecting the Debenture Debt of the City of Guelph.

WHEREAS the Corporation of the City of Guelph has an Preamble.

outstanding debenture debt of more than two hundred and twenty-seven thousand dollars, portions whereof fall due during the year one thousand eight hundred and eighty-six, and two following years; and whereas an aggregate rate of two cents in the dollar on the whole of the ratable property in said city will not in any of such years be sufficient to meet the current annual expenses of said city, and such portion of the said debenture debt as will become due in such year; and
 10 whereas the amount of such debt and expenses which said aggregate rate will not be sufficient to meet as aforesaid will be (as nearly as may be) about ten thousand dollars; and whereas the said corporation has prayed that an Act be passed to empower the said corporation in each of the said years to
 15 borrow on new debentures such amount as may be reasonable to meet a portion of the said outstanding debentures maturing, and to become due as aforesaid in the said years; and whereas it is expedient to grant the prayer of the said petition;
 20 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to section two of this Act, the corporation of the City of Guelph may from time to time, during the years one
 25 thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, pass by-laws authorizing the issue of new debentures of the said city for an amount not exceeding in any one such year the sum of ten thousand dollars, for the purpose
 30 of retiring or renewing a portion of the debentures now outstanding against the said city, and falling due within the year in which such new debentures may be issued as aforesaid; and such new debentures to be issued as aforesaid, under said by-laws, may be in such sums, and to such amounts, either in
 35 Canadian or sterling currency, as said corporation may deem best; provided always that such by-laws shall be in conformity and shall comply with the provisions of *The Consolidated Municipal Act*, and of the general municipal law from time to time in force in this Province, except that it shall not be ne-
 40 cessary to obtain the assent of the electors of the said city to the passing of any such by-law as aforesaid, nor of the Lieutenant-Governor in Council, either under *The Consolidated Municipal Act* or any other general Act now or hereafter to be in force in this Province; and provided further that, subject as

Power to issue debentures for purpose of retiring portion of outstanding debentures.

Proviso.

Proviso.

aforesaid, the said new debentures so to be issued as aforesaid under said by-laws, and all moneys arising therefrom, shall to the full extent thereof be applied only to retire and redeem the said outstanding debentures so maturing, and becoming due as 5 aforesaid in the said years.

2. Notwithstanding anything in this Act contained, all of the said now outstanding debentures, which are public school debentures, or which have been issued for public school purposes, or which are debentures for or towards the payment of 10 which the supporters of separate schools or their property in the said City of Guelph are not now liable or compellable to be rated or assessed shall be provided for, retired and paid in all respects as if this Act had not been passed.

Proviso as to
outstanding
school
debentures.

No. 56.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act respecting the Debenture Debt of
the City of Guelph.

First Reading, . 1885.

(PRIVATE BILL.)

Mr. LAIDLAW.

TORONTO:

PRINTED BY THE "GUP" PRINTING AND PUBLISHING CO.

An Act respecting the City of London and the Town
of London East.

WHEREAS the Municipal Councils of the Corporation of Preamble.
the City of London and of the Town of London East
have by their petition represented that it is desirable to annex
the said Town of London East to the said City of London and
5 have prayed that an Act may be passed to effect such annexa-
tion, and it is expedient to grant the prayer of the said
petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
10 as follows:

1. The said Town of London East is hereby annexed to and Town of Lon-
shall henceforth be included within and form part of the said don East to
City of London, and shall constitute a new ward of the said form part of
city, to be called and known as Ward Number Five, subject to City of Lon-
15 the same provisions of law as would be applicable if such addi- don, and to be
tion had been made under *The Consolidated Municipal Act*, Ward No. 5.
1883, and amendments thereto, except in so far as the same are
inconsistent with the provisions of this Act.

2. The assessment roll and voters' list of the said Town of Assessment
20 London East for the year 1884 shall be the assessment roll and roll and voters
voters' list for the said Ward Number Five until the assessment list of London
roll and voters' list for the current year have been completed, East for 1884.
and all proceedings with reference to the assessment roll of the
25 said Town of London East for the current year shall be con-
tinued after the passing of this Act as if the proceedings already
taken with reference thereto had been taken by the assessors of
the said City of London after the passing of this Act, and if
30 the assessors of the said Town of London East have not hereto-
fore completed and returned their roll they shall do so as if
this Act had not been passed, and return their roll to the clerk
of the said City of London, and the same shall be the assess-
ment roll for the said Ward Number Five for the current
year.

3. The Mayor, Reeve and First Deputy Reeve elected for the Aldermen of
35 said Town of London East at the last municipal election shall Ward No. 5
be the three Aldermen for the said Ward Number Five, and for current
shall hold office for the same term as the other aldermen of the year.
said City of London.

4. Immediately after this Act comes into force the public Assets, etc., of
40 school board of the Town of London East shall cease to exist, public school
and all its assets, rights, credits and effects shall become and board of Lon-
don East to be

vested in
board of edu-
cation of City
of London.

be vested in the board of education for the City of London for public school purposes, which board of education shall be liable for the duties and obligations of the said public school board, and the necessary proceedings shall be at once had and taken for the election of two public school trustees for said Ward 5 Number Five under the provisions of the Statutes in that behalf providing for the filling of vacancies occurring during the year, and the trustees elected at such election shall serve as public school trustees on the said board of education for the City of London, one for the balance of the current year and one for the 10 balance of the current year and one year thereafter, the order of their retirement to be determined by lot between them and recorded by the secretary of the said board of education at the first meeting thereof to be held after such election shall have taken place. 15

Property of
Corporation of
London East
vested in Cor-
poration of
City of Lon-
don.

5. All property of every nature and kind and wheresoever situate, all rights, credits and effects, and all deeds, bonds, papers, writings and other documents belonging to or under the control or in the possession of the council of the corpora- 20 tion of the Town of London East are hereby vested in the corporation of the City of London for all the estate and interest therein of the corporation of the Town of London East, and shall be forthwith delivered to such person as the council of the corporation of the City of London shall appoint for that purpose. 25

Liabilities of
Corporation
and school
board of Lon-
don East to be
liabilities of
City of Lon-
don.

6. All the existing liabilities, debts and obligations of the said corporation of the Town of London East and the said school board, including the share of the said corporation of the liabilities, debts and obligations of the County of Middlesex 30 are hereby declared to be the liabilities, debts, and obligations of the corporation of the City of London, and shall be met, discharged, observed and kept by the corporation of the City of London as if the same had been originally incurred, contracted or entered into by the said last mentioned corporation.

Lands added
to city not re-
leased from
certain exist-
ing obliga-
tions.

7. Nothing in this Act contained shall exempt the lands so 35 added to the said City of London as aforesaid from liability for the debts and obligations contracted before the passing of this Act by the county, township or other municipality of which the said lands for the time being formed a part and for which they are now liable, or from any special rate or assess- 40 ment imposed thereon by any by-law heretofore passed by the council of the said Town of London East, and all such by-laws are hereby confirmed.

Liability of
sureties for
officials of
London East
preserved.

8. All sureties for the several officials of the said Town of Lon- don East shall be and remain liable as if they had become sureties 45 for such officials to the corporation of the City of London in the first instance, and all bonds and securities which shall have been given to the corporation of the Town of London East at any time before the passing of this Act shall enure to the benefit of the corporation of the City of London, and the said 50 last mentioned corporation shall have the rights and remedies thereto and thereunder, and be entitled to recover thereon to the same extent and under the like circumstances as the corporation of the Town of London East could have had had this Act not been passed. 55

9. The councils of the corporations of the City of London and of the County of Middlesex respectively, may settle and agree upon all questions, claims, demands or disputes now existing between the corporation of the Town of London East and the corporation of the County of Middlesex, or which may arise out of the annexation of the said Town of London East to the said City of London, but in the event of the councils of the said two corporations not being able to agree, then all such questions, disputes, claims and demands shall be determined by arbitration under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto.

Settlement of questions with County of Middlesex.

10. It shall be lawful for the corporation of the City of London to agree with the Grand Trunk Railway Company of Canada that in consideration of the said company rebuilding as enlarged by this Act, car works, locomotive or other workshops connected with their said railway, and giving employment therein to not less than five hundred workmen, they will exempt for ten years the said company and its property within the said city from taxation to the extent of at least three thousand five hundred dollars per annum while at least five hundred workmen are so employed, and to the extent of five hundred dollars per annum in addition for every additional one hundred workmen who shall be so employed, while they shall be employed, and the council of the corporation of the City of London shall be bound to pass a by-law granting such exemption at any time within one year from the passing of this Act upon being required so to do by notice in writing signed by the aldermen for the time being of the said Ward Number Five.

Agreement with G. T. R. Company respecting exemption from taxation authorized.

11. For the period of five years a separate rate or sum shall be levied for street improvements in the said city, and during the said period the proceeds of the said rate or sum levied or collected upon or in respect of property situate or being within that part of the said City of London which now comprises the said Town of London East, shall be expended for street improvements in the said last mentioned part of the said city.

Special rate for street improvements.

12. For the period of five years the amount to be raised by taxation upon property within that part of the said City of London which now comprises the said Town of London East shall not exceed the amount raised by taxation during the year 1884, together with the amount required to furnish such portion of said city with such additional advantages as the representatives of such portion shall require, or which said portion of the city shall receive in consequence of its annexation to the said City of London, and if any dispute shall arise as to such amount, the same, if not agreed upon, shall be decided by arbitration as hereinafter provided in reference to other matters; but nothing in this section contained shall affect the provisions of section thirteen, nor shall expenditures on water works' account be included in determining the limit of taxation provided for by this section.

Limitation of taxes to be levied in part of city formed from Town of London East.

13. The rates and charges relating to waterworks and supply of water to be paid by the inhabitants of that part of the said city which now comprises the said Town of London East

Rates and charges for water-works.

shall be the same as those for the time being payable by the other inhabitants of the said city, and shall be charged, collected and dealt with in the same manner as all such rates and charges are for the time being charged, collected and dealt with in the city; and the proportion of the charge for the use of hydrants situate on Adelaide street to be raised by taxation within the said part of the said city as provided by sections eleven and twelve, shall be one-half the charges made for the use of hydrants within the said city for the time being. 5

Provision for adjustment of debts of city and town.

14. In case the two corporations shall not agree, the amount of the debts of the corporation of the City of London and of the corporation of the Town of London East, including the share of the said last mentioned corporation of the debt of the corporation of the County of Middlesex, shall be ascertained and determined by arbitration, and the actual cash value of the property and assets of the said two corporations shall also be ascertained and determined by arbitration, and if upon taking the said accounts the debt of either of the said corporations, after deducting from it the actual cash value of its property as ascertained and determined as aforesaid, shall exceed the debt of the other of the said corporations after deducting from it the actual cash value of its property and assets so ascertained and determined as aforesaid, the excess shall be a charge and shall be levied and collected by means of a rate upon the property liable to taxation within the limits of that part of the said city only whose debt exceeds that of the other part thereof, until such excess shall be paid off and satisfied, and the whole of the debts of the said two corporations other than the said excess shall be the debt of the said City of London as hereby extended, and shall be paid and discharged by taxation thereof as a whole. 10 15 20 25 30

Revenue to be treated as an asset if in opinion of arbitrators the same can be estimated and authorized.

15. In estimating the value of the property and assets of the said two corporations under the next preceding section of this Act, the arbitrators shall take into consideration and deal with as an asset of the corporation entitled thereto any revenue which it may be in receipt of and which in the judgment of the arbitrators, or a majority of them, may fairly be estimated and capitalized. 35

Property and debts of school board to be deemed debts and assets under sec. 14.

16. Debts of the school board of the said Town of London East and of the board of education of the said City of London shall be deemed debts within the meaning of section fourteen of this Act, and the property and assets of the said school board and board of education shall be deemed property and assets within the meaning of said section. 40

Fire and police stations to be established in Ward No. 5.

17. The Municipal Council of the said City of London, as hereby extended, shall as soon as practicable establish a branch fire station and a branch police station in the said Ward Number Five for the use of the said ward and the eastern portion of the said City of London. 45

Exemptions of certain works continued.

18. The existing exemptions from taxation in favour of The Bennett Manufacturing Company (limited), and The London Steel Works Company, shall continue during the respective periods provided by the by-laws granting the same, but subject to the provisions contained in said by-laws respectively. 50

19. It shall not be lawful for the municipal council of the corporation of the City of London to pass any by-law to interfere with the right of the owner, tenant or occupant of any oil refinery or paraffine works or works for the manufacture of oil, paraffine, paraffine wax, benzine or other oils or substances of a similar nature, to carry on their business in such part of the said city which now comprises the said Town of London East as shall have been before this Act comes into force designated for that purpose by by-law of the municipal council of the corporation of the Town of London East, if a majority of the aldermen for the time being of the said Ward Number Five shall vote against the passing thereof.

Restriction as to by-laws interfering with oil works, etc., within limits of Ward No.5.

20. The matters which it is hereinbefore provided shall be determined by arbitration, and such other matters, if any, as to which no provision is made by this Act and which are necessary or expedient for carrying into effect the purposes of this Act, and do not interfere with any of the special provisions thereof, shall be determined by arbitration, under the provisions of the *Consolidated Municipal Act, 1883*, and amendments thereto; and notwithstanding the powers of this Act the corporation of the Town of London East shall continue to exist for the purpose of entering into the said arbitration and carrying out of the award of the arbitrators thereunder, and for all purposes necessary for working out of the rights of all parties thereunder, and the aldermen for the time being of said Ward Number Five, or a majority of them, may exercise the powers of the said corporation, and use its corporate seal for those purposes.

Matters not specially provided for to be settled by arbitration under 46 V. c. 18.

21. The provisions of this Act, except those relating to the arbitration provided for by section , shall not go into effect until the award provided by the said section shall have been made and a certificate thereof signed by the arbitrators or a majority of them shall have been deposited in the office of the Provincial Secretary.

Commencement of Act.

No. 57.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the City of London and
the Town of London East.

First Reading, 23rd February, 1885.

(*PRIVATE BILL*).

Mr. MAKENZIE.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act respecting the City of London and the Town
of London East.

WHEREAS the Municipal Councils of the Corporation of Preamble.
the City of London and of the Town of London East
have by their petition represented that it is desirable to annex
the said Town of London East to the said City of London and
5 have prayed that an Act may be passed to effect such annexa-
tion, and it is expedient to grant the prayer of the said
petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
10 as follows:

1. The said Town of London East is hereby annexed to and
shall henceforth be included within and form part of the said
City of London, and shall constitute a new ward of the said
city, to be called and known as Ward Number Five, subject to
15 the same provisions of law as would be applicable if such addi-
tion had been made under *The Consolidated Municipal Act*,
1883, and amendments thereto, except in so far as the same are
inconsistent with the provisions of this Act. Town of Lon-
don East to
form part of
City of Lon-
don, and to be
Ward No. 5.

2. ~~the~~ The last revised assessment roll and voters' list of
20 the said Town of London East, prior to the time this Act takes
effect, shall be the assessment roll and voters' list for said Ward
Number Five for the year in which this Act takes effect, and
all proceedings with reference to the assessment roll, collector's
roll and voters' lists respectively, if not completed, shall be
25 continued after this Act takes effect by the proper officers in
that behalf of the Corporation of the Town of London East
holding office at the time this Act takes effect until they shall
have respectively completed their duties, and such officers shall
be deemed and considered officers of the Corporation of the
30 City of London until such duties are completed, and such last
mentioned assessment roll, collector's roll and voters' lists shall
be the assessment roll, collector's roll and voters' lists for the
said Ward Number Five for the year in which they are
respectively made. Assessment
roll and voters'
list of Ward
No. 5.

3. The Mayor, Reeve and First Deputy Reeve elected for the
35 said Town of London East at the last municipal election *before*
the coming into force of this Act, shall be the three Aldermen
for the said Ward Number Five, and shall hold office for the
same term as the other aldermen of the said City of London. Aldermen of
Ward No. 5
for current
year.

4. Immediately after this Act *takes effect* the Public School
40 Board of the Town of London East shall cease to exist, and
Assets, etc., of
public school
board of Lon-
don East to be

vested in
board of edu-
cation of City
of London.

all its assets, rights, credits and effects shall become and be vested in the Board of Education for the City of London for public school purposes, which Board of Education shall be liable for the duties and obligations of the said public school board, and the necessary proceedings shall be at once had and taken 5
for the election of two public school trustees for said Ward Number Five under the provisions of the Statutes in that behalf providing for the filling of vacancies occurring during the year, and the trustees elected at such election shall serve as public school trustees on the said board of education for the City of 10
London, one for the *remainder* of the current year and one for the *remainder* of the current year and one year thereafter, the order of their retirement to be determined by lot between them and recorded by the secretary of the said Board of Education at the first meeting thereof to be held after such election shall 15
have taken place.

Property of
Corporation of
London East
vested in Cor-
poration of
City of Lon-
don.

5. All property of every nature and kind and wheresoever situate, all rights, credits and effects, and all deeds, bonds, papers, writings and other documents belonging to or under the control or in the possession of the council of the corpora- 20
tion of the Town of London East *shall, when this Act takes effect*, vest in the corporation of the City of London for all the estate and interest therein of the corporation of the Town of London East, and shall be *thereupon* forthwith delivered to such person as the council of the corporation of the City of 25
London shall appoint for that purpose.

Liabilities of
Corporation
and school
board of Lon-
don East to be
liabilities of
City of Lon-
don.

6. All the existing liabilities, debts and obligations of the said corporation of the Town of London East and the said school board *respectively*, including the share of the said corpora- 30
tion of the liabilities, debts and obligations of the County of Middlesex *shall, after this Act takes effect*, be the liabilities, debts, and obligations of the corporation of the City of London, and shall be met, discharged, observed and kept by the corpora-
tion of the City of London as if the same had been originally 35
incurred, contracted or entered into by the said last mentioned corporation.

Lands added
to city not re-
leased from
certain exist-
ing obliga-
tions.

7. Nothing in this Act contained shall exempt the lands so added to the said City of London as aforesaid from liability for the debts and obligations contracted before this Act 40
takes effect by the county, township or other municipality of which the said lands for the time being formed a part and for which they *shall then be* liable, or from any special rate or assessment imposed thereon by any by-law heretofore passed by the council of the said Town of London East, and all such by-laws are hereby confirmed. 45

Liability of
sureties for
officials of
London East
preserved.

8. All sureties for the several officials of the said Town of London East shall be and remain liable as if they had become sureties for such officials to the corporation of the City of London in the first instance, and all bonds and securities which shall have been given to the corporation of the Town of London East at any 50
time before this Act *takes effect* shall enure to the benefit of the corporation of the City of London, and the said last mentioned corporation shall have the rights and remedies thereto and thereunder, and be entitled to recover

thereon to the same extent and under the like circumstances as the corporation of the Town of London East could have had had this Act not been passed.

9. The councils of the corporations of the City of London and of the County of Middlesex respectively, may settle and agree upon all questions, claims, demands or disputes, existing between the corporation of the Town of London East and the corporation of the County of Middlesex at the time this Act takes effect, or which may arise out of the annexation of the said Town of London East to the said City of London, but in the event of the councils of the said two corporations not being able to agree, then all such questions, disputes, claims and demands shall be determined by arbitration under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto; and in adjusting and settling the same, the arbitrators shall ascertain and allow to the said City of London the value of the interest which the said corporation of the Town of London East had at the time this Act takes effect in the property and assets of the said county, and shall make all just allowances as in the case of the separation, and the adjustment of debts and assets of municipalities under the provisions of *The Consolidated Municipal Act, 1883*, and the sum which shall be payable by or to the corporation of the City of London under this section shall be added to and form part of or be deducted from the excess of the debt of the said Town of London East to be ascertained under section 14 of this Act.

Settlement of questions with County of Middlesex.

10. It shall be lawful for the corporation of the City of London to agree with the Grand Trunk Railway Company of Canada that in consideration of the said company rebuilding establishing and maintaining within the limits of the said city as enlarged by this Act, car works, locomotive or other workshops connected with their said railway, and giving employment therein to not less than five hundred workmen, they will exempt for ten years the said company and its property within the said city from *payment of taxes* to the extent of at least three thousand five hundred dollars per annum while at least five hundred workmen are so employed, and to the extent of five hundred dollars per annum in addition for every additional one hundred workmen who shall be so employed, while they shall be employed, and the council of the corporation of the City of London shall be bound to pass a by-law granting such exemption at any time within one year from the time this Act takes effect upon being required so to do by notice in writing signed by the aldermen for the time being of the said Ward Number Five.

Agreement with G. T. R. Company respecting exemption from taxation authorized.

11. For the period of five years from the first day of January next, after this Act takes effect, a separate rate or sum shall be levied for street improvements in the said city, and during the said period the proceeds of the said rate or sum levied or collected upon or in respect of property situate or being within that part of the said City of London which now comprises the said Town of London East, shall be expended for street improvements in the said last mentioned part of the said city.

Special rate for street improvements.

12. For the period of five years from the first day of January next, after this Act takes effect, the amount to be raised

Limitation of taxes to be levied in part

of city formed by taxation upon property within that part of the said City of London which now comprises the said Town of London East **10**
 London East. **15** not including the rates for school purposes, and for payment of that part of the debts of the said two municipalities which becomes the debt of the whole city under the provisions of section 14 of this Act, and for payment of the excess of the debt of the said Town of London East also mentioned in said section shall not exceed the sum of \$9,000 together with the amount required to furnish the said part of the said city with such additional advantages as the Aldermen for the said Ward No. Five, **20**
 or a majority of them may require, or which the said portion of the said city shall receive in consequence of its annexation to the City of London, **25** but nothing in this section contained shall affect the provisions of section 13, nor shall expenditures on water works' account be included in determining the **30**
 limit of taxation provided for by this section. **35**

Rates and charges for water-works.

13. The rates and charges relating to waterworks and supply of water to be paid by the inhabitants of that part of the said city which now comprises the said Town of London East shall be the same as those for the time being payable by the **20**
 other inhabitants of the said city, and shall be charged, collected and dealt with in the same manner as all such rates and charges are for the time being charged, collected and dealt with in the city; and the proportion of the charge for the use of hydrants situate on Adelaide street to be raised by taxation **25**
 within the said part of the said city as provided by sections 11 and 12, shall be one-half the charges made for the use of other hydrants within the said city for the time being. **30**

Provision for adjustment of debts of city and town.

14. (1) In case the two corporations shall not agree, the amount of the debts of the corporation of the City of London and of **30**
 the corporation of the Town of London East, shall be ascertained and determined by arbitration, and the actual cash value of the property and assets of the said two corporations shall also be ascertained and determined by arbitration, and **35**
 the excess (if any) of the debt of each of the said municipalities over the actual cash value of its property and assets so ascertained and determined as aforesaid shall be a charge and be levied and collected by means of a rate upon the property within the limits of that part of the said city whose municipal council contracted such debt, **40**
 until such excess shall be paid off and satisfied, and the whole of the debts of the said two corporations other than the said excess shall be the debt of the said City of London as hereby extended, and shall be paid and discharged by taxation **45**
 therefor upon the whole city as hereby extended; **50**

(2) The arbitrators shall also ascertain and determine the **45**
 annual sum (if any) which during the period of five years mentioned in section 12 of this Act, the said Ward No. Five ought to pay in respect of the additional advantages which it shall receive in consequence of its annexation to the said city, other than those additional advantages which the Aldermen of said **50**
 Ward No. Five may require as mentioned in section 5 of this Act. **55**

Revenue to be treated as an asset if in opinion of arbitrators

15. In estimating the value of the property and assets of the said two corporations under the next preceding section of this Act, the arbitrators shall take into consideration and deal **55**

with as an asset of the corporation entitled thereto any revenue which it may be in receipt of and which in the judgment of the arbitrators, or a majority of them, may fairly be estimated and capitalized. the same can be estimated and authorized.

5 **16.** Debts of the school board of the said Town of London East and of the board of education of the said City of London shall be deemed debts within the meaning of section fourteen of this Act, and the property and assets of the said school board and board of education shall be deemed property and 10 assets within the meaning of said section. Property and debts of school board to be deemed debts and assets under sec. 14.

17. The Municipal Council of the said City of London, as hereby extended, shall as soon as practicable, if required by the Aldermen of said Ward No. Five, or a majority of them, establish a branch fire station and a branch police station in the 15 said Ward No. Five for the use of the said ward and the eastern portion of the said City of London, and the proportion of the cost of the same to be borne by the said Ward No. Five shall, if not agreed upon, be determined by arbitration under the provisions of section 20 of this Act, and to that extent shall be 20 deemed an advantage within the meaning of section 12 of this Act. Fire and police stations to be established in Ward No. 5.

18. The existing exemptions from taxation in favour of The Bennett Manufacturing Company (limited), and The London Steel Works Company, shall continue during the respec- 25 tive periods provided by the by-laws granting the same, but subject to the provisions contained in said by-laws respectively. Exemptions of certain works continued.

19. It shall not be lawful for the municipal council of the corporation of the City of London to pass any by-law to interfere with the right of the owner, tenant or occupant of any oil 30 refinery or paraffine works or works for the manufacture of oil, paraffine, paraffine wax, benzine or other oils or substances of a similar nature, to carry on their business in that part of the said city which now comprises the said Town of London East as described and designated for that purpose by by-law of the 35 municipal council of the corporation of the Town of London East, *No. 159, passed on the 18th day of February, 1885*, if a majority of the aldermen for the time being of the said Ward Number Five shall vote against the passing thereof. Restriction as to by-laws interfering with oil works, etc., within limits of Ward No. 5.

20. The matters which it is hereinbefore provided shall be 40 determined by arbitration, and such other matters, if any, as to which no provision is made by this Act and which are necessary or expedient for carrying into effect the purposes of this Act, and do not interfere with any of the special provisions thereof, shall be determined by arbitration, under the provisions 45 of the *Consolidated Municipal Act, 1883*, and amendments thereto. Matters not specially provided for to be settled by arbitration under 46 V. c. 18.

21. Notwithstanding the provisions of this Act the corporation of the Town of London East shall continue to exist for the purpose of entering into any arbitration which may be neces- 50 sary after this Act takes effect and carrying out the award of the arbitrators thereunder, and for all purposes necessary for working out the rights of all parties thereunder, and the Corporation of London East continued for certain purposes.

aldermen for the time being of said Ward Number Five, or a majority of them, may exercise the powers of the said corporation, and use its corporate seal for those purposes.

Commence-
ment of Act.

22. The provisions of this Act, except those relating to the arbitrations provided for by sections 14 and 20, shall not go into effect until the award provided for by the said sections shall have been made and a certificate thereof signed by the arbitrators or a majority of them shall have been deposited in the office of the Provincial Secretary. 5

No. 57.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL

An Act respecting the City of London and
the Town of London East.

First Reading, 23 February, 1885.

(PRIVATE BILL.)

(Reprinted as amended by Private Bills
Committee.)

MR. MACKENZIE.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting an agreement entered into between the Corporation of the Town of Ingersoll and the North and West Oxford Agricultural Society.

WHEREAS the corporation of the Town of Ingersoll, in the County of Oxford, and the North and West Oxford Agricultural Society, did enter into a certain agreement bearing date the twentieth day of June, in the year of our Lord one thousand eight hundred and eighty-four, which is set out in the schedule to this Act in full; and whereas the said corporation and the said society have by their petition prayed that the said agreement may be legalized and confirmed; and whereas it is expedient that the prayer of the said petition should be granted;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said agreement in the schedule to this Act set out is hereby declared to have been properly and lawfully entered into, and is hereby declared to be legalized, confirmed and made binding upon the parties thereto, and their successors in office.

Agreement confirmed.

2. It shall and may be lawful for the said Association to enter upon and occupy, during the time of holding their exhibitions, a portion of the street separating Victoria Park from the agricultural grounds, which said street is known and described as Frank Street, by the erection of good and sufficient fencing, which fencing is to be removed immediately upon the closing of the exhibition.

Association to have power to occupy a portion of Frank Street and to fence same.

3. It shall and may be lawful for the said Association to appoint policemen or officers of the peace at their own cost and charge, who shall have the power, authority and immunities of policemen when on duty, and who shall further have power to enforce obedience upon the grounds and premises of the Association, to any lawful rules or regulations of the Association for the preservation of quiet and good order, and who shall also have power to remove from the Association grounds all persons conducting themselves in a disorderly manner on said grounds; all persons conducting themselves in a disorderly manner on said grounds and violating any of the lawful by-laws of the said Association, or any of the regulations of this Act for the well-being of the Association, may for such offence be summoned or brought before any magistrate, justice of the peace or other person authorized to hear and determine offences for the violation of the police regulations of the said

Police powers.

Punishment of certain offences.

town, and on conviction may be fined any amount not exceeding fifty dollars and costs, and which fine and costs in default of payment may be levied by distress from the goods and chattels of the person or persons so convicted and fined as aforesaid, or such persons may be imprisoned for such offence for a period not exceeding thirty days in the common gaol for the County of Oxford. 5

Power to license certain persons.

4. The said Association shall also have power to define by by-laws to be passed at annual meetings or special meetings called for that purpose, the terms and conditions upon which carters, hackmen, butchers, bakers and all other persons who desire to conduct their business or sell their goods or wares upon the grounds of the Association, shall conduct their business or sell their wares, and may acquire from all such persons as they may deem expedient to allow to enter the grounds for the purpose aforesaid a license, which license shall be granted by the Association for such periods, and upon such terms, and upon the payment of such fees as the Association may deem expedient. 10 15

Power to exact fees.

5. The said Association shall also have power, and is hereby authorized to charge such admission fees as may be deemed proper to receive for exhibiting everything contemplated by said agreement; to charge such entrance fees, and to award, give and pay to exhibitors such prizes, medals, or honorary distinctions as they may deem proper, and to let or lease stalls, stands, rooms and places in any of their buildings, or in any part of their grounds or property, upon such terms and conditions, and for such purposes as the board of directors may deem best for the interests of the said Association. 20 25

Privileges determined by omission to hold fair.

6. It is hereby declared that in the event of the said Association omitting or refusing to hold their annual exhibition for any two successive years, according to the terms and conditions of the said agreement, that then, and in that case, all the rights and privileges conceded to the said Association, under the said agreement and this Act, shall absolutely cease and determine without remedy therefor. 30 35

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

This Indenture, made the twentieth day of June, in the year of our Lord one thousand eight hundred and eighty-four,

Between the Corporation of the Town of Ingersoll of the first part, and the North and West Oxford Agricultural Society of the second part,

Witnesseth, that whereas the said parties of the second part are the owners of a building on their grounds in the said Town of Ingersoll, being park lots nine, ten and eleven, on the east side of McKeand Street, and south of the Grank Trunk Railway, known as the Crystal Palace;

And whereas the said corporation are the owners of that certain property in the Town of Ingersoll, known as Victoria Park, lying between Frank and Wellington Streets, and south of the mill stream;

And whereas, an agreement has been entered into between the parties hereto, for the transfer by the parties of the second part of the said building, now situate on their land, to the parties of the first part, for the purposes of enabling them, the said parties of the first part, to place same in said park.

Now this Indenture witnesseth that the said parties of the second part, in consideration of the covenants of the said parties of the first part hereinafter contained, hereby assign, transfer and set over to the said parties of the first part, their successors and assigns, the building aforesaid situate on their said land, provided that the same be removed by the said parties of the first part, within three months from the date hereof.

And the said parties of the first part in consideration of the premises, hereby covenant with the said parties of the second part, that they will at their own cost, charges and expenses, within four months from the date hereof, remove the said building from the lands of the said parties of the second part, where the same is now situated, unto the land of the said parties of the first part, known as Victoria Park aforesaid, and set up and enlarge the same by the addition of fifty feet on one end of said building, and put it in proper repair so as to be fit for the purposes for which it is now used, and they further give and grant to the said parties of the second part and their successors, the exclusive right to use the same, so long as they shall faithfully observe their covenants hereinafter contained, on the days in each year on which they shall hold their annual or semi-annual fairs, together with the said park at the same time and times and for the same period, for the purposes of exhibiting in said building such articles of husbandry and of art as are usually exhibited at such fairs, and of showing in the said park at their fall fairs only in each year, such horses as may be brought there for exhibition, which are under the control of some person or persons, but no other live stock whatever is to be exhibited in said park.

And the said parties of the first part further give and grant unto the said parties of the second part and their successors, the right to retain to their own use such fees as they can legally exact for entrance into said park on the days on which said fairs are held, and the further right so far as they legally can to exclude from said park on the days of holding such fairs as aforesaid all persons refusing to pay such lawful fees.

And the said parties of the first part covenant with the said parties of the second part to assist them by all legitimate means in procuring such legislation as may be necessary in carrying out the above objects.

And the said parties of the second part for themselves, their successors, hereby covenant and agree to and with the said parties of the first part, their successors and assigns, that they will hold an annual fair in the months of September or October in each year, for the purpose of exhibiting live stock within the limits of the said corporation, and that they will only require the use of the said park or buildings on the days and times above named, and for the purposes above set out at their annual or semi-annual fairs for exhibiting articles of husbandry and works of art, and horses at their fall fairs.

It is further agreed by and between the parties hereto that in the event of the parties of the second part, their successors or assigns, violating any of the covenants or conditions of this

agreement in regard to the use and occupation of said park, as above stipulated, or of their omitting to hold their annual fair in any two years in succession, for the purpose of exhibiting live stock on their own grounds, and horses in the said park, according to the true intent and meaning of these presents, then all rights and privileges reserved to the said parties of the second part, their successors and assigns, by virtue of these presents, both to the use of said building and to the use of the said park, shall absolutely cease and determine without remedy therefor, it being the true intent and meaning of the parties hereto that the concessions made to the said parties of the second part are for the purposes of ensuring to the parties of the first part the benefit of an annual fall exhibition, as above set out, within the limits of the said corporation.

And the said parties of the second part covenant with the said parties of the first part that they will at the time of the alteration of the building hereinbefore referred to contribute one hundred dollars towards the expenses of building a refreshment booth in the said park.

The parties of the first part agreeing for themselves to build a refreshment booth in said park on receipt of said one hundred dollars, not less than twenty feet by forty feet (20x40 feet), to be built of same style and finish as the main building, and floored as the committees of both boards have agreed.

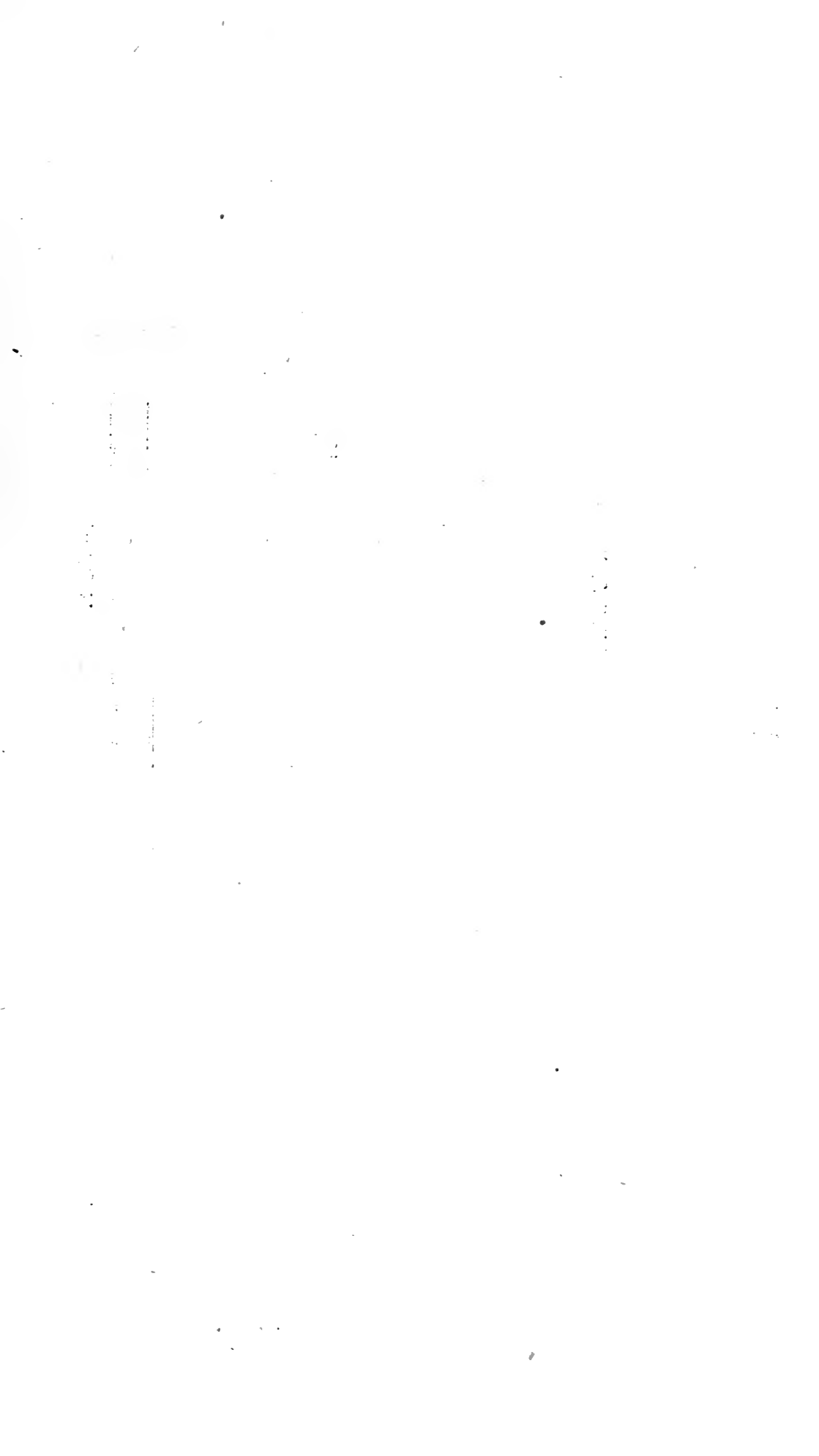
In witness whereof the said parties hereto have hereunto set the hands of the Mayor and President and their corporate seals, the day and year first above written.

Signed, sealed and delivered in
presence of }
(Sgd) THOMAS WELLS. }

(Sgd) JAS. NOXON [L.S.]
Mayor.

(Sgd) THOMAS BROWN [L.S.]
President.

(Sgd) R. A. WOODCOCK,
Town Clerk.



2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

To legalize and confirm an agreement between the Town of Ingersoll and the North and West Oxford Agricultural Society.

First Reading, 23rd February, 1885.

(*PRIVATE BILL.*)

Mr. COOKE.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting an agreement entered into between the Corporation of the Town of Ingersoll and the North and West Oxford Agricultural Society.

WHEREAS the corporation of the Town of Ingersoll, in the County of Oxford, and the North and West Oxford Agricultural Society, did enter into a certain agreement bearing date the twentieth day of June, in the year of our Lord one thousand eight hundred and eighty-four, which is set out in the schedule to this Act in full; and whereas the said corporation and the said society have by their petition prayed that the said agreement may be legalized and confirmed; and whereas it is expedient that the prayer of the said petition should be granted;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said agreement in the schedule to this Act set out is hereby declared to be legalized, confirmed and made binding upon the parties thereto, and their successors in office.

Agreement confirmed.

2. It shall and may be lawful for the said Association to enter upon and occupy, during the time of holding their exhibitions, a portion of the street separating Victoria Park from the agricultural grounds, which said street is known and described as Frank Street, by the erection of good and sufficient fencing, which fencing is to be removed immediately upon the closing of the exhibition.

Association to have power to occupy a portion of Frank Street and to fence same.

3. The said Association shall also have power to define by by-laws to be passed at annual meetings or special meetings called for that purpose, the terms and conditions upon which carters, hackmen, butchers, bakers and all other persons who desire to conduct their business or sell their goods or wares upon the grounds of the Association, shall conduct their business or sell their wares, and may require from all such persons as they may deem expedient to allow to enter the grounds for the purpose afore-said a *permit*, which *permit* shall be granted by the Association for such periods, and upon such terms, and upon the payment of such fees as the Association may deem expedient.

Power to regulate conduct of business on grounds of Association.

4. It is hereby declared that in the event of the said Association omitting or refusing to hold their annual exhibition for any two successive years, according to the terms and conditions of the said agreement then, and in such case, all the rights and privileges conceded to the said Association, under the said agreement and this Act, shall absolutely cease and determine.

Privileges determined by omission to hold fair.

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

This Indenture, made the twentieth day of June, in the year of our Lord one thousand eight hundred and eighty-four,

Between the Corporation of the Town of Ingersoll of the first part, and the North and West Oxford Agricultural Society of the second part,

Witnesseth, that whereas the said parties of the second part are the owners of a building on their grounds in the said Town of Ingersoll, being park lots nine, ten and eleven, on the east side of McKeand Street, and south of the Grank Trunk Railway, known as the Crystal Palace;

And whereas the said corporation are the owners of that certain property in the Town of Ingersoll, known as Victoria Park, lying between Frank and Wellington Streets, and south of the mill stream;

And whereas, an agreement has been entered into between the parties hereto, for the transfer by the parties of the second part of the said building, now situate on their land, to the parties of the first part, for the purposes of enabling them, the said parties of the first part, to place same in said park.

Now this Indenture witnesseth that the said parties of the second part, in consideration of the covenants of the said parties of the first part hereinafter contained, hereby assign, transfer and set over to the said parties of the first part, their successors and assigns, the building aforesaid situate on their said land, provided that the same be removed by the said parties of the first part, within three months from the date hereof.

And the said parties of the first part in consideration of the premises, hereby covenant with the said parties of the second part, that they will at their own cost, charges and expenses, within four months from the date hereof, remove the said building from the lands of the said parties of the second part, where the same is now situated, unto the land of the said parties of the first part, known as Victoria Park aforesaid, and set up and enlarge the same by the addition of fifty feet on one end of said building, and put it in proper repair so as to be fit for the purposes for which it is now used, and they further give and grant to the said parties of the second part and their successors, the exclusive right to use the same, so long as they shall faithfully observe their covenants hereinafter contained, on the days in each year on which they shall hold their annual or semi-annual fairs, together with the said park at the same time and times and for the same period, for the purposes of exhibiting in said building such articles of husbandry and of art as are usually exhibited at such fairs, and of showing in the said park at their fall fairs only in each year, such horses as may be brought there for exhibition, which are under the control of some person or persons, but no other live stock whatever is to be exhibited in said park.

And the said parties of the first part further give and grant unto the said parties of the second part and their successors, the right to retain to their own use such fees as they can legally exact for entrance into said park on the days on which said fairs are held, and the further right so far as they legally can to exclude from said park on the days of holding such fairs as aforesaid all persons refusing to pay such lawful fees.

And the said parties of the first part covenant with the said parties of the second part to assist them by all legitimate means in procuring such legislation as may be necessary in carrying out the above objects.

And the said parties of the second part for themselves, their successors, hereby covenant and agree to and with the said parties of the first part, their successors and assigns, that they will hold an annual fair in the months of September or October in each year, for the purpose of exhibiting live stock within the limits of the said corporation, and that they will only require the use of the said park or buildings on the days and times above named, and for the purposes above set out at their annual or semi-annual fairs for exhibiting articles of husbandry and works of art, and horses at their fall fairs.

It is further agreed by and between the parties hereto that in the event of the parties of the second part, their successors or assigns, violating any of the covenants or conditions of this agreement in regard to the use and occupation of said park, as above stipulated, or of their omitting to hold their annual fair in any two years in succession, for the purpose of exhibiting live stock on their own grounds, and horses in the said park, according to the true intent and meaning of these presents, then all rights and privileges reserved to the said parties of the second part, their successors and assigns, by virtue of these presents, both to the use of said building and to the use of the said park, shall absolutely cease and determine without remedy therefor, it being the true intent and meaning of the parties hereto that the concessions made to the said parties of the second part are for the purposes of ensuring to the parties of the first part the benefit of an annual fall exhibition, as above set out, within the limits of the said corporation.

And the said parties of the second part covenant with the said parties of the first part that they will at the time of the alteration of the building hereinbefore referred to contribute one hundred dollars towards the expenses of building a refreshment booth in the said park.

The parties of the first part agreeing for themselves to build a refreshment booth in said park on receipt of said one hundred dollars, not less than twenty feet by forty feet (20x40 feet), to be built of same style and finish as the main building, and floored as the committees of both boards have agreed.

In witness whereof the said parties hereto have hereunto set the hands of the Mayor and President and their corporate seals, the day and year first above written.

Signed, sealed and delivered in
presence of

(Sgd) THOMAS WELLS. }

(Sgd) JAS. NOXON [L.S.]

Mayor.

(Sgd) THOMAS BROWN [L.S.]

President.

(Sgd) R. A. WOODCOCK,

Town Clerk.

No. 58.

2nd Session, 5th Legislature, 48 Vic., 1885

BILL.

To legalize and confirm an agreement between the Town of Ingersoll and the North and West Oxford Agricultural Society.

First Reading, 23rd February, 1885.

(*PRIVATE BILL.*)

(*Reprinted as amended by Private Bills Committee.*)

Mr. COOKE.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No. 59.]

BILL.

[1885.

An Act to amend the Act respecting the Agricultural College.

WHEREAS it is expedient to amend the Act respecting the Agricultural College; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts
5 as follows:—

1. Section seven of *The Act respecting the Agricultural College*, passed in the forty-third year of Her Majesty's reign, 43 V. c. 33, s. 7, repealed.
chapter thirty-three, is hereby repealed, and the following substituted in lieu thereof:—

10 7. The sessions, terms and vacations shall be fixed by the Lieutenant-Governor in Council. Sessions, terms and vacations.

No. 59.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Act respecting the
Agricultural College.

First Reading, 3rd March, 1885.

Mr. ROSS
(*Huron*).

TORONTO:

PRINTED BY THE "GHP" PRINTING AND PUBLISHING CO.

An Act to further Amend "The Division Courts Act."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section one hundred and fourteen of "*The Division Courts Act*" is hereby repealed and the following substituted therefor:— R. S. O., c. 47,
s. 114 repealed.

114. For the trial of actions required to be tried by or before a jury at any session of a Division Court the clerk of such court shall cause not less than fifteen of the persons liable to serve as jurors to be summoned to attend at such session at the time and place to be mentioned in the summons, and such summons shall be served at least three days before the court, either personally, or by leaving the same with a grown up person at the residence of the juror. Summoning
jurors.

2. Sub-section three of section two hundred and ten of *The Division Courts Act* is hereby repealed, and the following substituted therefor:— R. S. O. c. 47,
s. 210, sub-s.
3 repealed.

(3) The County Judge having jurisdiction in such Division Court shall adjudicate upon the claim, and make such order between the parties in respect thereof, and of the costs of the proceedings, as to him seems fit; and shall also adjudicate between such parties, or either of them, and such officer or bailiff in respect of any damage or claim of or to damages arising or capable of arising out of the execution of such process by such officer or bailiff, and make such order in respect thereof, and of the costs of any proceedings as to the judge shall seem fit; and any such order shall be enforced in like manner as an order made in any suit brought in such Division Court, and shall be final and conclusive between the parties, except that upon the application of either the attaching creditor or the claimant, or the officer or bailiff, within fourteen days after the trial, the judge may grant a new trial upon good grounds shewn, as in other cases under this Act, upon such terms as he thinks reasonable, and may in the meantime stay proceedings. County Judge
to adjudicate
on certain
claims on
amount of
goods seized
in execution.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to further amend "The Division
Courts Act."

First Reading, 2nd February, 1885.

Mr. FRASER.

TORONTO:

PRINTED BY THE "GIRD" PRINTING AND PUBLISHING CO.

An Act to further Amend "The Division Courts Act."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 14 of *The Division Courts Act, 1880*, is hereby amended by adding thereto the words following:—

43 V. c. 8,
s. 14, amended

"And every such notice shall be in writing; and prohibition to a Division Court shall not lie in any such suit from any court whatever, where such notice disputing the jurisdiction has not been duly given as aforesaid."

2. Section 58 of *The Division Courts Act, 1880*, is hereby amended by adding thereto the words following:—

43 V. c. 8, s.
58, amended.

"And the clerk of each Division Court shall, on or before the first day of said month of January, send to the judge the necessary information in writing for the purposes of such return."

3. Where due proof is made by affidavit or otherwise of the service of a special summons issued under section 79 of *The Division Courts Act*, and of particulars of the plaintiff's claim or demand as required by said section, and final judgment has not been entered under the provisions of said section, the judge may, if the defendant does not, in person or by agent, appear in open court pursuant to and as required by said summons, give judgment against such defendant by default, without requiring proof of the plaintiff's claim or demand, and with the same consequences and effect as if the plaintiff had proved his claim or demand in open court.

Judgment by
default under
R. S. O., c. 47,
s. 79, where
final judgment
not entered.

4. (1) Where the defendant in any action within the meaning of section 79 of *The Division Courts Act*, has left with the clerk a notice to the effect in said section provided, the plaintiff in such action may, on an affidavit made by himself, or by any other person who can swear positively to the debt or cause of action, verifying the cause of action, and stating that in his belief there is no defence to the action, serve the defendant with a notice of motion to shew cause before the Judge of the Division Court in which the action is brought, why the plaintiff should not be at liberty to have final judgment entered in his favour by said clerk for the amount of the debt or money demand sought to be recovered in such action, together with interest, if any, and costs. A copy of the affidavit shall accompany the notice of motion. The judge may thereupon, unless the defendant, by affidavit or otherwise,

Motion for
judgment.

satisfy the judge that he has a good defence to the action on the merits, or disclose such facts as may be deemed sufficient to entitle him to defend the action, make an order empowering the clerk to sign final judgment accordingly. ↵

(2) ↵ The application by the plaintiff for leave to have final judgment entered in his favour under the provisions of this section, shall be made on notice returnable not less than two clear days after service. ↵ 5

(3) ↵ The defendant may show cause against such application by offering to bring into court the amount sought to be recovered in the action, or by affidavit. In such affidavit he shall state whether the defence he alleges goes to the whole or to part only, and if so, to what part of the plaintiff's claim. And the judge may, if he thinks fit, order the defendant to attend and be examined upon oath, or to produce any books or documents, or copies of, or extracts therefrom. ↵ 10 15

(4) ↵ In any case if it appears that the defence set up by the defendant applies only to a part of the plaintiff's claim, or that any part of his claim is admitted to be due, the plaintiff shall be entitled to have final judgment entered forthwith for such part of his claim as the defence does not apply to or as is admitted to be due, subject to such terms, if any, as to suspending execution, or the payment of any amount levied, or any part thereof, into court by the bailiff, the taxation of costs, or otherwise, as the judge may think fit; and the defendant may be allowed to defend as to the residue of the plaintiff's claim. ↵ 20 52

(5) ↵ If it appears to the judge that any defendant has a good defence to the action, or ought to be permitted to defend the action, and that any other defendant has not such defence, and ought not to be permitted to defend, the former may be permitted to defend, and the plaintiff shall be entitled to have final judgment entered against the latter, and may issue execution upon such judgment without prejudice to his right to proceed with his action against the former. ↵ 30

(6) ↵ Leave to defend may be given unconditionally, or subject to such terms as to giving security or otherwise, as the judge may think fit. ↵ 35

(7) ↵ Nothing in this section contained shall apply to any action or suit in which the amount of the debt or claim sought to be recovered does not exceed forty dollars. ↵ 40

(8) ↵ The provisions of this section shall be deemed to have been in force on and from the twenty-second day of August, one thousand eight hundred and eighty-one. ↵

R. S. O., c. 47, s. 114 repealed. 5. Section 114 of *The Division Courts Act* is hereby repealed and the following substituted therefor:— 45

Summning jurors. 114. For the trial of *all* actions required to be tried by or before a jury at any session of a Division Court the clerk of such court shall cause not less than *twelve* of the persons liable to serve as jurors to be summoned to attend at such session at the time and place to be mentioned in the summons, and such summons shall be served at least three days before the court, either personally, or by leaving the same with a grown up person at the residence of the juror. 50

6. Sub-section 3 of section 210 of *The Division Courts Act* R. S. O. c. 47, is hereby repealed, and the following substituted therefor:— s. 210, sub-s. 3 repealed.

(3) The County Judge having jurisdiction in such Division Court shall adjudicate upon the claim, and make such order between the parties in respect thereof, and of the costs of the proceedings, as to him seems fit; and shall also adjudicate between such parties, or either of them, and such officer or bailiff in respect of any damage or claim of or to damages arising or capable of arising out of the execution of such process by such officer or bailiff, and make such order in respect thereof, and of the costs of any proceedings as to the judge shall seem fit; and any such order shall be enforced in like manner as an order made in any suit brought in such Division Court, and shall be final and conclusive between the parties, except that upon the application of either the attaching or execution creditor or the claimant, or the officer or bailiff, within fourteen days after the trial, the judge may grant a new trial upon good grounds shewn, as in other cases under this Act, upon such terms as he thinks reasonable, and may in the meantime stay proceedings.

County Judge to adjudicate on certain claims on amount of goods seized in execution.

7. (1) Under the provisions of sub-section 3 of section 210 of *The Division Courts Act* as amended by this Act, the judge in said sub-section mentioned shall have power to adjudicate upon and award damages, even though the amount of the damages claimed, found or awarded should be beyond the jurisdiction of a Division Court.

Power of Judge to award damages.

(2) In respect of any damages claimed, found, awarded or adjudicated upon, or of any order, judgment or finding under the provisions of said sub-section or of this section, there shall as to all parties concerned, be the same rights of defence and counter-claim, and the same right of appeal, including in all cases the right and liability to costs, as would exist under *The Division Courts Act*, 1880, had an action or suit within the jurisdiction of a Division Court been brought or instituted to recover said damages.

8. In all cases not already provided for, where, in any suit or proceeding in a Division Court, it is necessary for any party thereto to give notice to any other party thereto or to the clerk of the court such notice shall be in writing.

Notices to be in writing.

9. (1) To remove doubts it is hereby declared that in any action, suit or proceeding against any person as the surety of any clerk or bailiff of a Division Court, the entries in the books required by law to be kept or which were so kept by any such clerk or bailiff shall be *prima facie* evidence against any such surety.

Entries of clerk or bailiff evidence against surety.

(2) For the purposes of this section the words "clerk or bailiff of a Division Court" shall be held to include any person who having been a clerk or bailiff of a Division Court has ceased to be such clerk or bailiff.

10. Where in a Division Court any action or suit is being tried by a jury, the judge, if he thinks it expedient for the interest of justice, may postpone or adjourn the trial for such time and upon such terms, if any, as he shall think it.

Postponement of trial.

Service of process, etc., on corporations.

11. (1) Every summons or process issued out of a Division Court against a corporation not having its chief place of business within the Province, and all subsequent papers and proceedings in the action, suit or proceeding in which said summons or process has been issued, may be served on the agent of such corporation whose office or place of business as such agent is either within the division in which the summons or process issued, or is nearest thereto. 5

(2) For the purposes of this section the word "agent" shall be held to include, 10

(a) In the case of a railway company any station-master having charge of any station belonging to such railway company;

(b) In the case of a telegraph company, any person having charge of any telegraph office belonging to such telegraph company, and 15

(c) In the case of an express company, any person having charge of an express office belonging to such express company. 20

R.S.O. c. 47, s. 9 amended.

12. Section 9 of *The Division Courts Act* is hereby amended by adding thereto the following as sub-section 3 thereof: 20

(3) Where a municipality, not being a town or city, furnishes a court room and other necessary accommodation for a Division Court as aforesaid, or pays any owner, lessee, or tenant, as aforesaid, for the use of any building, it shall be entitled to recover from any other municipality wholly or partly within the division for which such court is held, such reasonable share of the cost of providing accommodation for holding the court as shall in that behalf, be decided and ordered by the Judge of the said court, to be paid and contributed by the latter municipality; and in every such case the total cost of providing such accommodation for holding the court shall be deemed to be five dollars for every day on which the court is held. 25 30 35

43 V., c. 8 s. 24, amended.

13. Section 24 of *The Division Courts Act*, 1880, is hereby amended by inserting therein after the word "officers" the words "or other person or persons." 35

Act to be read with R. S. O., c. 47, and amending Acts.

14. This Act shall be read and construed as part of *The Division Courts Act*, and of any Acts amending the same. 40

Short Title.

15. This Act may be cited as *The Division Courts Amendment Act*, 1885. 45

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to further amend "The Division
Courts Act."

First Reading, 2nd February, 1885.
Second " 17th " 1885.

*(Reprinted as again amended by Committee
of the Whole House.)*

Mr. FRASER

An Act to further Amend "The Division Courts Act."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 14 of *The Division Courts Act, 1880*, is here- 43 V. c. 8,
by amended by adding thereto the words following:— s. 14, amended

"And every such notice shall be in writing; and prohibition to a Division Court shall not lie in any such suit from any court whatever, where such notice disputing the jurisdiction has not been duly given as aforesaid."

2. Section 16 of *The Division Courts Act, 1880*, is here- 43 V. c. 8, s.
by repealed, and the following substituted therefor:— 16, repealed.

16. Where, in a defended or a contested case (whether there has been a trial before the judge or not) for more than \$100, or in an action of *tort* for more than forty dollars, or in an action of replevin or in an interpleader proceeding, where the value of the goods about which such replevin has been brought, or about which such interpleader has been had, exceeds forty dollars, a counsel or solicitor has been retained by the successful party for the conduct of the cause or defence, the judge may, in his discretion, direct a fee of five dollars, to be increased according to the difficulty and importance of the case, to a sum not exceeding ten dollars, to be taxed to the successful party, and the same when so allowed shall be taxed by the clerk, and added to the other costs.

Costs in defended cases.

3. Section 58 of *The Division Courts Act, 1880*, is hereby amended by adding thereto the words following:— 43 V. c. 8, s.
58, amended.

"And the clerk of each Division Court shall, on or before the first day of said month of January, send to the judge the necessary information in writing for the purposes of such return."

4. Where due proof is made by affidavit or otherwise of the service of a special summons issued under section 79 of *The Division Courts Act*, and of particulars of the plaintiff's claim or demand as required by said section, and final judgment has not been entered under the provisions of said section, the judge may, if the defendant does not, in person or by agent, appear in open court pursuant to and as required by said summons, give judgment against such defendant by default, without requiring proof of the plaintiff's claim or demand, and with the same consequences and effect as if the plaintiff had proved his claim or demand in open court.

Judgment by default under R. S. O., c. 47, s. 79, where final judgment not entered.

Motion for judgment.

5. (1) Where the defendant in any action within the meaning of section 79 of *The Division Courts Act*, has left with the clerk a notice to the effect in said section provided, the plaintiff in such action may, on an affidavit made by himself, or by any other person who can swear positively to the debt or cause of action, verifying the cause of action, and stating that in his belief there is no defence to the action, serve the defendant with a notice of motion to show cause before the Judge of the Division Court in which the action is brought, why the plaintiff should not be at liberty to have final judgment entered in his favour by said clerk for the amount of the debt or money demand sought to be recovered in such action, together with interest, if any, and costs. A copy of the affidavit shall accompany the notice of motion. The judge may thereupon, unless the defendant, by affidavit or otherwise, satisfy the judge that he has a good defence to the action on the merits, or disclose such facts as may be deemed sufficient to entitle him to defend the action, make an order empowering the clerk to sign final judgment accordingly.

(2) The application by the plaintiff for leave to have final judgment entered in his favour under the provisions of this section, shall be made on notice returnable not less than two clear days after service.



(3) The defendant may show cause against such application by offering to bring into court the amount sought to be recovered in the action, or by affidavit. In such affidavit he shall state whether the defence he alleges goes to the whole or to part only, and if so, to what part of the plaintiff's claim. And the judge may, if he thinks fit, order the defendant to attend and be examined upon oath, or to produce any books or documents, or copies of, or extracts therefrom.

(4) In any case if it appears that the defence set up by the defendant applies only to a part of the plaintiff's claim, or that any part of his claim is admitted to be due, the plaintiff shall be entitled to have final judgment entered forthwith for such part of his claim as the defence does not apply to or as is admitted to be due, subject to such terms, if any, as to suspending execution, or the payment of any amount levied, or any part thereof, into court by the bailiff, the taxation of costs, or otherwise, as the judge may think fit; and the defendant may be allowed to defend as to the residue of the plaintiff's claim.

(5) If it appears to the judge that any defendant has a good defence to the action, or ought to be permitted to defend the action, and that any other defendant has not such defence and ought not to be permitted to defend, the former may be permitted to defend, and the plaintiff shall be entitled to have final judgment entered against the latter, and may issue execution upon such judgment without prejudice to his right to proceed with his action against the former.

(6) Leave to defend may be given unconditionally, or subject to such terms as to giving security or otherwise, as the judge may think fit.

(7) Nothing in this section contained shall apply to any action or suit in which the amount of the debt or claim sought to be recovered does not exceed forty dollars.


(8)  The provisions of this section shall be deemed to have been in force on and from the twenty-second day of August, one thousand eight hundred and eighty-one. 


5 **6.** Section 114 of *The Division Courts Act* is hereby repealed R. S. O., c. 47, s. 114 repealed. and the following substituted therefor:—


114. For the trial of *all* actions required to be tried by or before a jury at any session of a Division Court the clerk of such court shall cause not less than *twelve* of the persons liable to
 10 serve as jurors to be summoned to attend at such session at the time and place to be mentioned in the summons, and such summons shall be served at least three days before the court, either personally, or by leaving the same with a grown up person at the residence of the juror. Summoning jurors.

15 **7.** Sub-section 3 of section 210 of *The Division Courts Act* is hereby repealed, and the following substituted therefor:— R. S. O. c. 47, s. 210, sub-s. 3 repealed.

(3) The County Judge having jurisdiction in such Division Court shall adjudicate upon the claim, and make such order
 20 between the parties in respect thereof, and of the costs of the proceedings, as to him seems fit; and shall also adjudicate between such parties, or either of them, and such officer or bailiff in respect of any damage or claim of or to damages arising or
 25 capable of arising out of the execution of such process by such officer or bailiff, and make such order in respect thereof, and of the costs of any proceedings as to the judge shall seem fit; and any such order shall be enforced in like manner as an order made in any suit brought in such Division Court, and shall be final and conclusive between the parties, except that upon
 30 the application of either the attaching or *execution* creditor or the claimant, or the officer or bailiff, within fourteen days after the trial, the judge may grant a new trial upon good grounds shewn, as in other cases under this Act, upon such terms as he thinks reasonable, and may in the meantime stay proceedings. County Judge to adjudicate on certain claims on amount of goods seized in execution.

8. (1)  Under the provisions of sub-section 3 of section 210 of *The Division Courts Act* as amended by this Act, the judge in
 35 said sub-section mentioned shall have power to adjudicate upon and award damages, even though the amount of the damages claimed, found or awarded should be beyond the jurisdiction of a Division Court. Power of Judge to award damages.

(2)  In respect of any damages claimed, found, awarded or
 40 adjudicated upon, or of any order, judgment or finding under the provisions of said sub-section or of this section, there shall as to all parties concerned, be the same rights of defence and counter-claim, and the same right of appeal, including in all cases the right and liability to costs, as would exist under *The Division Courts Act*, 1880, had an action or suit within the
 45 jurisdiction of a Division Court been brought or instituted to recover said damages.

9.  In all cases not already provided for, where, in any suit or proceeding in a Division Court, it is necessary for any party thereto to give notice to any other party thereto or to the
 50 clerk of the court such notice shall be in writing. Notices to be in writing.

Entries of clerk or bailiff evidence against surety.

10. (1) To remove doubts it is hereby declared that in any action, suit or proceeding against any person as the surety of any clerk or bailiff of a Division Court, the entries in the books required by law to be kept or which were so kept by any such clerk or bailiff shall be *prima facie* evidence against any such surety. 5

(2) For the purposes of this section the words "clerk or bailiff of a Division Court" shall be held to include any person who having been a clerk or bailiff of a Division Court has ceased to be such clerk or bailiff. 10

Postponement of trial.

11. Where in a Division Court any action or suit is being tried by a jury, the judge, if he thinks it expedient for the interest of justice, may postpone or adjourn the trial for such time and upon such terms, if any, as he shall think it.

Service of process, etc., on corporations.

12. (1) Every summons or process issued out of a Division Court against a corporation not having its chief place of business within the Province, and all subsequent papers and proceedings in the action, suit or proceeding in which said summons or process has been issued, may be served on the agent of such corporation whose office or place of business as such agent is either within the division in which the summons or process issued, or is nearest thereto. 15 20

(2) For the purposes of this section the word "agent" shall be held to include,

(a) In the case of a railway company and station-master having charge of any station belonging to such railway company; 25

(b) In the case of a telegraph company, any person having charge of any telegraph office belonging to such telegraph company, and 30

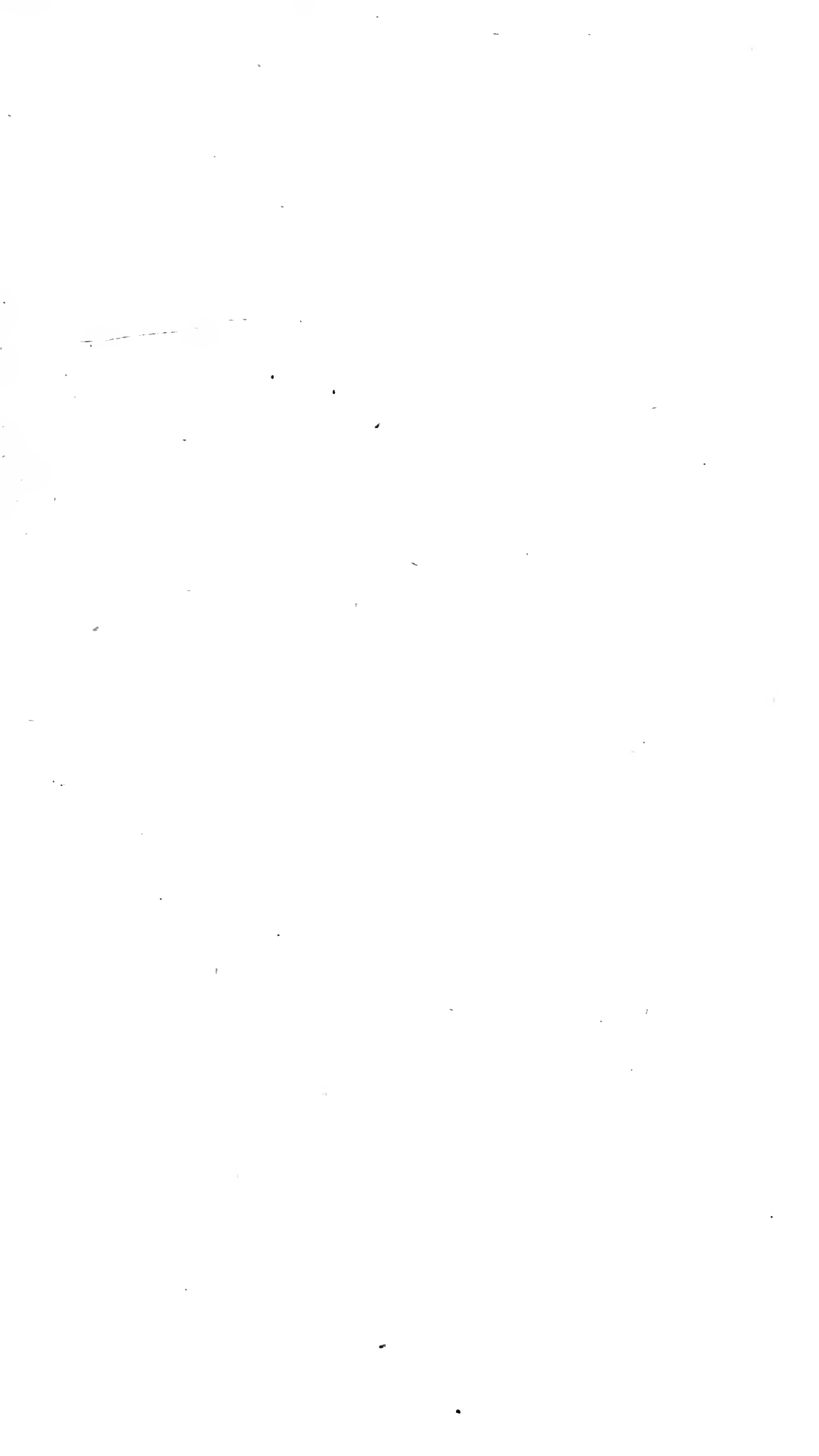
(c) In the case of an express company, any person having charge of an express office belonging to such express company.

Act to be read with R. S. O., c. 47, and amending Acts.

13. This Act shall be read and construed as part of *The Division Courts Act* and of any Acts amending the same. 35

Short Title.

14. This Act may be cited as *The Division Courts Amendment Act, 1885*.



2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to further amend "The Division
Courts Act."

First Reading,	2nd February,	1885.
Second	"	17th
	"	1885.

*(Reprinted as amended by Committee of
the Whole House.)*

Mr. FRASER.

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act respecting the Registering of Chattel Mortgages and Bills of Sale.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Where, under any of the provisions either of The Revised
 5 Statute respecting *Mortgages and Sales of Personal Property*, chapter one hundred and nineteen, or of *The Mortgages and Sales of Personal Property Amendment Act, 1880*, or of the Act passed in the forty-fourth year of the reign of Her Majesty chaptered 12, and intituled, *An Act to further amend the Re-*
 10 *vised Statute respecting Mortgages and Sales of Personal Property*, the time for registering or filing any mortgage, bill of sale, instrument, document, affidavit or other paper expires on a Sunday or other day on which the office in which such registering or filing is to be made or done is closed, and by reason
 15 thereof such filing or registering cannot be made or done on that day, such registering or filing shall, so far as regards the time of doing or making the same, be held to be duly done or made if done or made on the day on which such office shall next be open.

Registration where time limited expires on a day on which offices are closed.

20 2. (1) Where conveyances and mortgages of personal property are filed with the Clerk of a Division Court, the said Clerk shall, for service under the said Revised Statute *respect-*
ing Mortgages and Sales of Personal Property, and the Acts amending the same, be entitled to the same fees as are now, or
 25 may be hereafter provided for the Clerks of County Courts for the like services.

Fees to Division Court Clerks.

(2) This section shall be deemed to have been in force on and from the second day of March, 1877.

3. This Act may be cited and known as *The Chattel Mortgage Registration Act, 1885*.

Mode of citation.

No. 61.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL

An Act respecting the registering of Chattel
Mortgages and Bills of Sale.

First Reading, 2nd February, 1885.

Mr. FRASER.

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act to further amend the Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section eighty-five of *The Registry Act* is hereby repealed, and the following is substituted therefor:—

R. S. O. c. 111,
s. 85 repealed.

85. Where any incorporated town or village, or village not incorporated, comprises different parcels of land owned at the original division thereof by different persons, and the same were not jointly surveyed and one entire plan of such survey made and filed in accordance with section eighty-two of this Act, the municipality of the township within which such incorporated village is situated or the municipality of such incorporated town or village, shall, upon the written request of the inspector or any person interested, addressed to the clerk of the municipality, immediately cause a plan of such town or village to be made upon the scale provided for under this Act, and to be registered in the registrar's office of the county within which such municipality lies, which map or plan shall have endorsed thereon the certificates of the clerk and head of the municipality and the surveyor, that the same is prepared according to the directions of such municipality, and in accordance with this Act, and to the said map or plan the corporate seal of the municipality shall be attached.

Plans of towns or villages to be registered in certain cases.

(2) The expense attending the getting up and depositing of such map or plan shall be paid out of the general funds of the municipality, except in the case of unincorporated villages, where the same shall be paid by a special rate to be levied by assessment on all ratable property comprised in the unincorporated village, as described by metes and bounds in a by-law to be passed by the municipality for the purpose of levying such rate; and in case of the refusal of such municipality to comply with all the requirements of this section within six months next after being required in manner aforesaid so to do, such municipality shall incur the same penalty, and the same shall be recoverable in the same manner as provided in section eighty-two of this Act.

Payment of expenses.

(3) Where land in a township has been or shall hereafter be sold under surveys or subdivisions made in a manner which so differs from that in which such land was surveyed or granted by the Crown, that the parcel cannot be easily identified, and the map or plan has not been registered under this or any other Act in that behalf, the council of the township may, at the written request of the inspector of registeries, or of any person interested, cause a plan of such land to be made and

Registration of plans of Township sub-divisions in certain cases.

s. 35, c. 31,
1879.

registered in the same manner and with the same effect as in
in the case of an unincorporated village; and the expenses
attending the getting up of such map or plan shall be paid by
a special rate to be levied by assessment on the lands comprised
said map or plan, as described in a by-law to be passed by
the council for the purpose of levying such rate; and the
municipality shall have the like remedies for the recovering of
such last-mentioned expenses as it has for compelling payment
of taxes. 5

No. 62.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to further amend the Registry Act.

First Reading, 2nd February, 1885.

Mr. FRASER.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to further amend the Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 63 of *The Registry Act* is hereby repealed, and the following is substituted therefor:—

R. S. O., c. 111, s. 63, repealed.

63. Every will shall be registered at full length by the production of the original will and the deposit of a copy thereof, with an affidavit sworn to by one of the witnesses to the will, proving the due execution thereof by the testator, or by the production of probate or letters of administration with the will annexed, or an exemplification thereof, under the seal of any court in this Province, or in Great Britain and Ireland, or in any British province, colony, or possession, or in any foreign country having jurisdiction therein, and by the deposit of a copy of such probate, letters of administration, or exemplification with an affidavit verifying such copy. (31 V., c. 20, s. 35; 39 V., c. 25, s. 2; 40 V., c. 7, Schedule A (126).)

Registration of wills.

2. Section 85 of the said Act is hereby repealed, and the following is substituted therefor:—

R. S. O. c. 111, s. 85 repealed.

85. (1) Where any incorporated town or village, or village not incorporated, comprises different parcels of land owned at the original division thereof by different persons, and the same were not jointly surveyed and one entire plan of such survey made and filed in accordance with section 82 of this Act, the municipal Council of the township within which such unincorporated village is situated or of such incorporated town or village, shall, upon the written request of the inspector or of any person interested, addressed to the clerk of the municipality, immediately cause a plan of such town or village to be made upon the scale provided for under this Act, and to be registered in the registrar's office of the county within which such municipality lies, which map or plan shall have endorsed thereon the certificates of the clerk and head of the municipality and the surveyor, that the same is prepared according to the directions of such municipality, and in accordance with this Act, and to the said map or plan the corporate seal of the municipality shall be attached.

Plans of towns or villages to be registered in certain cases.

(2) The expense attending the getting up and depositing of such map or plan shall be paid out of the general funds of the municipality, except in the case of unincorporated villages, where the same shall be paid by a special rate to be levied by assessment on all ratable property comprised in the unincorporated village, as described by metes and bounds in a by-law

Payment of expenses.

to be passed by the municipality for the purpose of levying such rate; and in case of the refusal of such municipality to comply with all the requirements of this section within six months next after being required in manner aforesaid so to do, such municipality shall incur the same penalty, and the same shall be recoverable in the same manner as provided in section 82 of this Act. 5

Registration of plans of Township sub-divisions in certain cases.

(3) Where land in a township has been or shall hereafter be sold under surveys or subdivisions made in a manner which so differs from that in which such land was surveyed or granted by the Crown, that the parcel sold cannot be easily identified, and the map or plan has not been registered under this or any other Act in that behalf, the council of the township may, at the written request of the inspector, or of any person interested, cause a plan of any such land to be made and registered in the same manner and with the same effect as in the case of an unincorporated village; and the expenses attending the getting up and filing of such map or plan shall be paid by a special rate to be levied by assessment on the lands comprised in said map or plan, as described in a by-law to be passed by the council for the purpose of levying such rate; and the municipality shall have the like remedies for the recovering of such last-mentioned expenses as it has for compelling payment of taxes. 10 15 20

s. 35, c. 31, 1879.

Obligations not impaired.

(4) Nothing in this section contained shall be deemed or construed as relieving any person from any liability, duty, obligation, or penalty provided or imposed by or under any of the provisions of section 82 of this Act. 25

Affidavits under R. S. O., c. 111, may be made before Notary Public.

3. Any affidavit made under the authority of The Registry Act may, within this Province, be made before a Notary Public. 30

of Plans of towns or villages to be registered in certain cases.

of this Act in that behalf, the council of the township may, at the written request of the inspector, or of any person interested, cause a plan of any such land to be made and registered in the same manner and with the same effect as in the case of an unincorporated village; and the expenses attending the getting up and filing of such map or plan shall be paid by a special rate to be levied by assessment on the lands comprised in said map or plan, as described in a by-law to be passed by the council for the purpose of levying such rate; and the municipality shall have the like remedies for the recovering of such last-mentioned expenses as it has for compelling payment of taxes.

Payment of expenses.



No. 62.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to further amend the Registry Act.

First Reading,	2nd February,	1885.
Second	" 17th	" 1885.

*(Reprinted as Amended by Committee of
whole House.)*

Mr. FRASER.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act respecting Underdrainage.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. When it is necessary that an open ditch or underdrain should be made as an outlet to any underdrainage made either by private funds or by funds obtained under the provisions of *The Ontario Tile Drainage Act*, passed in the forty-first year of Her Majesty's reign, and chaptered nine, or by funds obtained under the provisions of *The Ontario Stone and Timber Drainage Act*, passed in the forty-second year of Her Majesty's reign, and chaptered eight, every such open ditch or underdrain shall be continued to a proper outlet, so that no lands (unless with the consent of the owner thereof) will be overflowed or flooded through or by the construction of any such open ditch or underdrain, and every such open ditch or underdrain may be constructed through any adjoining lot or lots, or any number of lots, and across or along any public highway, until a proper outlet is reached, although such outlet may be in an adjoining municipality.
2. (1) In the case of the owners of lands, whether adjoining or not, through whose lands such open ditch, or underdrain requires to be constructed and made as an outlet for the aforesaid underdrainage, and whose lands would be benefited thereby, and in the case of a municipality where any road would be benefited, the several owners, and the municipality shall be liable to make a just and fair proportion of such open ditch or underdrain, according to their several interests, in the construction of the same; and such open ditch or underdrain shall be kept and maintained by the several owners and the municipality respectively, and their successors in such ownership or office, in such proportion as they are liable for the original construction thereof, unless in consequence of altered circumstances, on account of any person requiring the use of such open ditch or underdrain after the completion of the same, and in such case the proportion of the original cost, or maintenance, or any additional cost that may be incurred by the enlarging of the open ditch or underdrain on account of such person requiring the use of the same, and the amount of the liability of such person, or work to be performed by him, shall be determined by the engineer under the provisions of the *Ditches and Water Courses Act, 1883*, and the amendments thereto.
- (2) The engineer may award that such outlets may be covered or open, or partly covered and partly open, and when
- Outlet for underdrainage may be made through any number of lots.
- Several owners and municipality to make ditch or drain in fair proportions.
- Any party requiring use of drain to pay for use, if engineer awards.
- Engineer to determine

certain particulars as to construction.

he awards that the drain is to be covered, he shall specify the material that the underdrain is to be constructed with, whether tile, stone or wood, taking into consideration the circumstances of those who have to bear the cost of construction.

5

46 V., c. 27, ss. 4-21, to be read as part of this Act.

(3) The proceedings to be taken by any person or persons for the making, opening and constructing of any open ditch or underdrain, as an outlet for any underdrainage mentioned in the two preceding sections, shall be taken and proceeded with under the provisions of *The Act respecting Ditches and Water Courses*, passed in the forty-sixth year of Her Majesty's reign, and chaptered twenty-seven, and the amendments thereto, and sections four to twenty-one inclusive, with forms A, B, C, D, E and F, shall be read and construed as part of this Act.

15

43 V., c. 6, s. 1.
46 V., c. 18, s. 593 repealed.

4. Section one of the Act passed in the forty-third year of Her Majesty's reign, and chaptered six, and section five hundred and ninety-three of *The Consolidated Municipal Act, 1883*, are hereby repealed, but all proceedings taken, and works commenced thereunder, may be continued to completion, 20 as if this Act had not been passed.

No. 63.

2nd Session, 5th Parliament, 48 Vic., 1885.

BILL.

An Act respecting Underdrainage.

First Reading, 3rd February, 1885.

Mr. WATERS.

An Act to amend the Municipal Act.

WHEREAS it is expedient to define clearly the bridges that Preamble.
 have to be erected and maintained by the council of a
 county, or by the councils of two or more counties, or by the
 councils of a county and city respectively.

5 Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows :—

1. Section five hundred and thirty-five of *The Consolidated* 46 V., c. 18,
Municipal Act, 1883, is hereby repealed and the following s. 535.
 10 substituted in lieu thereof :—

535. (1) The council of each county shall erect and keep in Bridges over
 repair all bridges over rivers or streams forming boundary boundary
 lines between two municipalities within the county (other than lines.
 in the case of a separate city or town), and all bridges of one
 15 hundred feet in length or more, over rivers, or streams crossing
 boundary lines between two municipalities within the county,
 or crossing a deviated road used in lieu of such boundary
 line.

(2) The councils of counties shall join in erecting and keep-
 20 ing in repair all bridges over rivers or streams forming bound-
 ary lines between two counties, and all bridges of one hundred
 feet in length or more over rivers or streams crossing bound-
 ary lines between two counties, or crossing a deviated road
 used in lieu of any such boundary line.

(3) The councils of a county and city (or of a separate town,
 as the case may be) shall join in erecting and keeping in repair
 all bridges over rivers or streams forming boundary lines
 between a county and city, as well as all bridges of one
 25 hundred feet in length, or more, over rivers or streams crossing
 30 boundary lines between a county and city, or crossing a devi-
 ated road used in lieu of any such boundary line.

2. (1) In case of a bridge coming within the meaning of sub-
 section one of the above section the council of any one of the
 municipalities interested may petition the council of the
 35 county to erect such bridge, and setting forth in the petition
 where the bridge should be erected; if the council of the
 county refuse to grant the prayer of the petition then it shall
 be the duty of the council which petitions and also of the
 county council to appoint arbitrators under the provisions of
 40 the *Municipal Act*, and the arbitrators shall have full power
 to determine if it is necessary for the public interest that the
 said bridge should be erected; if the erection of such bridge is
 determined upon the arbitrators shall decide where the bridge

If county
 refuse to build,
 matter to be
 settled by
 arbitration.

is to be erected and fix the time within which it is to be completed (but the county council shall decide upon the material of which the bridge is to be built and the cost of the same); and the award shall be final.

If the arbitrators decide against erection, no further proceedings for two or four years.

(2) In the event of the arbitrators deciding against the erection of the said bridge no further proceedings shall be taken (by any of the councils interested) for the term of two years, or such further time as the arbitrators may determine upon, but not exceeding four years, but at the expiration of such term any one of the councils may again proceed by petition to the county council as if no award had been made. 5 10

Any of the councils may pass a by-law.

3. (1) In the case of a bridge coming within the meaning of sub-section two or three of the first section of this Act, the council of any one of the counties, or the council of the city or county, as the case may be, may pass a by-law providing for the erection of any such bridge, setting forth in such by-law, first, the public necessity that exists for the erection of such bridge; second, the place or site where such bridge is to be erected; third, the kind of material to be used in the construction; fourth, the proportion of the cost of construction and maintenance to be borne by the municipality passing the by-law; fifth, the time within which the bridge is to be completed; a copy of said by-law shall be forwarded to the head of the other council (or councils, as the case may be), having jurisdiction in the premises. 15 20 25

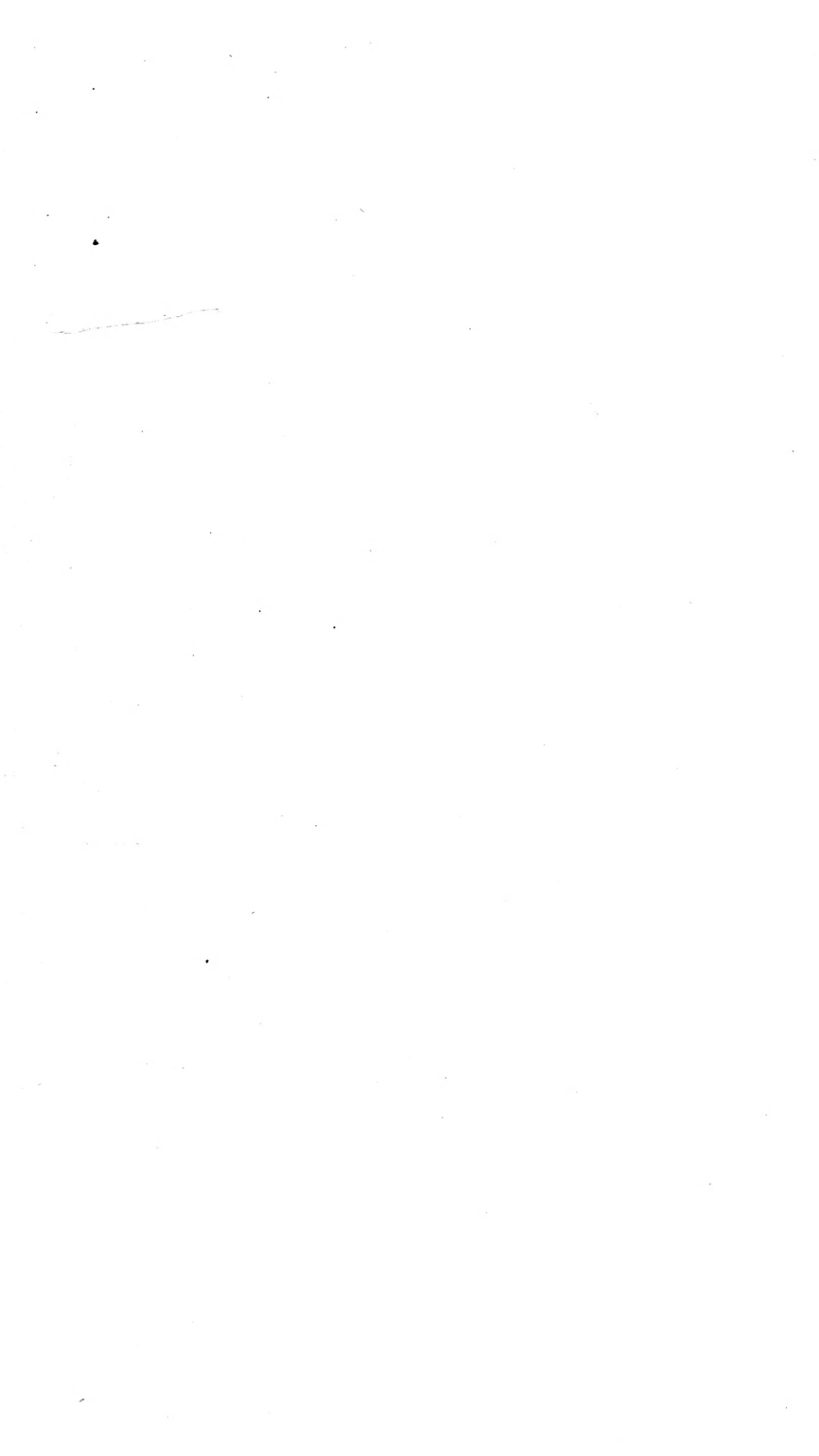
By-law, if not agreed upon, to be referred to arbitration.

(2) In case the other council for six months after receiving the copy of the by-law omits or refuses to pass a similar or any by-law, or passes a by-law agreeing to one or more of the provisions of the first-mentioned by-law, then in either of such cases the matters in dispute shall be referred to arbitration under the provisions of the *Municipal Act* respecting arbitrations, and the arbitrators shall proceed as follows:— 30

(a) In case the council who receives the copy of the first-mentioned by-law omits or refuses to pass a similar or any by-law, then in such case the arbitrators shall decide and determine upon all the provisions of the first-mentioned by-law, or in case the council pass a by-law agreeing to one or more of the provisions of the first-mentioned by-law, then in such case the by-law shall be binding upon the municipality to the extent of the provisions agreed upon, and the arbitrators shall only decide and determine upon the provisions not agreed upon, and the award so made shall be final. 35 40

If arbitrators decide against erection, no proceedings to be taken for two or four years.

(3) If the arbitrators decide against the erection of the bridge no further proceedings shall be taken by any of the councils (having jurisdiction in the premises) for the period of two years, or such further time as the arbitrators may determine upon, but not exceeding four years in all; but at the expiration of such time any one of the councils interested may again take proceedings for the erection of such bridge as if no award had been made. 45 50



2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to Amend the Municipal Act.

First Reading, 3rd February, 1885.

Mr. WATERS.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to enable Widows and Unmarried Women to vote for Members of the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All widows and unmarried women who are in their own right rated for a property, or income qualification sufficient to qualify male voters, shall hereafter have the right to vote at elections for members of the Legislative Assembly of this Province, and section seven of chapter ten, of the Revised Statutes of Ontario, is hereby amended by inserting after the word, "every," in the tenth line thereof, the words "widow, unmarried woman or"

Right of widows and unmarried women to vote for members of the Legislative Assembly.

2. In addition to any other oath or affirmation which may now be required of any person claiming to vote at an election for a member of the Legislative Assembly, the following oath or affirmation may also be required of any widow or unmarried woman so claiming to vote:—

Oath to be taken.

"You swear (or solemnly affirm) that you are the person named, or purporting to be named in the list (or supplementary list) of voters now shown to you;

20 "That you are unmarried or a widow, as the case may be."

3. Section six of chapter ten, of the Revised Statutes is hereby repealed, so far as the same relates to widows and unmarried women.

R. S. O. c. 10, s. 6, repealed.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to enable Widows and Unmarried
Women to vote for Members of the
Legislative Assembly.

First Reading, 3rd February, 1885.

Mr. WATERS.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

No. 66.]

BILL.

[1885.

An Act to amend the Consolidated Municipal Act,
1883.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section four hundred and ninety-five of the *Consoli-* 46 V., c. 18, s.
5 *dated Municipal Act, 1883*, is hereby amended by adding 495 amended.
thereto the following as sub-section twelve:

(12) For preventing or regulating the building, erecting, or
constructing of barbed wire or barbed metal fences along the
side of the public streets and highways in cities and towns. Regulating
erection of
barbed wire
fences.

No. 66.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Consolidated Municipal Act.

First Reading, 5th February, 1885.

Mr. STUBS.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No. 67.]

BILL.

[1885.

An Act to amend the Ontario Tile Drainage Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section twelve of chapter nine of the Acts passed in the 41 V., c. 9, s.
5 forty-first year of Her Majesty's reign, intituled *The Ontario Tile Drainage Act*, is hereby amended by striking out all of the 12, repealed in
said section after the word "aforesaid" in the fifth line thereof. part.

No. 67.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Ontario Tile Drainage
Act.

First Reading, 5th February, 1885.

Mr. BAIFOUR.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO

An Act to confer on Notaries Public the powers of Commissioners.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All Notaries Public heretofore or hereafter appointed, and
 5 having authority in Ontario, shall have, and there is hereby
 conferred upon them, the same powers as commissioners who
 have been appointed under the Revised Statutes *Respecting*
Commissioners for taking Affidavits and Affirmations, chapter
 sixty-three, and the Revised Statutes *Respecting Commissioners*
 10 *to Take Recognizances of Bail*, chapter eighty.
2. Every Notary Public heretofore or hereafter appointed
 may in any part of Ontario take and receive all and every such
 affidavits and affirmations (in cases where by law affirmation is
 allowed) as any person or persons desire to make in or concern-
 15 ing any matter or things depending or in anywise concerning
 any of the proceedings in the Supreme Court of Judicature for
 Ontario, and in all the County and Division Courts, or concern-
 ing any application made or depending before a judge or judges
 of matter made or pending before any judge of any court in this
 20 province which, by any statute now or hereafter in force in
 Ontario, and within the Legislative authority of this province,
 such judge is authorized to make any order, although such
 application or matter is not made or pending in any court.
3. Section forty-three of chapter one hundred and eleven of
 25 the Revised Statutes is hereby amended by adding at the end
 of sub-section one the following words, "or before a Notary Public
 heretofore or hereafter appointed, and having authority as such
 Notary in Ontario."
4. For the purposes of this Act it shall not be necessary to
 30 the validity of any act of such Notary that his official seal
 should be affixed.
5. Every Notary Public shall be deemed an officer of the
 Supreme Court of Judicature for Ontario, and all affidavits and
 35 affirmations taken shall be of the same force as if taken before
 a Commissioner, and may be read and may be made use of as
 other affidavits and affirmations taken in court.
6. Any Notary Public misconducting himself in respect of
 40 the increased powers hereby conferred upon him shall be sub-
 ject to the same penalty or punishment as a Commissioner of
 the Supreme Court.

Notaries
Public to
have powers
of Commis-
sioners ap-
pointed under
R. S. O., c. 63
and 80.

Power to take
affidavits, etc.,
in all Courts
or in matters
pending before
a Judge.

R. S. O., c.
111, s 43, ss. 1,
amended.

Official seal
not required.

Notaries to be
officers of
Supreme
Court of
Judicature.
Affidavits to
be of same
force as if
taken in open
court.

Liability for
misconduct.

No. 68.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to confer on Notaries Public the
power of Commissioners.

First Reading, February 5th, 1885.

MR. FRENCH.

TORONTO :

PRINTED BY THE "GHRP" PRINTING AND PUBLISHING CO.

An Act to confer on Notaries Public the powers of Commissioners.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All Notaries Public heretofore or hereafter appointed, and
 5 having authority in Ontario, shall have, and there is hereby conferred upon them, the same powers as commissioners who have been appointed under the Revised Statute *Respecting Commissioners for taking Affidavits and Affirmations*, chapter
Respecting Commissioners R. S. O., cc. 63 and 80 or
 10 *to Take Recognizances of Bail*, chapter eighty, ~~or~~ or under section one of the Act passed in the forty-fifth year of Her Majesty's reign and chaptered eleven. ~~or~~ Notaries Public to have powers of Commissioners appointed under R. S. O., cc. 63 and 80 or under 45 V. c. 11, s. 1.
2. Every Notary Public heretofore or hereafter appointed
 15 may in any part of Ontario take and receive all and every such affidavits and affirmations (in cases where by law affirmation is allowed) as any person or persons desire to make in or concerning any matter or things depending or in anywise concerning
 20 any of the proceedings in the ~~the~~ High Court of Justice for Ontario, or in the Court of Appeal for Ontario, ~~and~~ and in all the County and Division Courts, or concerning any application made or depending before a judge or judges of any of said courts, and in or concerning any application or matter made or pending before any judge of any court in this province
 25 and within the Legislative authority of this province, such judge is authorized to make any order, although such application or matter is not made or pending in any court. Power to take affidavits, etc., in all Courts or in matters pending before a Judge.
3. Section forty-three of chapter one hundred and eleven of
 30 the Revised Statutes is hereby amended by adding at the end of sub-section one the following words, "or before a Notary Public heretofore or hereafter appointed, and having authority as such Notary in Ontario." R. S. O., c. 111, s. 43, sub-s. 1, amended.
4. Every Notary Public shall be deemed an officer of the
 35 ~~the~~ High Court of Justice for Ontario and of the Court of Appeal for Ontario, ~~and~~ and all affidavits and affirmations taken shall be of the same force as if taken before a Commissioner, and may be read and may be made use of as other affidavits and affirmations taken in court. Notaries to be officers of High Court, etc. Affidavits to be of same force as if taken in open court.
5. Any Notary Public misconducting himself in respect of
 40 the powers hereby conferred upon him shall be subject to the same penalty or punishment as a Commissioner ~~is~~ in and for the High Court of Justice for Ontario; and any power conferred upon a Notary Public under this Act may be revoked in the same way and manner and to the same extent as if such
 45 power had been conferred upon him under any of the provisions of the Acts mentioned in section one of this Act. ~~or~~ Liability for misconduct.

No. 68.

2nd Session, 5th Legislature, 48 Vic., 1885

BILL.

An Act to confer on Notaries Public the powers of Commissioners.

First Reading, 6th February, 1885.

Second Reading, 18th February, 1885.

*(Reprinted as Amended by Select
Committee.)*

Mr. FRENCH.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting the District of Rainy River.

WHEREAS the Lieutenant-Governor in Council, on the Preamble.
 third day of October, in the year of our Lord 1884, by
 virtue of an Act passed by the Legislature of Ontario, in the
 session thereof held in the 47th year of Her Majesty's reign,
 5 entitled *An Act respecting the District of Algoma and Thunder*
Bay, issued a proclamation naming the 11th day of the said
 month of October, as the day upon which the said Act respect-
 ing the District of Algoma and Thunder Bay should go into
 force ;

10 And whereas the Lieutenant-Governor in Council, on
 the 13th day of January, in the year of our Lord 1885, in pur-
 suance of the powers in the said Act contained, did proclaim and
 declare that, from and after the 15th day of February then next,
 all that part of the Provisional Judicial District of Thunder
 15 Bay lying west of a line drawn due north and south through
 the most easterly point of Hunter's Island should, for the pur-
 poses (except registry purposes) mentioned in the Revised
 Statute respecting the Territorial Districts of Muskoka, Parry
 Sound and Thunder Bay, be detached from the said Provisional
 20 Judicial District of Thunder Bay, and should form a separate
 Territorial District by the name of The District of Rainy
 River ;

And whereas it is expedient to make provision in respect
 of the matters hereinafter mentioned ;

25 Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows :—

1. The said Territorial District of Rainy River, being all that
 portion of the Province lying west of the said line, shall, from
 30 and after the first day of July next, also be separated, for regis-
 try purposes, from the District of Thunder Bay, and shall form
 a separate registry division.

District of
Rainy River
separated
from District
of Thunder
Bay for regis-
tration pur-
poses.

2. (1) The Lieutenant-Governor may, from time to time
 appoint, under the great seal, an officer for the District Court
 35 of the Provisional Judicial District of Thunder Bay, to be
 called the Deputy Clerk for Rainy River, who shall hold office
 during pleasure, and shall keep his office at Rat Portage. See
43, Vic. Cap. 12, sec. 7.

Appointment
of Deputy
Clerk.

(2) In case after an appointment has been made a vacancy
 40 occurs in such office, the Clerk of the Division Court at Rat
 Portage shall, *ex-officio*, be Deputy Clerk until another appoint-
 ment is made. *Ibid.*

Vacancy in
the office of
Deputy Clerk.

Powers and
Duties of De-
puty Clerk.

(3) The said Deputy Clerk shall issue writs for the commencement of actions in the said District Court, and shall, in respect of actions so commenced and of proceedings therein, perform the like duties and have the like powers and rights as are performed or possessed by the Clerk of the District Court at Port Arthur in respect of actions commenced by writs issued out of his office, and of proceedings therein; and the said Deputy Clerk shall also issue such writs and process as may be required in such actions as may in like cases be issued by the said Clerk of the District Court, and may renew any such writs as by law may be renewed. *Ibid.*

Capias.

(4) No writ of capias issued under the next preceding subsection shall be executed outside of the District of Rainy River; and every writ of capias so issued shall be marked by the Clerk as follows: "Only to be executed within the District of Rainy River," but this shall not prevent a copy of such writ of capias being served at any place within Ontario. *Ibid.*

Seal.

(5) The Deputy Clerk of the said District Court shall have the custody of a seal similar in design to the seal of the court in the custody of the Clerk at Port Arthur, and the said Deputy Clerk shall seal with the said seal all writs, process and proceedings requiring the seal of the said court; and every writ, process or proceeding sealed with such seal shall be held to be duly sealed with the seal of the said court. *Ibid.*

Venue.

3. In any actions in which the venue is local the writ shall be issued out of the office of the said Deputy Clerk, and the venue shall be laid in the District of Rainy River in the same manner as if the said district was a separate county; but the judge may, if he sees fit, change the venue in any action. *See* 43, *Vic. cap. 12, sec. 8.*

Deputy Clerk
to be Registrar
of Surrogate
Court.

4. (1) The Deputy Clerk for Rainy River of the District Court of Thunder Bay shall, *ex-officio*, be Deputy Registrar for Rainy River of the Surrogate Court of Thunder Bay; and he shall keep his office of Deputy Registrar at the same place as he is required by law to keep his office of Deputy Clerk. *See R. S. O., cap. 46, sec. 9.*

R. S. O., c. 46,
ss. 10, 11, 12,
13, to apply to
Deputy Regis-
trar.

(2) Sections 10, 11, 12 and 13 of the Revised Statute, chapter 46 (*The Surrogate Courts Act*), shall apply as nearly as may be to the Deputy Registrar for Rainy River; and he shall observe and conform to the provisions thereof; and shall perform the like duties, and shall have the like powers and rights, under and by virtue of the said Revised Statute, within the District of Rainy River, as are performed or possessed by the Registrar of the Surrogate Court for Thunder Bay at Port Arthur; and the latter shall, after the passing of this Act, cease to exercise the powers and rights of Registrar of the Surrogate Court for Thunder Bay, in regard to applications for probate, or letters of administration, in respect of the will, or estate, of any person who had at the time of his death his fixed place of abode in the District of Rainy River, or of any person who having no fixed place of abode within Ontario had, at the time of his death, real or personal estate in such District, which but for this Act would have been exercised by him as Registrar of the Surrogate Court for Thunder Bay. *See R. S. O., cap. 46, s. 16; 47 Vic., cap. 14, s. 3.*

(3) The said Deputy Registrar of Surrogate shall have the custody of a seal similar in design to the seal of the court in the custody of the Registrar, and such seal shall be the seal of the court for the purpose of sealing all grants, letters, writs, certificates, papers or proceedings in connection with any matter or thing in the office of the said Deputy Registrar requiring to be sealed. *Ibid.*

Surrogate Seal.

5. The Surrogate Court for Thunder Bay shall, at Rat Portage in the District of Rainy River in respect of matters arising within the District of Rainy River, and at Port Arthur in respect of matters arising within the rest of the Provisional Judicial District of Thunder Bay, hold such sittings as the Judge of the Surrogate Court of the Provisional Judicial District of Thunder Bay may think proper and necessary, but the said Judge may when he deems it more convenient for the parties interested perform any judicial or magisterial act affecting either of the said Surrogate divisions in the other of such divisions. *Nov.*

Sittings of Surrogate Court.

6. Unless where inconsistent with this Act and as nearly as may be, the Acts mentioned in schedule A appended to this Act shall, to the extent shown in the third column of the said schedule, apply to the District of Rainy River, and all other Acts, or parts of Acts, applying in general terms to Territorial Districts, shall also apply to the said district.

Application of certain Acts to District of Rainy River.

7. All returns of convictions required by law to be made by any Justice or Justices of the Peace shall, for the District of Rainy River, be made to the Clerk of the Peace of the District of Thunder Bay. *See R. S. O., cap. 7, sec. 9.*

Returns of Convictions.

8. Besides the sittings at the district town, the District Court of Thunder Bay shall hold sittings on the third Tuesday of the months of June and November of each year, at Rat Portage, for trials and assessments by jury in cases in which the venue is laid in Rainy River, and sittings of the General Sessions of the Peace of Thunder Bay shall be held on the same days. *See R. S. O. c. 90, secs. 52, 53 and 54.*

Sittings of District Court.

Sittings of General Sessions.

(2) The said General Sessions of the Peace shall be for the trial of causes within the jurisdiction of the General Sessions where the offence to be tried was committed within the District of Rainy River, and for the trial of appeals to the General Sessions from a decision order or conviction made by a Justice of the Peace within such district. *Ibid., also 40 Vic. c. 27, sec. 2, (Dom.)*

Trial of Appeals.

9. (1) Any gaol or lock-up erected in the said District of Rainy River under the authority of the Lieutenant-Governor, or any building so declared by Order in Council, shall be a common gaol of such district, for the safe custody of persons charged with the commission, within the said District of crimes, or with the commission therein of offences against any statute of this Province, or against any municipal by-law, who may not have been finally committed for trial, or for the safe custody of persons finally committed for trial, charged as aforesaid, who are to be tried within the said District of Rainy River; or for the confinement of persons sentenced within the

Gaols and Lock-ups.

said district for crimes or for offences as aforesaid, for periods not exceeding *six months*; or for the confinement of persons sentenced as aforesaid for periods exceeding *six months* until such persons can be conveniently removed to the gaol at Rat Portage, or other lawful prison to which they are sentenced. 5
See R. S. O., cap. 7, s. 15; 43 Vie. cap. 12, sec. 13.

Gaol at Port Arthur.

(2) The gaol at Port Arthur shall be the chief common gaol of the District, and, besides being for the detention of persons held for safe custody as mentioned in this section, shall also be for the confinement of persons sentenced within the said District for crimes or offences as aforesaid for periods less than two years. 10

47 V., c. 2, repealed except as to sections 27, 28, 29.

10. Whereas the dispute with respect to the Boundary between this Province and the Province of Manitoba has been determined in the manner contemplated by the Act passed at the last session of the Ontario Legislature, chapter two, entitled "*An Act respecting the territory in dispute between this Province and the Province of Manitoba,*" the said Act is therefore hereby repealed except the 27th, 28th and 29th sections thereof; and whereas the report in that behalf of the Judicial Committee of the Privy Council bears date the 22nd day of July last, and the Order of Her Majesty in Council confirming the same bears date the 11th August following, but the determination of the dispute was not immediately known in the disputed territory, it is hereby declared and enacted that the said Act shall be deemed to have been in force notwithstanding anything therein contained, until the 26th day of October last, but no longer; and the authority of the council at Rat Portage which was suspended by the said Act is hereby declared to have been revived from the 26th day of October aforesaid, and the by-laws, rules and regulations theretofore passed or enacted by the Municipal Board of Rat Portage shall, except so far as they have been since varied by the said council, be held to be as valid and effectual as the same would have been had the authority of the said council not been suspended, and had such by-laws, rules and regulations been passed or enacted by the said council. 15 20 25 30 35

SCHEDULE

Of certain Acts and parts of Acts which are applied to the District of Rainy River.

(Referred to in Section 6)

REFERENCE TO ACT.	TITLE OF ACT.	EXTENT OF APPLICATION.
R. S. O., c. 7	An Act respecting the Territorial Districts of Muskoka, Parry Sound and Thunder Bay	Sections 4 to 8, 11, 12, 14, 18, 19, 20, 22 to 26.
R. S. O., c. 46	The Surrogate Courts Act	Secs. 10, 11, 12 and 13. Subject to the provisions of sec. 4, of this Act.
R. S. O., c. 175	An Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.	The whole, so far as now in force.
45 Vic., c. 7	An Act relating to Division Courts in the Districts of Nipissing, Muskoka, Parry Sound and Thunder Bay, and to amend the Division Courts Act.	The whole.
46 Vic., c. 23	An Act respecting appeals to Stipendiary Magistrates from Municipal Assessment in Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay	The whole.
47 Vic., c. 33	An Act to amend the Revised Statute respecting Municipal Institutions in Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay	The whole.

No. 69.

2nd Session, 5th Legislature, 47 Vic., 1885.

BILL.

An Act respecting the District of Rainy
River.

First Reading, 5th February, 1885.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO

An Act respecting the District of Rainy River.

WHEREAS the Lieutenant-Governor in Council, on the Preamble.
 third day of October, in the year of our Lord 1884, by
 virtue of an Act passed by the Legislature of Ontario, in the
 session thereof held in the 47th year of Her Majesty's reign,
 entitled *An Act respecting the District of Algoma and Thunder*
 5 *Bay*, issued a proclamation naming the 11th day of the said
 month of October, as the day upon which the said Act respect-
 ing the District of Algoma and Thunder Bay should go into
 force ;

10 And whereas the Lieutenant-Governor in Council, on
 the 13th day of January, in the year of our Lord 1885, in pur-
 suance of the powers in the said Act contained, did proclaim and
 declare that, from and after the 15th day of February then next,
 15 all that part of the Provisional Judicial District of Thunder
 Bay lying west of a line drawn due north and south through
 the most easterly point of Hunter's Island should, for the pur-
 poses (except registry purposes) mentioned in the Revised
 Statute respecting the Territorial Districts of Muskoka, Parry
 Sound and Thunder Bay, be detached from the said Provisional
 20 Judicial District of Thunder Bay, and should form a separate
 Territorial District by the name of The District of Rainy
 River ;

And whereas it is expedient to make provision in respect
 of the matters hereinafter mentioned ;

25 Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows :—

1. The said Territorial District of Rainy River, being all that
 portion of the Province lying west of the said line, shall, from
 30 and after the first day of July next, also be separated, for regis-
 try purposes, from the District of Thunder Bay, and shall form
 a separate registry division. District of Rainy River separated from District of Thunder Bay for registration purposes.

2. (1) The Lieutenant-Governor may, from time to time
 appoint, under the great seal, an officer for the District Court
 35 of the Provisional Judicial District of Thunder Bay, to be
 called the Deputy Clerk for Rainy River, who shall hold office
 during pleasure, and shall keep his office at Rat Portage. *See*
43 Vic. Cap. 12, sec. 7. Appointment of Deputy Clerk.

(2) In case after an appointment has been made a vacancy
 40 occurs in such office, the Clerk of the Division Court at Rat
 Portage shall, *ex-officio*, be Deputy Clerk until another appoint-
 ment is made. *Ibid.* Vacancy in the office of Deputy Clerk.

Powers and
Duties of De-
puty Clerk.

(3) The said Deputy Clerk shall issue writs for the commencement of actions in the said District Court, and shall, in respect of actions so commenced and of proceedings therein, perform the like duties and have the like powers and rights as are performed or possessed by the Clerk of the District Court at Port Arthur in respect of actions commenced by writs issued out of his office, and of proceedings therein; and the said Deputy Clerk shall also issue such writs and process as may be required in such actions as may in like cases be issued by the said Clerk of the District Court, and may renew any such writs as by law may be renewed. *Ibid.*

Capias.

(4) No writ of capias issued under the next preceding subsection shall be executed outside of the District of Rainy River; and every writ of capias so issued shall be marked by the Clerk as follows: "Only to be executed within the District of Rainy River," but this shall not prevent a copy of such writ of capias being served at any place within Ontario. *Ibid.*

Seal.

(5) The Deputy Clerk of the said District Court shall have the custody of a seal similar in design to the seal of the court in the custody of the Clerk at Port Arthur, and the said Deputy Clerk shall seal with the said seal all writs, process and proceedings requiring the seal of the said court; and every writ, process or proceeding sealed with such seal shall be held to be duly sealed with the seal of the said court. *Ibid.*

Venue.

3. In any actions in which the venue is local the writ shall be issued out of the office of the said Deputy Clerk, and the venue shall be laid in the District of Rainy River in the same manner as if the said district was a separate county; but the judge may, if he sees fit, change the venue in any action. *See 43 Vic. cap. 12, sec. 8.*

Deputy Clerk
to be Registrar
of Surrogate
Court.

4. (1) The Deputy Clerk for the Rainy River District of the District Court of Thunder Bay shall, *ex-officio*, be Deputy Registrar for Rainy River of the Surrogate Court of Thunder Bay; and he shall keep his office of Deputy Registrar at the same place as he is required by law to keep his office of Deputy Clerk. *See R. S. O., cap. 46, sec. 9.*

R. S. O., c. 46,
ss. 10-13, to
apply to
Deputy Regis-
trar.

(2) Sections 10, 11, 12 and 13 of the Revised Statute, chapter 46 (*The Surrogate Courts Act*), shall apply as nearly as may be to the Deputy Registrar for Rainy River; and he shall observe and conform to the provisions thereof; and shall perform the like duties, and shall have the like powers and rights, under and by virtue of the said Revised Statute, within the District of Rainy River, as are performed or possessed by the Registrar of the Surrogate Court for Thunder Bay at Port Arthur; and the latter shall, after the passing of this Act, cease to exercise the powers and rights of Registrar of the Surrogate Court for Thunder Bay, in regard to applications for probate, or letters of administration, in respect of the will, or estate, of any person who had at the time of his death his fixed place of abode in the District of Rainy River, or of any person who having no fixed place of abode within Ontario had, at the time of his death, real or personal estate in such District, which but for this Act would have been exercised by him as Registrar of the Surrogate Court for Thunder Bay. *See R. S. O., cap. 46, s. 16; 47 Vic. cap. 14, s. 3.*

(3) The said Deputy Registrar of Surrogate shall have the custody of a seal similar in design to the seal of the court in the custody of the Registrar, and such seal shall be the seal of the court for the purpose of sealing all grants, letters, writs, certificates, papers or proceedings in connection with any matter or thing in the office of the said Deputy Registrar requiring to be sealed. *Ibid.*

5. The Surrogate Court for Thunder Bay shall, at Rat Portage in the District of Rainy River, in respect of matters arising within the District of Rainy River, and at Port Arthur in respect of matters arising within the rest of the Provisional Judicial District of Thunder Bay, hold such sittings as the Judge of the Surrogate Court of the Provisional Judicial District of Thunder Bay may think proper and necessary, but the said Judge may when he deems it more convenient for the parties interested perform any judicial or magisterial act affecting either of the said Surrogate divisions in the other of such divisions. *Neu*

6. (1) The Lieutenant-Governor may also appoint a Sheriff of the said District of Rainy River, who shall keep his office at Rat Portage.

(2) All writs and other process requiring to be directed to a Sheriff and intended to be executed within the said District of Rainy River shall be directed to the said Sheriff.

(3) Nothing herein contained shall prevent the Sheriff of Thunder Bay from proceeding upon and completing the execution or service within the said District of Rainy River, of any writ of *mesne* or final process in his hands at the time this Act takes effect, or any renewal thereof, or any subsequent or supplementary writ in the same cause; or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same; and the acts of the said Sheriff of Thunder Bay in respect of these matters shall be valid in the same manner and to the same extent as if this Act had not been passed, and no further.

(4) Sub-sections five, six, seven and eight of the twelfth section of the Act passed in the forty-third year of the reign of Her Majesty, entitled, *An Act respecting the Administration of Justice in the Districts of Algoma, Thunder Bay and Nipissing*, shall apply to the District of Rainy River and to the Sheriff thereof.

7. Unless where inconsistent with this Act and as nearly as may be, the Acts mentioned in schedule A appended to this Act shall, to the extent shown in the third column of the said schedule, apply to the District of Rainy River, and all other Acts, or parts of Acts, applying in general terms to Territorial Districts, shall also apply to the said district.

8. All returns of convictions required by law to be made by any Justice or Justices of the Peace shall, for the District of Rainy River, be made to the Clerk of the Peace of the District of Thunder Bay. *See R. S. O., cap. 7, sec. 9.*

Sittings of District Court.

9. (1) Besides the sittings at the district town, the District Court of Thunder Bay shall hold sittings on the first Tuesday of the month of June and the fourth Tuesday of the month of November of each year, at Rat Portage, for trials and assessments by jury in cases in which the venue is laid in Rainy River, and sittings of the General Sessions of the Peace of Thunder Bay shall be held on the same days. *See R. S. O. c. 90, secs. 52, 53 and 54.* 5

Sittings of General Sessions.

Trial of Appeals.

(2) The said General Sessions of the Peace shall be for the trial of causes within the jurisdiction of the General Sessions where the offence to be tried was committed within the District of Rainy River, and for the trial of appeals to the General Sessions from a decision order or conviction made by a Justice of the Peace within such district. *Ibid, also 40 Vic. c. 27, sec. 2, (Dom.)* 15

Gaols and Lock ups.

10. (1) Any gaol or lock-up erected in the said District of Rainy River under the authority of the Lieutenant-Governor, or any building so declared by Order in Council, shall be a common gaol of such district, for the safe custody of persons charged with the commission, within the said District of crimes, or with the commission therein of offences against any statute of this Province, or against any municipal by-law, who may not have been finally committed for trial or for the safe custody of persons finally committed for trial, charged as aforesaid who are to be tried within the said District of Rainy River or for the confinement of persons sentenced within the said district for crimes or for offences as aforesaid, for periods not exceeding *six months*; or for the confinement of persons sentenced as aforesaid for periods exceeding *six months* until such persons can be conveniently removed to the gaol at Rat Portage, or other lawful prison to which they are sentenced. *See R. S. O., cap. 7, s. 15; 43 Vic. cap. 12, sec. 13.* 20 25 30

Gaol at Rat Portage

(2) The gaol at *Rat Portage* shall be the chief common gaol of the District, and, besides being for the detention of persons held for safe custody as mentioned in this section, shall also be for the confinement of persons sentenced within the said District for crimes or offences as aforesaid for periods less than two years. 35 40

Division Courts.

11. The Third and Fourth Division Courts of the District of Thunder Bay, the limits of which are now within the District of Rainy River, shall, after the first day of April, 1885, be respectively known as the First and Second Division Courts of the District of Rainy River subject to the authority of the Lieutenant-Governor in Council to alter the numbers, limits and extent of the divisions. *See R. S. O., cap. 7, sec. 18, R.* 45

47 V., c. 2, repealed except as to sections 27, 28, 29.

12. Whereas the dispute with respect to the Boundary between this Province and the Province of Manitoba has been determined in the manner contemplated by the Act passed at the last session of the Ontario Legislature, chapter two, entitled "*An Act respecting the territory in dispute between this Province and the Province of Manitoba,*" the said Act is therefore hereby repealed except the 27th, 28th and 29th sections thereof; and whereas the report in that behalf of the Judicial Committee of the Privy Council bears date the 22nd day of July last, and the Order of Her Majesty in Council confirming the 50 55

same bears date the 11th August following, but the determination of the dispute was not immediately known in the disputed territory, it is hereby declared and enacted that the said Act shall be deemed to have been in force notwithstanding anything therein contained, until the 26th day of October last, but no longer; and the authority of the council at Rat Portage which was suspended by the said Act is hereby declared to have been revived from the 26th day of October aforesaid, and the by-laws, rules and regulations theretofore passed or enacted by the Municipal Board of Rat Portage shall, except so far as they have been since varied by the said council, be held to be as valid and effectual as the same would have been had the authority of the said council not been suspended, and had such by-laws, rules and regulations been passed or enacted by the said council.

SCHEDULE

Of certain Acts and parts of Acts which are applied to the District of Rainy River.

(Referred to in Section 7.)

REFERENCE TO ACT.	TITLE OF ACT.	EXTENT OF APPLICATION.
R. S. O., c. 7	An Act respecting the Territorial Districts of Muskoka, Parry Sound and Thunder Bay	Sections 4 to 8, 11, 12, 14, 18, 19, 20, 22 to 26.
R. S. O., c. 46	The Surrogate Courts Act	Secs. 10, 11, 12 and 13. Subject to the provisions of sec. 4, of this Act.
R. S. O., c. 175	An Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.	The whole, so far as now in force.
43 Vic. c. 12	An Act respecting the Administration of Justice, in the Districts of Algoma, Thunder Bay and Nipissing.	Sub-secs. 5, 6, 7 and 8 of sec. 12.
45 Vic., c. 7	An Act relating to Division Courts in the Districts of Nipissing, Muskoka, Parry Sound and Thunder Bay, and to amend the Division Courts Act.	The whole.
46 Vic., c. 23	An Act respecting appeals to Stipendiary Magistrates from Municipal Assessment in Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay	The whole.
47 Vic., c. 33	An Act to amend the Revised Statute respecting Municipal Institutions in Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.....	The whole.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act respecting the District of Rainy
River.

First Reading, 5th February, 1885.
Second " 17th " 1885.

*(Reprinted as again amended by Committee
of the Whole House.)*

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend Municipal Act.

WHEREAS it is desirable that the property qualification Preamble.
for Reeves, Deputy-Reeves, and voters respectively, in
incorporated villages and townships should be made uniform
for municipal purposes;

5 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section seventy-three of "*The Consolidated Municipal Act, 1883*," is hereby amended by substituting for sub-sections 46 V., c. 18, s. 73, amended.
10 (1) and (4) of the said section a new sub-section as follows :

(1) In incorporated villages and townships—freehold to four
hundred dollars, or leasehold to eight hundred dollars.

2. Section eighty of the said Act is hereby amended by Section 80 amended.
inserting after the words "in townships," the words "and
15 incorporated villages," and by striking out the words "In in-
corporated villages—\$200."

No. 70.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Municipal Act.

First Reading, 5th February, 1885.

Mr. ERMATINGER.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to Consolidate and Amend the Public
Schools Act.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Preliminary.

- 5 1. This Act may be cited as "*The Public Schools Act, 1885.*" Short title.
2. In the construction of this Act, Interpretation
- (1) "Teacher" shall include female as well as male teachers. "Teacher."
- (2) "County" shall include a Union of Counties. "County."
- (3) "Township" shall include Unions of Townships made "Township."
10 for Municipal purposes.
- (4) "School site" shall mean such area of land as may be "School site"
necessary for the school building, offices and play-grounds
connected therewith;
- (5) "Owner" shall include a mortgagee, lessee or tenant, or "Owner."
15 other person entitled to a limited interest, and whose claims
may be dealt with by arbitration as herein provided.
- (6) "Resident" shall include such persons who, though not "Resident."
actually resident in a school section or division, pay a school
rate at least equal to the average school rate paid by the actual
20 residents of such section or division. See 43 V., c. 32, s. 2.
- (7) "Ratepayer" shall mean an assessed householder, owner "Ratepayer."
or tenant, or any person entered on the assessment roll as a
farmer's son.
- (8) "School Division" shall mean the union for school pur- "School
25 poses of part of one or more Townships, with an Incorporated Division."
Village or Town.
- (9) "Regulations of the Education Department" or "pre- "Regula-
scribed regulations" shall be deemed to imply the power to tions."
make such regulations. R. S. O., c. 204, s. 2 (1), (2), (3), (4),
30 (5); (6), (7), (8), and (9), *new*.
3. Nothing in this Act authorizing the levying or collecting No rate on
of rates on taxable property for Public School purposes shall supporters of
apply to the supporters of Roman Catholic Separate Schools. Roman Catho-
R. S. O., c. 204, s. 4. lic Separate
Schools.

Existing school arrangements continued.

4. All Public School sections or other Public School divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to Public Schools, and existing when this Act comes into force, shall be subject to the provisions of this Act. R. S. O., c. 204, s. 5.

Trustees' term of office.

5. The term for which each school trustee holds office at the time this Act takes effect, shall continue as if such term had been created by virtue of an election under this Act. R. S. O., c. 204, s. 6. 10

Public Schools to be Free.

Public schools to be free.

6. All Public Schools shall be free schools. R. S. O., c. 204, s. 7.

Religious Instruction.

Pupils not to be required to observe religious exercises objected to by their parents.

7. No person shall require any pupil in any Public School to read or study in or from any religious book, or to join any exercise of devotion or religion objected to by his or her parents or guardians. R. S. O., c. 204, s. 9. 15

To receive religious instruction as their parents desire.

8. Pupils shall be allowed to receive such religious instructions as their parents and guardians desire, according to any general regulations provided for the organization, government and discipline of Public Schools. R. S. O., c. 204, s. 10. 20

Rural Public Schools.

Council may divide Township into School Sections.

9. The Municipal Council of each Township may divide the Township for school purposes into sections, each section to be distinguished by a number, provided always that by such division no lands are left unattached to any section. *New. See* R. S. O., c. 204, s. 78 (1). 25

New school sections--their size.

10. No section shall be formed which contains less than fifty actual resident children, between the ages of five and [twenty-one] years, unless the area of the section contains more than four square miles. R. S. O., c. 204, s. 78, sub-s. (a) *amended*. 30

Township Clerk to prepare maps of school sections.

11. It shall be the duty of every Township Clerk to prepare in duplicate, a school map of the Township, showing the divisions of the Township into school sections and parts of union school sections, to furnish one copy of such map to the County Clerk, for the use of the County Council, and retain the other in the Township Clerk's office, for the use of the Township corporation. R. S. O., c. 204, s. 108, (1) and (2). 35

Trustees' term of office.

12. For each rural school section there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected. R. S. O., c. 204, ss. 17, 48. 40

Trustees who are qualified.

13. The persons qualified to be elected trustees shall be such persons as are actual resident ratepayers within the school section, [and are natural born or naturalized subjects of Her Majesty,] and of the full age of twenty-one years, and are not disqualified under this Act. R. S. O., c. 204, s. 18 *amended*. 45

14. Every ratepayer of the full age of twenty-one years, [and Electors, qualification of.]
 who is a subject of Her Majesty by birth or naturalization] and not being a supporter of a Separate School, shall be entitled to vote at any election for school trustee, or on any school
 5 question whatsoever, at any annual or special meeting in the section for which such person is a ratepayer. R. S. O., c. 204, s. 52 *amended*.

15. A meeting of the ratepayers of each section shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, commencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or trustees. R. S. O., c. 204, s. 39; 42 V., c. 34, s. 9. Annual meeting when held.

16. In case, from the want of proper notice or other cause, Meetings to be called in default of first or annual meeting.
 15 any first or annual school section meeting, required to be held for the election of trustees, was not held at the proper time, the Inspector, or any two ratepayers in the section may, within twenty days after the time at which the meeting should have been held, call a school meeting, by giving six days' notice, to
 20 be posted in at least three of the most public places in the school section; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. R. S. O., c. 204, s. 53.

17. Such meeting shall be organized by the election of a Chairman and a Secretary from among the electors present, and shall (as near as may be) be conducted according to the following order of business:— Order of business.

(a) Receiving the annual report of the trustees (showing the state of the school for the year, the proceedings of the trustees, and giving a detailed account of the receipt and expenditure of all school moneys) and disposing of the same.
 30

(b) Receiving the report of the auditor or auditors of the school accounts of the previous year, and disposing of the same.
 35

(c) Appointing an auditor for the current year.

(d) Miscellaneous business.

(e) Electing a trustee or trustees, to fill any vacancy or vacancies. R. S. O., c. 204, ss. 48 and 51 *amended*.

18. The chairman shall preside and submit all motions to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order, subject to an appeal to the meeting. R. S. O., c. 204, ss. 46 and 47: 42
 45 V., c. 34, s. 34. Chairman, duties of.

19. When a poll is demanded at the meeting by two electors for the election of a trustee, the chairman shall grant the same, and the secretary shall record, as herein directed, the names of all qualified electors [who shall present themselves within the
 50 time prescribed by this Act.] and the secretary shall enter in the poll-book, in separate columns, the names of the candidates Proceedings in case of a poll. Entries in poll book.

proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name, with the residence of the voter. R. S. O. c. 204, s. 47 *amended*; 42 V., c. 34, s. 6. 5

20. In case a poll is demanded upon any public school question [by any two ratepayers] the name of each voter shall be similarly placed in separate columns, marked 'for' or 'against.'" 42 V., c. 34, s. 6 *amended*. 10

When voter is objected to.

21. In case any objection is made to the right of any person to vote at any annual or special meeting, either for trustee or upon any school question, the chairman of the meeting, or other officer presiding, shall require the person whose right of voting is objected to, to make the following declaration or affirmation : 15

Declaration.

(1) I, A.B., do declare and affirm, that I am an assessed ratepayer (or farmer's son, *as the case may be*) in School Section

(2) That I am of the full age of 21 years. 20

[(3) That I am a subject of Her Majesty, either by birth or naturalization.]

(4) That I am not a supporter of a Separate School in the Township in which School Section No. is situated.

(5) That I have the right to vote at this election. 25

Whereupon the person making such declaration shall be entitled to vote. 42 V. c. 34. s. 3 *amended*.

When poll shall close.

22. The poll at every election of a Rural School trustee or trustees [or on any school question], shall not close before eleven o'clock in the forenoon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced. R. S. O., c. 204, s. 41 *amended*. 30

Trustee must make a declaration of office.

23. Every person elected as trustee, and who is eligible and liable to serve as such, shall make the following declaration of office before the chairman of the school meeting; or if the chairman is elected trustee, he shall make said declaration before the secretary of the meeting : 35

Declaration.

"I will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee, to which I have been elected." R. S. O., c. 204, s. 19. 40

Term for vacancies.

24. Any trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. R. S. O., c. 204, s. 37. 45

Trustees may resign.

25. Any trustee of a rural school section may resign with the consent, expressed in writing, of his colleagues in office, and of the School Inspector. R. S. O., c. 204, s. 20.

26. Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. R. S. O., c. 204, s. 36. Re-election of any trustee lawful.

5 27. No School Corporation shall cease to exist by reason of the want of trustees, but in case of any such want any two ratepayers of the section, or the Inspector, may, by giving six days' notice, to be posted in at least three of the most public places of the section, call a meeting of the rate-
10 payers, who shall proceed to elect three trustees, in the manner prescribed in the seventeenth and following sections of this Act ; and the trustees thus elected shall hold and retire from office in the manner prescribed by the thirtieth section of this Act. R. S. O., c. 204, part of s. 21, *amended*. When corporation ceases by want of Trustees. Tenure of office.

15 28. Wherever a new school section is formed in any Township, as provided in the eighty-first section of this Act, the Municipal Council shall appoint a person to call the first school meeting for the election of trustees, and the Clerk of the Township shall give notice of the description and number of such school
20 section to the person so appointed, who shall, within twenty days after receiving such notice, prepare a notice in writing, describing the section, and appointing a time and place for the first school section meeting, and shall cause copies of the notice so prepared by him to be posted in at least three of the most public places in the new school section, at least six days before
25 the time of holding the meeting. R. S. O., c. 204, s. 43 and 44 78 (3), 108 (7). Proceedings on the formation of a new school section. A meeting in new section to be called within twenty days.

29. The meeting shall be organized, and the proceedings conducted, (*as near as may be*), according to the provisions of clauses seventeen to twenty-three, inclusive. *New*. How meeting to be organized.

30

30. The trustees elected at a first school section meeting shall respectively continue in office as follows :— Term of office of each Trustee.

(1) The first person elected shall continue in office for two years, to be reckoned from the annual school meeting next
35 after his election, and thence until his successor has been elected ; First.

(2) The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected ; Second.

(3) The third, or last person elected, shall continue in office until the next ensuing annual school meeting in such section, and until his successor has been elected. R. S. O., c. 204, s. 49. Third.

45

31. A correct copy of the proceedings of a first and of every annual and of every special school section meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman of such meeting to the County Inspector. R. S. O., c. 204, s. 50. Copy of minutes to be sent to Inspector.

50

32. When complaint is made to the Inspector by any rate-payer in regard to the election of a trustee, or in regard to the proceedings or any part thereof of any school meeting, the Inspector shall investigate the same, and confirm or set such Complaints as to elections.

election or proceeding aside, and appoint the time and place for a new election, but no complaint in regard to any election or proceeding at a school meeting shall be entertained by any Inspector unless made to him in writing within twenty days after the holding of such election or meeting. R. S. O., c. 204, s. 194, sub-s. 9, (a) and (b). 5

Trustees
a Corporation.

33. The trustees of every school shall be a corporation under the name of "The Board of School Trustees for School Section — of the Township of — in the County of —. R. S. O., c. 204, s. 21 part. 10

(a) The Board (a majority of whom shall form a quorum) shall be constituted by the election of a chairman and a secretary-treasurer. See R. S. O., c. 204, s. 98, 102 (1).

(b) The secretary-treasurer, who may be a member of 15 the Board, shall give such security as may be required by a majority of the trustees—such security to be deposited with [the treasurer of the municipality]. R. S. O., c. 204, s. 102 (1), (1 a) part, and (6).

Secretary-
Treasurer,
duties of.

34. It shall be the duty of the secretary-treasurer: 20

(a) To keep a full and correct record of the proceedings of every meeting of the Board in the minute-book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee. 25

(b) To receive all school moneys collected from the inhabitants or ratepayers of the section or other parties, and to account for the same.

(c) To disburse all moneys in the manner directed by a majority of the trustees. 30

(d) To produce, when called for by the trustees, auditors or other competent authority, all papers and moneys belonging to the corporation.

(e) To call at the request in writing of two trustees a special meeting of the Board of Trustees. R. S. O., c. 35 204, ss. 100, 102, (1a), (5b), part.

Notices of
meetings,
how given.

35. Notice of all meetings shall be given by the secretary to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences. R. S. O., c. 204, s. 97. 40

Corporate acts
must be per-
formed at
lawful trustee
meetings.

36. No act or proceeding of a School Corporation which is not adopted at a regular or special meeting of the trustees, shall be valid or binding on any party affected thereby, unless notice has been given as required by this Act and unless at least two trustees are present. R. S. O., c. 204, s. 99, 45

Auditor
for Trustees.

37. Every Board of School Trustees shall on or before the first day of December appoint an auditor, and in case of their

neglect [or the neglect of the ratepayers] to do so, or in case of an auditor being appointed [or elected] who refuses to act, then the inspector, [at the request in writing of any two ratepayers], shall make such appointment. R. S. O., c. 204, s. 102
5 (3), (3 a) amended.

38. The auditors appointed, or either of them, shall, on or after the first day of December in each year, forthwith appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. R. S. O., c. 204, s. 115. Time of audit.

39. It shall be the duty of the auditors—

Duty of auditors.

(1) To demand from the secretary-treasurer of the section or the trustees all agreements, vouchers, books or papers in his or their possession relating to the receipt and expenditure of school moneys since the last annual audit belonging to the section, to examine the same, and to report whether the trustees have truly and accurately [accounted for] the moneys received by them. R. S. O., c. 204, ss. 102 (4), 116, 117, 118
15 (1) amended. Require production of books, etc.

(2) To require the attendance of all or any of the parties interested in the accounts, and of their witnesses, with all such books, papers, and writings as such auditor or auditors may direct them or either of them to produce and to administer oaths to such parties and witnesses. R. S. O., c. 204, s. 119, ss. 1 and 2 Parties and witnesses.
Oaths.

(3) In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the County Inspector. R. S. O., c. 204, s. 118, sub-s. 5, 194
25 (10). Difference of opinion.

(4) If both of the auditors object to the lawfulness of any expenditures made by the trustees, they shall submit the matters in difference to the annual meeting, which may either determine the same, or submit the question to the Minister of Education, whose decision shall be final. R. S. O., c. 204, s. 118, sub-s. 3.
30

(5) To issue their or either of their warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid; and the person named in such warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same has issued, as any bailiff of a Division Court has in enforcing a judgment and execution issued out of such Court. R. S. O., c. 204, ss. 118, sub-s. 2;
35 40 45 119, sub-s. 3. Warrant of auditor equivalent to execution of Division Court.

(6) To report the result of their or his examination of the accounts of the year to the annual school meeting next after their or his appointment, when the annual report of the trustees, signed by the trustees and auditors, shall be presented to such meeting. R. S. O., c. 204, s. 119, sub-s. 4. Auditors to present report to annual school meeting.
50

Tenure of office. (7) The auditors shall remain in office until their audit is completed. R. S. O., c. 204, s. 118 (4).

Place of annual school meeting to be appointed by the trustees. **40.** It shall be the duty of the Trustees—

(1) To appoint the place of each annual school meeting of the ratepayers of the section; and the time and place of a special meeting of the same for (1) the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal, or other cause; or (2) for the selection of a new school site; (3) the appointment of a school auditor; or (4) any other lawful school purpose, as they may think proper; and to cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of the section, at least six days before the time of holding such meeting. R. S. O., c. 204, s. 102 (25).

Filling vacancies.

Notice.

(a) Every such meeting shall be organized, and its proceedings recorded in the same manner as provided for in the seventeenth and following sections of this Act. R. S. O., c. 204, s. 102 (25a).

Adequate accommodation.

See what is the age on which school grant is distributed.

(2) To provide adequate accommodation and a legally qualified teacher or teachers, according to the regulations prescribed by the Education Department, for two-thirds of the [actual] resident children between the ages of five [and twenty-one years], as ascertained by the census taken by the Municipal Council for the next preceding year; provided always such actual residents are not to include the children of persons on whose behalf a separate school is established according to the provisions of the Separate School Act. R. S. O., c. 204, s. 102 (8) *amended*, (17).

Apply to municipality for school moneys.

(3) To apply to the Township Council at or before its meeting in August for the levying and collecting by rate, all sums for the support of their school, or schools, and for any other school purposes authorized by this Act to be collected from the ratepayers of such section, or to raise the amount necessary for the purchase of school sites, the erection or otherwise acquiring of school-houses and their appendages and teacher's residence, either by one yearly rate or by debentures, as provided in section one hundred and thirty-five of this Act, as may be required by the Trustees. R. S. O., c. 204, s. 102 (12).

(4) To arrange for the payment of teachers' salaries quarterly and, if necessary, to borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected. *See* R. S. O., c. 204, s. 89 (1), 102 (11).

Repairing, etc., school-house.

(5) To keep the school-house, furniture, outbuildings, and enclosures in proper repair, and where there is no suitable school-house belonging to the section, or where two or more school-houses are required, to build or rent a house or houses and to keep such house or houses, its or their furniture, outbuildings and enclosures in proper repair. R. S. O., c. 204, s. 102 (9 and 10) *amended*.

(6) To give notice in writing, before the fifteenth day of January in each year, to the Clerk of the Township and the Inspector in which their school is situate of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them. 45 V., c. 30, s. 4 *amended*. Names and addresses of trustees, and of teachers to be given to township.

(7) To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons, R. S. O., c. 204, s. 103 (5) *amended*. Trustees may exempt indigent persons.

(8) To dismiss from the school any pupil who shall be adjudged so refractory by the trustees (or by a majority of them) and the teacher that his presence in school is deemed injurious to the other pupils, and, where practicable, to remove such pupil to an industrial school. R. S. O., c. 204, s. 102 (22). Dismissal of refractory pupils.

(9) To take possession and have the custody and safe keeping of all Public School property which has been acquired or given for Public School purposes in the section; and to acquire and hold as a corporation, by any title whatsoever, any land, movable property, moneys or income given or acquired at any time for Public School purposes, and to hold or apply the same according to the terms on which the same were acquired or received; and to dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes, or as directed by this Act. R. S. O., c. 204, s. 102 (6 and 7). Trustees to acquire and hold school property. Trustees may sell school site or other property.

(10) To visit, from time to time, every school under their charge, and see that it is conducted according to law and the authorized regulations, and to provide school registers and a visitors' book, in the form prescribed by the Education Department. R. S. O., c. 204, s. 102 (21). Visit schools.

(11) To see that no unauthorized books are used in the school, and that the pupils are duly supplied with a uniform series of authorized text-books, sanctioned by the Education Department; and to procure annually, for the benefit of their school section, some periodical devoted to education, and to do whatever they may deem expedient in regard to procuring apparatus, maps, prize and library books for their school. R. S. O., c. 204, s. 102 (23), 103 (1). Text-books.

(12) To cause to be prepared and read at the annual meeting of the ratepayers, a report for the year then ending, containing, among other things, a summary of their proceedings during the year, together with a full and detailed account of the receipt and expenditure of all school moneys received and expended in behalf of the section, for any purpose whatever, during such year, and signed by the trustees and by either or both of the school auditors of the section. R. S. O., c. 204, s. 102 (26). Prepare and read report at annual meeting.

(13) To transmit to the Inspector the semi-annual returns on or before the 30th day of June and 31st day of December respectively, and the annual return on or before the 15th day of Annual and semi-annual returns.

January in each year according to the forms prescribed by the Education Department. R. S. O., c. 204, s. 102 (27 and 28 a, b, c and d).

Sections in Unorganized Townships.

- Formation of sections in unorganized townships.** **41.** In unorganized Townships in any County or District, it shall be lawful for the Stipendiary Magistrate thereof and the Public School Inspector (if any) of the County or District, or for the Stipendiary Magistrate alone, if there is no Inspector, and for the Inspector alone, if there is no Stipendiary Magistrate, to form a portion of a Township, or of two or more adjoining Townships, into a school section. R. S. O., c. 204, s. 26 5 10
- Limits of section.** **2.** No such section shall, in length or breadth, exceed five miles in a straight line, and, subject to this restriction, the boundaries may be altered by the same authority from time to time, and the alteration shall go into operation on the twenty-fifth day of December next after such alteration; provided always, no such school section shall be formed except on the petition of five heads of families resident therein. R. S. O., c. 204, s. 26 (3) (3). 15
- Exemption from rates on account of distance.** **42.** Any person whose place of residence is at a distance of more than three miles in a direct line from the site of the school-house of such section shall be exempt from all rates for school purposes, unless a child of such ratepayer should attend such school. 41 V. c. 8, s. 20. 20
- Election of school trustees.** **43.** After the formation of such a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the section. R. S. O., c. 204, s. 27. 25 30
- Trustees' powers and obligations.** **44.** The trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have all the powers and be subject to all the obligations of Public School Trustees generally. R. S. O., c. 204, s. 28.
- Annual assessment roll.** **45.** The trustees so elected shall annually appoint a qualified person to make out an assessment roll for the section, and shall transmit a certified copy thereof to the Stipendiary Magistrate (or Inspector); and it shall be the duty of the Stipendiary Magistrate, or of the Inspector, if there is no Stipendiary Magistrate, to examine the said roll, and correct any errors or improper entries which he may perceive therein. R. S. O., c. 204, s. 29. 35 40
- Revision of assessment roll.**
- Appeal against assessment roll.** **46.** A copy of the said roll, as so corrected, shall be open to inspection to all persons interested, at some convenient place in the section, notice whereof, signed by the Stipendiary Magistrate, or Inspector if there is no Stipendiary Magistrate, shall be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the Magistrate or Inspector will hear appeals against said assessment roll; and such notice shall be posted as afore- 45 50

said by the trustees for at least three weeks prior to the time appointed for hearing the appeals. R. S. O., c. 204, s. 30.

47. All appeals shall be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a Court of Revision in the case of ordinary municipal assessments, and the Magistrate (or Inspector) shall have the same powers as such Court of Revision. R. S. O., c. 204, s. 31.

Manner of appeal.

48. The annual roll, as finally passed and signed by the Magistrate (or Inspector), shall be binding upon the trustees and ratepayers of the section until the annual roll for the succeeding year is passed and signed as aforesaid. R. S. O., c. 204, s. 32.

Confirmed roll binding.

49. Where any Township under the jurisdiction of a Township Board is unorganized, appeals against its certified assessment roll, made out by a person appointed by the Board, shall be made to the Stipendiary Magistrate or Judge of the district or county, who has jurisdiction in other matters therein. R. S. O., c. 204, s. 34.

Appeals in unorganized township.

50. In forming union school sections between and out of an organized Township Municipality and an unorganized Township or locality within any territorial or judicial district, it shall be lawful for such union school section to be formed or altered according to the provisions of this Act, except that the Stipendiary Magistrate shall act for the unorganized Township or locality, and the Reeve of the organized Township for his Township. R. S. O., c. 204, s. 35.

Union school sections.

51. The Trustees shall appoint some fit and proper person or one of themselves, to be a collector (who may also be secretary-treasurer), to collect the rates imposed by them upon the ratepayers of their school section, or the sums which the inhabitants or others may have subscribed, or a rate-bill imposed on any person; and pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every such collector shall give such security as shall be satisfactory to the trustees, which security shall be lodged for safe keeping with the Stipendiary Magistrate or the Inspector by the trustees. R. S. O., c. 204, s. 102 (2); 42 V. c. 34, s. 11 amended.

Appointment and duty of school collector.

52. Every such collector shall have the same powers in collecting the school rate, rate-bill, or subscriptions, shall be under the same liabilities and obligations, and shall proceed in the same manner in his school section and Township, as a Township Collector does in his Municipality, in collecting rates in a Township or County, as provided in the Municipal Institutions and Assessment Acts from time to time in force. R. S. O., c. 202, s. 113.

Powers of School collector.

53. In Municipalities composed of more than one Township, but without County organization, it shall be optional with the Municipal Council thereof to form portions of the Townships comprising the Municipality into school sections, or to establish a Board of Public School Trustees, two members being elected for each ward, and if not divided into wards, two for

Boards in Municipalities without county organization.

each Township thereof, and such Board shall possess all the powers and duties of Township Boards, and shall also, upon the petition of at least five heads of families, provide school accommodation and a teacher for their children and others. 42 V. c. 34, s. 10.

5

Township Boards.

Establishment
of Township
Boards.

54. At the annual meeting in any year of the school sections in a Township, the question of forming a Township Board may be submitted in each section for the decision of the meeting, and whenever in any Township, at any such annual 10 meeting, two-thirds in number of the school sections so decide, the Council of such Township shall thereupon pass a by-law to abolish the division of the Township into school sections, and to establish a Public School Board accordingly; and this shall take effect on the first day of January in the next following 15 year, and any portion of the Township forming a union, or being part of a school division with another municipality or portion thereof, shall be considered as a section in respect of the said requisite number of two-thirds of the school sections of the Township. R. S. O., c. 204, s. 142; 43 V. c. 32, s. 10. 20

Division of
township
into wards.

55. The Township Council shall, in the by-law for establishing the Public School Board, divide the township into four wards, which shall be the same from time to time as the wards for Municipal purposes, when such exist in any Township, and after such by-law goes into effect, all the Public Schools of the 25 Township shall be managed by one Board of Trustees. R. S. O., c. 204, ss. 143, 144.

Management
by Board

Qualifications
of members.

56. At the first election, two fit and proper persons, resident in the Township, and possessing the same qualifications as are prescribed for Municipal Councillors of the Township, shall be 30 elected school trustees in and for each ward by a majority of the votes of the ratepayers thereof; one of such trustees (to be determined by lot at the first meeting of the trustees after their election) shall retire from office at the time appointed for the next annual school election, and the other shall continue in 35 office for one year longer, and until his successor has been appointed, and shall then retire. R. S. O., c. 204, s. 145; 44 V. c. 30, s. 9.

Time and
manner of
election.

57. Such election shall take place annually at the time, in the manner, and as prescribed by this Act, for the election of 40 trustees in towns divided into wards. R. S. O., c. 204, s. 146.

Board to be a
Corporation.

58. The trustees so elected shall be a corporation under the name of "The Public School Board of the Township of
in the County of ."

Powers of
Board.

59. The Board (a majority of whom shall form a quorum) shall 45 be constituted by the election of a Chairman and Secretary-Treasurer, and shall be invested with, and possess, exercise and enjoy all the rights, property, powers and incidents, and shall be subject to the same duties and obligations as trustees in rural school sections under the provisions of this Act, as well 50 as those of Public Schools in Cities and Towns and in any other statute, by-law, regulation, deed, proceeding, matter or

thing shall be construed to stand and to be substituted for each and all of the trustees of the former school sections of the Township. R. S. O., c. 204, s. 147; 42 V. c. 34, s. 19.

5 **60.** After the Public School Board is established, the portions of the Township theretofore united with an adjoining Municipality, or a portion thereof, shall cease to be so united on the first day of January next following the passing of the by-law for establishing the Township Board, and in the intervening period between the passing of the said by-law and 10 such first day of January a new union may be formed under the provisions of this Act, under which the said former union may be continued or another union formed, but the portion of the Township in any former union shall remain liable for any rate such portion was subject to while so united, for the 15 payment of any debt or loan, so far as the creditors or lenders thereof are concerned, and in cases where unions existing on the second day of March, one thousand eight hundred and seventy-seven, are not re-formed under this Act, such unions shall continue to exist under and subject to the provisions of 20 the Acts in force at the time of their formation. R. S. O., c. 204, s. 148.

Effect as to parts united.

25 **61.** The Township Council shall, so soon as the by-law for establishing the Public School Board is passed, appoint the County Inspector jointly with two other competent persons, not residents of the Township, and they, or any two of them, shall, in a report to the Council, value the existing school houses, school sites, and other school property in each and every section, or portions of the Township, and ascertain their respective debts and liabilities; and the said arbitrators, or any 30 two of them, shall thereupon adjust and settle, in such manner as they may deem just and equitable, the respective rights, claims and demands of each and every school section or portion of the Township, and the Township Council shall pass a by-law, and give full effect to the report of said arbitrators. R. S. O., 35 c. 204, ss. 78 (12) (13), 149.

Adjustment of all claims consequent on Board being established.

40 **62.** In cases where a portion of the Township Municipality, on the establishment of the Public School Board, ceases to be united with any other municipality, or portion thereof, the Council of each such Municipality shall respectively appoint one competent person, who, with the Inspector or Inspectors having jurisdiction in the respective Municipalities concerned, shall, in a report to the Councils of the respective Municipalities, value and adjust all rights and claims consequent upon such disunion between the respective portions of such Municipalities, and determine by what Municipality or portion 45 thereof, and in what manner the same shall be settled, and the disposition of the property of the union and any payment by one portion to the other, and the report of the majority of said persons shall be valid and binding; and in cases where 50 the persons to make this report would be an even number, the County Judge shall also be added. R. S. O., c. 204, s. 150.

Adjustment of claims in cases of parts becoming disunited.

55 **63.** In case twenty ratepayers in more than one-half of the school wards of the Township petition the Township Council to submit a by-law to the vote of the ratepayers of the Township for the repeal of the by-law under which the Public School

Repeal of by law, and for re-forming sections.

Board was established, but not until after the Township Board has existed for five years at least, a by-law shall be submitted to such vote accordingly, and the proceedings shall be in conformity with the Municipal Institutions Act, except that the vote shall not be by ballot; and in case in the majority of such 5 wards the majority of the votes are for such repeal, the Township Council shall pass a by-law to disestablish such Public School Board, and form school sections instead thereof; but no repeal shall take effect until the first day of the month of January next following, which will be more than three months 10 after the voting upon the by-law for that purpose; and the Council shall also, in the same or another by-law, appoint the County Inspector jointly with two other competent persons, not residents of the township, and they or any two of them shall, in a report to the Council, value the school houses, school sites, 15 and other school property which may thereupon become the property of such school section, and shall also adjust and settle the respective rights and claims consequent on such repeal between the respective school sections, or between any school section and the Township, and all payments to be made by or 20 to any of them. R. S. O., c. 204, s. 151.

Rural School Sites.

New site.

64. Before any steps are taken by the trustees for securing a new school site on which to erect a new school-house, they shall call a special meeting of the ratepayers of the section, to 25 consider the site proposed; and no change of school site shall be made, except in the manner hereinafter provided, without the consent of the majority of such special meeting. R. S. O., c. 204, s. 120.

When trustees and ratepayers disagree.

65. In case a majority of the trustees and a majority of the 30 ratepayers present at such special meeting differ as to the situation of a new site, each party shall then and there choose an arbitrator, and the County Inspector, or, in case of his inability to attend, any person appointed by him to act on his behalf shall be a third arbitrator; and such three arbitrators, 35 or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter or matters submitted to them. R. S. O., c. 204, s. 121.

Award.

66. With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have 40 authority, within three months from the date of their award, to reconsider such award and make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least one year from the date thereof. R. S. O., c. 204, 45 s. 122.

Where owner refuses to sell.

67. If the owner of the land selected for a new school site' or required for the enlargement of school premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of any section, then such owner and the 50 trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the Inspector or any two of them, shall appraise the damages to such land. R. S. O., c. 204, s. 123 and sub-s. 2.

Form of report of arbitrators.

68. If the majority of the school trustees, or the majority of a Public School meeting, neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator, as provided in section sixty-seven of this Act, or if the owner of land selected as a school site, as provided by the said section of this Act, neglects or refuses to appoint an arbitrator, it shall be competent for the County Inspector with the arbitrator appointed, to meet and determine the matter; and the County Inspector, in case of such refusal or neglect, shall have a second or casting vote, if he and the arbitrator appointed do not agree. R. S. O., c. 204, s. 124.

Appointmen
of school site.
Arbitrators—
their powers.

69. The arbitrators aforesaid, or any two of them, shall have the power to settle all claims or rights of incumbancers, lessees, tenants, or other persons, as well as those of the owner, in respect of the land required for the purpose of the school site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights. 42 V., c. 34, s. 15.

Additional
powers con-
ferred upon
arbitrators.

(a) Upon the tender of payment of the amount of such damage to the owner or other person entitled thereto, or to any part of such amount, by the school trustees, the land shall be taken and used for the purpose aforesaid. R. S. O., c. 204, s. 123, sub-s. 3; 42 V., c. 34, s. 15.

Taking of
land.

70. If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of the adjournment. R. S. O., c. 204, s. 125

Proceedings
where an ar-
bitrator is ab-
sent.

71. Any award for a school site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on the affidavit of one of the trustees verifying the same, R. S. O., c. 204, s. 123 (7).

Award equal
to title.

72. The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators, and the School Inspector respectively. R. S. O., c. 204, s. 127 and (2).

Cost of
Arbitration.

73. A school site shall not be selected in a Township within a hundred yards of the garden, orchard, pleasure ground, or dwelling house of the owner of such site without his consent. R. S. O., c. 204, s. 123 (4).

New site near
garden.

74. It shall be competent for the trustees (without reference to a special meeting of the ratepayers),

(1) To enlarge any school site existing at the passage of this Act, as required by the regulations of the Education Department, but no such enlargement shall be made in the direction

Enlargement
of school site.

of, or including an orchard, garden or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged. R. S. O., c. 204, s. 123 (5) and (6).

Two or more additional schools in a section authorized.

(2) To select the site for, and establish and maintain an additional school or additional schools in the section, with the concurrence of the inspector, where, from the large size of the section, its physical conformation, or from any other cause, the children of the section are unable to attend the school established therein, and to procure or erect the necessary buildings for such additional school or schools. R. S. O., c. 204, s. 103 (2) and (3); 41 V., c. 8, s. 22.

Who may convey school sites.

75. All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes-coverts, or other person, seised, possessed of or interested in any land, may contract for, sell or convey all or part thereof to school trustees for a school site or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act. R. S. O., c. 204, s. 128.

Remedy in case of absence of owner.

76. If the owner of land duly selected for the said purpose is absent from the County in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the county that, after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted for such time as he sees fit in some newspaper published in the county; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit. R. S. O., c. 204, s. 129.

What notice shall contain.

Arbitrators.

77. The said notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer that sum is not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the County Judge may direct. R. S. O., c. 204, s. 130.

Judge may appoint one.

78. If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of

the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property. R. S. O., c. 204, s. 131.

79. Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land ; and after the trustees have taken possession of land any claim to, or incumbrance upon the same or any portion thereof, shall as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party. R. S. O , c. 204, s. 132.

Responsibility of trustees as to compensation.

80. If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the County Treasurer, or in such other manner as the Inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance ; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper Registry Office on an affidavit of one of the trustees verifying the same. R. S. O., c. 204, s. 133.

In case of incumbrance.

Deposit of Compensation money.

Award to be registered.

Alteration of School Boundaries.

81. Every Township Council shall have power

(1) To pass by-laws to unite two or more sections in the same township into one, in case (at a public meeting in each section called by the trustees or County Inspector for that purpose) a majority present of the ratepayers of each of the sections request to be united. R. S. O., c. 204, ss. 78 (2), 194 (29) (30).

Union of existing sections.

(2) To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite portions of an existing section with another section, or with any new section, in case it clearly appears that all parties to be affected by the proposed alteration, division or union respectively, have been duly notified by the council of the proposed proceeding for this purpose, or of any application made to the council to do so. R. S. O., c. 204, s. 81 ;

Alteration, etc., of school sections.

(3) Any such by-law shall not be passed later than the first day of [October] in any year, and shall not take effect before the twenty-fifth day of December next thereafter, and it shall be the duty of the Township Clerk to send forthwith, after such by-law has been passed, a copy of the proceedings relating to the formation or alteration or union to the trustees of every

school section affected thereby, and to the Public School Inspector. R. S. O., c. 204, ss. 78 (4), 84 *amended*, 108 (8).

Appeal to
County
Council.

82. A majority of the trustees, [or the Inspector,] or any five ratepayers of one or more of the school sections concerned, may appeal to the County Council of the Township in which such section or sections are situated, against any by-law or resolution passed at any time previously by the Township Council for the formation, division, union or alteration of their school section or school sections, or against the neglect or refusal of the Township Council (on application being made to it by the trustees, or Inspector, or any five ratepayers concerned) to form, divide, unite or alter the boundaries of a school section or school sections within such township. R. S. O., c. 204, ss. 83, 88 *amended*.

Appointment
of Arbitrators.

(1) The County Council shall forthwith appoint as arbitrators not more than five, or less than three, competent persons (two of whom shall be the County Judge and the County Inspector), and a majority of whom shall form a quorum to revise, determine or alter the boundaries of the school section or school sections, so far as to settle the matters complained of ; but the alterations or determination of the said matters shall not take effect before the twenty-fifth day of December in the year in which the arbitrators so decide, and shall thence continue in full force for the period of five years at least, and until lawfully changed by the Township Council, but such change shall be subject to the like appeal to the County Council ;

Who may not
act as arbitra-
tors.

(2) No person shall be competent to act as arbitrators who was or is a member of the Township Council which passed the by-law or resolution complained of ;

Notice.

(3) Due notice of the alterations or the determination of the said matters made by the arbitrators shall be given by the Inspector to the Clerk of the Township and to the trustees of the school sections concerned. R. S. O., c. 204, s. 88 (2), (3), (4).

Adjustment of
claims
between
unions in same
township.

83. On the formation, dissolution, division or alteration of any school section in the same Township, the County Inspector and two other persons appointed by the Township Council as arbitrators shall value and adjust in an equitable manner all rights and claims consequent upon such formation, division, dissolution or alteration between the respective portions of the Township affected, and determine in what manner and by what portion or by whom the same shall be settled ; and the determination of the said arbitrators or any two of them shall be final and conclusive. R. S. O., c. 204, s. 85 *part*.

Disposal of
school pro-
perty when
not wanted.

84. In case a school site or school house or other school property is no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be disposed of, by sale or otherwise, in such a manner as a majority of the ratepayers in the altered or united school sections may decide at a public meeting called for that purpose ; and the inhabitants transferred from one school section to another shall be entitled, for the Public School purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school house or other Public

Altered sec-
tions.

School property as the assessed value of their property bears to that of the other inhabitants of the school section from which they have been so separated ; and the residue of such proceeds shall be applied to the erection of a new school house in the old school section, or to other Public School purposes of such old section. In the case of united sections, the proceeds of the sale shall be applied to the like Public School purposes of such united sections. R. S. O., c. 204, s. 86.

United sections.

10 *Formation and Dissolution of Union School Sections Composed of Parts of Two or More Municipalities.*

85. A Union school section may be formed between (a) parts of two or more adjoining Townships ; (b) parts of one or more Townships and an adjoining Town or Incorporated Village. R. S. O., c. 204, s. 137.

What unions may be formed.

15 86. The following shall be the procedure for the formation, alteration or dissolution of union schools :—

Procedure for formation, alteration or dissolution of union schools.

(1) On the joint petition of five ratepayers from each of the municipalities concerned, to their respective municipal councils, asking for the formation, alteration or dissolution of a Union School, each municipal council so petitioned may appoint an arbitrator (who must not be a member of the council), notice of which shall be sent by the respective clerks to the Inspector or Inspectors, who shall be *ex officio* members of said arbitration. See R. S. O., c. 204, s. 137 (3), *in part*, also 140 ;

25 (2) In cases where the persons to make the said report would be an even number, the Senior County Court Judge shall be added. R. S. O., c. 204, s. 137 (5) ;

(3) The first meeting of the arbitrators shall be called by the Inspector representing the greatest number of schools and such Inspector shall give reasonable notice in writing of such meeting to the clerks of the municipalities concerned. *New.*

(4) The arbitrators, or a majority of them, shall report to the municipalities concerned upon the expediency of such union, the specific parcels of land to be included in such union, and the proportion in which the part in each municipality is to be liable to contribute towards the erection and maintenance of the school, and other requisite expenses. R. S. O., c. 204, s. 137 (3) *in part* ;

(5) [On the receipt of the report of the arbitrators the Council of each municipality shall pass a by-law confirming the same, a copy of which shall be sent by the clerk to the Inspector or Inspectors concerned ;]

(6) [The Inspector, entitled under sub-section three to call the meeting of the arbitrators, shall appoint a person to call the first meeting for the election of Trustees, who shall proceed as in Section of this Act ;]

(7) Such union shall not take effect until the twenty-fifth day of the month of December, which will be at least three

months after the passing of such by-laws respectively. R. S. O., c. 204, s. 137 (2) *amended*.

Procedure for the alteration or dissolution of union school section.

(8) On the appointment of arbitrators to consider the alteration or dissolution of a union school, it shall be the duty of such arbitrators to report to the respective municipalities concerned upon the expediency of such alteration or dissolution, and in the event of their reporting in favor of an alteration or dissolution, they shall at the same time value and adjust in an equitable manner all rights and claims consequent upon such alteration or dissolution between the respective municipalities concerned, and determine in what manner and by what municipality or what portion thereof, the same shall be settled; and the disposition of the property of the union, and any payment by one portion to the other, and such valuation, adjustment and determination, shall form and be considered as an integral portion of their report. *New.*

(9) On the receipt of the report of the arbitrators the Council of each Municipality shall pass a by-law confirming the same, a copy of which shall be sent forthwith by the Clerk to the Inspector or Inspectors concerned. *New.*

(10) No alteration or dissolution of a Union School shall take effect before the [twenty-fifth day of December] in any year which will be at least three months after the passage of the by-laws respectively. R. S. O., c. 204, s. 140 *amended*.

(11) Nothing herein contained shall be construed as restraining any municipal council from enlarging the boundaries of any union school section.

Appeal relating to Union School within a county.

87. When the Union School section lies wholly within a county the trustees or any five ratepayers in the union section concerned, or the Inspector or Inspectors, may appeal in writing to the County Council against any by-law passed by the municipalities either for the formation, alteration, or dissolution of such section, and on the receipt of such appeal the County Council shall proceed as provided in section eighty-two for the alteration of the boundaries of sections within a Township, and the arbitrators appointed as therein provided shall have power to revise, alter or determine such by-law, and the decision of a majority shall be final and conclusive. *New. See R. S. O., c. 204, s. 82.*

Appeals relating to Union School within two or more counties.

88. When the Union School lies partly within two or more counties the trustees or any five ratepayers in the Union School concerned, or the Inspector or Inspectors, may appeal against any by-law passed by the Municipalities for the formation, alteration or dissolution of such section, to the Minister of Education, who shall have power to alter, determine or confirm such by-law, and his decision shall be final and conclusive. *New.*

Payment to trustees of union school sections.

89. Every Union School section composed of the whole or parts of two or more Township Municipalities, shall be held for all school purposes, as within the Municipality in which the school house is situated, and if there are two or more school houses, then

in the Township Municipality with the largest amount of assessed property; and the school rates of such union section shall thenceforth be collected by the respective collectors of the Township Municipality in which each part of the union section
 5 is respectively situate, and the amount payable by the several ratepayers in each part of the union section shall be paid by the respective collectors to the Treasurer of the Township Municipality in which such part of the union section is situate, and such Treasurer shall pay over the same without any charge
 10 or deduction to the trustees entitled thereto. R. S. O., c. 204, s. 139; 42 V., c. 34, s. 16; 43 V., c. 32, s. 3; 45 V., c. 30, s. 5.

90. The union of part of one or more townships with a town or incorporated village shall be deemed one school district or division, and as belonging to such town or village, and the
 15 provisions of this Act respecting public schools in towns or villages shall apply thereto: and such part of the township for all school purposes, shall be deemed to be united to such town or village. R. S. O., c. 204, s. 139 *amended*.

Union of parts of townships to be one school section.

91. The assessors of each Municipality in which a Union School is situated, shall each year after they have completed their respective assessments and before the date fixed by the Assessment Act for the return of the roll, meet and determine what proportion of the annual requisition made by the trustees for school purposes shall be levied upon, and collected from the
 25 taxable property of the respective municipalities out of which the Union School is formed, and in the event of the said assessors disagreeing as to such proportion the Inspector in whose district the union school section is situated shall name a third person, who with the Assessors aforesaid shall determine
 30 the said matter and report the same to the Clerks of the respective municipalities, and the decision of a majority shall be final and conclusive. *New*.

Assessors to determine proportion.

1. When the union school is composed of portions of two adjoining counties then on the disagreement of the said assessors the judge of the adjoining county, the county town of which lies nearest to the school-house in said section shall name an arbitrator. *New*.

92. In all cases of the formation, alteration or dissolution of school sections, within the same Township, or of Township
 40 Boards, or of union school sections composed of the whole or parts of two or more Townships, or of school divisions composed of a Town or Village, and the whole or parts of one or more townships, any by-laws to be passed for any of such purposes shall become absolutely legal and valid, and the jurisdiction of, any court to question the same shall be deemed to be
 45 ousted when such by-law has been submitted to and confirmed by the Minister of Education, who shall require notice to be given of such application by the parties applying, by advertisement or otherwise, as he may direct, and the certificate of
 50 the Minister of Education endorsed on a certified copy of such by-law shall be conclusive evidence of such confirmation, and the provisions of this section may be taken advantage of for the confirmation of any by-law for any of such purposes heretofore passed and not quashed or otherwise declared invalid, and
 55 this section shall be deemed to apply to any such by-law. 43 V., c. 32, s. 8.

Confirmation of by-laws for certain purposes.

Continuation
of boundaries
of rural sec-
tions.

93. The school boundaries of a village rural school section, or other school division, existing at the time of its incorporation as a village or town municipality, shall continue in force, and be considered as the school boundaries of the newly incorporated village or town, notwithstanding its incorporation, until such boundaries are altered, [as provided in section eighty-six of this Act, respecting the alteration of Union Schools.] R. S. O., c. 204, s. 83. *Amended.* 5

Public School Boards in Cities, Towns and Incorporated Villages. 10

Two trustees
to be annually
elected in each
ward.

94. For every ward into which any City, Town or Incorporated Village is divided there shall be two school trustees, and in every Incorporated Village not divided into wards there shall be six trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected. R. S. O., c. 204, ss. 22 and 23. 15

Retirement of
trustees.

95. One of the trustees (to be determined by lot at the first meeting of trustees after their election) shall retire from office at the time appointed for the next annual-school election, and the other shall continue in office one year longer and then retire. R. R. O. c. 204, ss. 24, 58 (1) (2); 42 V. c. 34, s. 7. 20

Trustees to be
a corporation.

96. The school trustees for each City, Town, or incorporated Village, shall be a corporation under the name of "The Public School Board of the City, (Town, Village or Division) of—, in the County of—," and all property acquired or given for Public School purposes within such City, Town or Incorporated Village shall vest in such Board, who may dispose of the same, or the income from the same, for school purposes only. R. S. O., c. 204, ss. 25, 104 (4) (5) (6) (7). 25

Term of office.

97. Every trustee shall continue in office until his successor has been elected. R. S. O., c. 204 s. 58. 30

Provisions for
elections of
trustees of
Public School
Corporations.

98. The annual and other elections of Public School Trustees, unless otherwise ordered, as provided by section one hundred and four of this Act, shall be subject to the following provisions:

Nominations.

(1). A meeting of the electors for the nomination of candidates for the office of Public School Trustee, shall take place at noon on the last Wednesday in the month of December annually, or if a holiday on the day following, at such place as shall from time to time be fixed by resolution of the Public School Board, and in municipalities divided into wards, in each ward thereof, if the Board in its discretion thinks fit. 35 40

Returning
Officer.

(2). The Public School Board shall by resolution name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting shall preside, and the Public School Board shall give at least six days' notice of such meeting. 45

Proceedings at
nominations.

(3). If at the said meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected; but if two or 50

more candidates are proposed for any one office, and a poll in respect of any such office is demanded by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday 5 of the month of January then next, when a poll or polls shall be opened at such place or places, and in each ward, where such exist, as shall be determined by resolution of the said trustees.

(4). The poll or polls shall be opened at the hour of ten 10 of the clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled.

Hours of polling.

15 (5). The Public School Board shall, before the second Wednesday in December in each year, by resolution, fix the place or places for the nomination meeting, and also for holding the election in case of a poll, and also name the returning officer who shall preside at the respective polling places, and forthwith 20 give public notice thereof.

Public School Board to fix place for nomination and election, and name returning officer.

(6). The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the Public School Board, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a 25 true record of the votes given at the polling place for which he was returning officer.

Duty of returning officer after close of election.

(7). The Public School Board shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected, the candidate or 30 candidates having the highest number of votes, and shall, at noon on the day following the return of the poll books, put up in some conspicuous place in the municipality, and at one or more of the school-houses therein, a statement shewing the number of votes for each candidate ; and a majority in number 35 of the trustees remaining in office shall be a quorum for the foregoing purposes.

Duty of Public School Board.

(8). In case two or more candidates have an equal number of votes, the member of the Board present who is assessed highest as a ratepayer on the last revised assesment roll 40 shall, at the time of declaring the result of the poll, give a vote for one or more such candidates, so as to decide the election.

Casting vote.

(9). The Judge of the County Court, in case any complaint respecting the validity or mode of conducting the election of 45 any trustee of a Public School Board in any Municipality within his county, is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon, within a reasonable time, in a summary manner, hear and determine the same ; and may by order 50 cause the assesment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him as he may deem expedient, and may confirm the said elec- 55 tion or set it aside, or order that some other candidate was duly

Judge of County Court to receive and investigate complaints.

elected; and the Judge may order the person found by him not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge may order him 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, and shall appoint the time and place of holding such election. 42 V. c. 34, s. 7, (9); 44 V. c. 30, s. 9, (2).

Vacancy in office of trustees.

(10). In case of any vacancy in the office of trustee of any Public School Board arising from any cause, the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is filled. 10

Proceedings at new election.

(11). The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and the Public School Board shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of said nomination. 42 V. c. 34, s. 7 (1) to (11). 15 20

Voting to be open.

99. The voting shall be by open vote, and the provisions of the Act respecting voting by ballot shall not apply to such election. R. S. O. c. 204, s. 59; 42 V. c. 34 s. 7.

In cities and towns divided into wards, clerk of municipality to furnish Voters' List to Public School Boards.

100. In Cities and Towns divided into wards, and in Townships where Public School Boards exist, the Clerk of the Municipality shall furnish to the Public School Board, within three days after request in writing, 'The Voters' List' for each ward of such Municipality, annexing thereto a list of the names of persons being supporters of Separate Schools, and also a list of the names, alphabetically arranged of all ratepayers, and persons entitled to vote in respect of income, rated upon the then last revised assessment roll, and not being already upon 'The Voters' List.' 42 V. c. 34, s. 4. 25 30

In towns not divided into wards, Clerk to furnish Voters' List to Public School Trustees.

101. In Towns not divided into wards and Villages, the Clerk of the Municipality shall furnish to the Public School Board within three days after request in writing, 'The Voters' List' for each polling sub-division in the case of such Town or Village, as provided by the last preceding section. 42 V. c. 34, s. 5. 35

Certified copy of list and a poll book to be provided for each polling place. Entries in poll book.

102. The Public School Board shall provide each polling place with the list aforesaid, and also a poll book; and, at every election at which a poll is demanded, the returning officer or person presiding, or his sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name, with the residence of the voter, and in case of a poll demanded upon any Public School question, the name of 40 45 50

each voter shall be similarly placed in separate columns, marked for ' or 'against.' 42 V. c. 34. s. 6.

103. It shall be the duty of the Board to call and give notice of annual and special school meetings of the ratepayers of the City, Town or Village, or of any Ward therein, for filling up vacancies in the school trustee corporation, or for any other purpose, in the manner prescribed by this Act. R. S. O. c. 204, s. 104 (26.) Trustees to give notice of annual and special meetings.

104. The Board of Public School Trustees in any City, Town, Incorporated Village or Township in which a Township Board has been established may, by resolution, of which notice shall be given to the Clerk of the Municipality on or before the first day of October in any year, require the election for the School Trustees in such City, Town, Incorporated Village, or Township, to be held on the same day, and in the same manner as Municipal Councillors, or Aldermen are elected, as the case may be. *New.* Elections of trustees on same day as municipal elections.

105. In every case in which notice is given as aforesaid the nomination and election of Public School Trustees shall thereafter be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, as the case may be, and the provisions of *The Municipal Act* respecting the time for opening and closing the poll, the mode of voting, corrupt or improper practices, tenure of office, vacancies, and declarations of office shall *mutatis mutandis* apply to the election of Public School Trustees. *New.* Nominations and elections same as for councillors.

106. There shall be elected annually by the assessed ratepayers thereof in each city, town, incorporated village, or township in which a township board is established, two school trustees for each ward, and in the case of incorporated villages not divided into wards six trustees. *New.*

107. A separate set of ballot-papers shall be prepared by the clerk of the municipality for all the wards or electoral divisions, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors, except the substitution of the words "school trustee" for councillors or aldermen, as the case may be, on said ballot papers. *New.* Ballot papers.

108. In the said list of qualified voters required to be delivered to the returning officer by the clerk of the municipality before the opening of the poll, the clerk shall place opposite the names of any voters on the said list who have been returned to him as supporters of separate schools, the letters S. S. S. (signifying supporters of separate schools), and the returning officers shall not deliver to any such a ballot paper for public school trustees. *New.* Supporters of separate schools not to vote.

109. In case any objection is made to the right of any person to vote at any election of school trustees the deputy returning officer shall require the person whose right of voting is objected to, to make the following oath or affirmation:— When voter is objected to.

Oath.

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list (or supplementary list) of voters now shown to you (*showing the list to voter*) ;

That you are a ratepayer ;

That you are a natural born (or naturalized) subject of Her Majesty, 5
and of the full age of twenty-one years ;

That you are not entered on the assessment roll as a separate school supporter.

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place, 10
for school trustee.

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward for School Trustee ;

That you have not directly or indirectly received any reward or gift, 15
nor do you expect to receive any, for the vote which you tender at this election ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ; 20

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election : So help you God.

Who may be elected trustee.

110. Any ratepayer who does not hold any municipal office 25
to which a salary is attached payable by the municipality, shall be eligible to be elected Public School trustee. *New.*

President at first meeting of school boards, etc., for election of chairman.

111. The members of every board of public school trustees shall hold their first meeting in the City, Town or Council room of the municipality at one o'clock p.m., on the third Monday of 30
the same January in which they were elected, or on some day thereafter, and no business shall be proceeded with at the first meeting until the declarations of office and qualifications required of Municipal Councillors, so far as the same are applicable, have been administered to the members who have them- 35
selves to take the same.

Equality of votes on the election of chairman.

112. At the first meeting in each year of every Public School Board in cities, towns, and villages, and of every Board of Education, the secretary of such board shall preside, or, if there be no secretary, the members present shall select one of them- 40
selves to preside at the election of chairman, and the member so selected to preside may vote as a member. 41 V. c. 15, s. 2

Casting vote.

113. In case of an equality of votes at the election of chairman of any such board, the member who is assessed as a ratepayer for the largest sum on the last revised assessment roll shall have 45
a second or casting vote in addition to his vote as a member. 41 V. c. 15, s. 3.

Meetings of board.

114. Subsequent meetings of the board shall be held at such times and places as may from time to time be fixed by resolution of the board. R. S. O. c. 204, s. 104 (2). 50

Presiding officer of board.

115. The Chairman of the Board shall preside, or in his absence any other person appointed to act as chairman by the majority of those present, and such chairman or person so acting may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed 55
to be negatived. *New.*

116. A majority of the members of such Board, when present at any meeting, shall constitute a quorum, and the vote of the majority of such quorum shall be valid to bind the corporation. Quorum of School Boards, etc.
 R. S. O., c. 204, s. 98, *part*.

5 **117.** It shall be the duty of the Board—

(1). To appoint a secretary and one or more collectors, if requisite, of such school fees or rate-bills as the board may have authority to charge. Appointment of collector and secretary

(a) The collector or collectors and secretary (who may be of 10 their own number), shall discharge similar duties, and be subject to similar obligations and penalties and have similar powers as the like officers in the municipality. R. S. O, c. 204, s. 104 (3), (a), (b) (13 a, b, c).

(2). To provide adequate accommodation, according to the 15 regulations of the Education Department, for all the children between the ages of five and twenty-one, resident in the municipality, as ascertained by the census taken by the Municipal Council for the next preceding year; provided always, such residents are not to include the children of persons on whose be- 20 half a Separate School or Schools have been established under the provisions of the Separate Schools Act. R. S. O. c. 204, s. 104 (18) *amended*. To provide adequate accommodation.

(3). To purchase or rent school sites and premises, and to 25 build, repair, furnish, warm, and keep in order the school-houses and appendages, lands, enclosures, and movable property, and procure registers in the prescribed form, suitable maps, apparatus, text and prize books, and, if they deem it expedient, establish and maintain school libraries. R. S. O., 204, s. 104 (8, a, b, c), (25). To provide school premises, apparatus, text books and library.

(4). To determine the number, kind, grade and description of 30 schools (such as male, female, infant, central or ward schools) to be established and maintained; the teachers to be employed; the terms on which they are to be employed; the amount of their remuneration, and the duties which they are to perform. Kind of schools.
 35 R. S. O., c. 204, s. 104, (9), (a), (b).

(5). To prepare from time to time, and lay before the Municipal Council of the City, Town or Village, an estimate of the sums which they think requisite for all necessary expenses of the schools under their charge. R. S. O., c. 204, s. 104 (10). To lay before Municipal Councils estimate for moneys.

(6). To appoint annually, or oftener if they judge it expedient. 40 and under such regulations as they think proper, a committee of not more than three persons for the special charge, oversight and management of each school within the City, Town or Village, and to see that all the schools under their charge are 45 conducted according to the authorized regulations. R. S. O., c. 204, s. 104 (24), 105 (1). To appoint a committee for each school.

(7). To collect, at their discretion, from the parents or guar- 50 dians of children attending any Public School under their charge, a sum not exceeding twenty cents per calendar month, per pupil, to defray the cost of text-books, stationery and other Trustees may collect a fee from parents.

- To see that authorized books are used. contingencies, and to see that all the pupils in the schools are duly supplied with a uniform series of authorized text-books. R. S. O., c. 204, s. 104 (19); s. 105 (2).
- Trustees' and Inspector's orders to teachers. (8). To give, with the School Inspector, orders to duly qualified teachers, on the Treasurer of the Municipality, for the salaries due to them. R. S. O., c. 204, s. 104 (15). 5
- Model Schools for teachers. (9). To constitute one or more of the Public Schools of such City to be a Model School for the preliminary training of Public School teachers therein, subject to the Regulations of the Education Department. 42 V., c. 34, s. 1. 10
- Annual report for city, etc. (10.) To publish at the end of every year, in one or more of the public newspapers, or otherwise, an annual report of their proceedings, and to prepare and transmit annually, before the fifteenth of January, to the Minister of Education, in the form prescribed by him, a report signed by a majority of the trustees, 15
- To prepare annual report for Minister. containing all information required by the Regulations of the Education Department. R. S. O., c. 204, s. 104 (27) and (28).
- School sites. (11). Every Public School Board in a City, Town or Incorporated Village or school division, shall have the same power in selecting land for a school site or for enlarging school pre- 20
- Exceptions. mises already held, as the trustees of rural schools; provided always that vacant land only shall be taken in such City, Town or Village for a school site without the consent of the owner or owners, and in the event of disputes between the owner of the land selected and the trustees, sections sixty-four to seventy-two 25
- of this Act shall apply, save and except that in the case of Cities and Towns, the City or Town Inspector shall replace the County Inspector as arbitrator. R. S. O., c. 104, s. 126, (2) to (7), 42 V., c. 34, s. 5.

School Census.

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- Census. **118.** The Municipal Council of every Township, City, Town and Incorporated Village, shall cause the assessor or assessors in preparing his or their annual assessment roll, to set down therein in separate columns, the number of children between the ages of five and twenty-one, and also the number between 35
- the ages of seven and thirteen, opposite the name of each person on the assessment who are resident with him, and the clerk of the municipality shall furnish the Secretary-Treasurer of each section, or the Secretary of the Board of Trustees for the city, town or incorporated village (*as the case may be*), and the 40
- Public School Inspector, a statement of the total number of children aforesaid in each school section, or in the city, town or incorporated village (*as the case may be*). R. S. O., c. 204, s. 78 (5); 43 V. c. 32, s. 4; 44 V. c. 30, s. 8.
- List of names of children. **119.** In the case of Cities, Towns and Incorporated Villages, 45
- it shall also be the duty of the assessor or assessors to enter in a book, to be provided for the purpose by the municipality, the names of all children in the municipalities between the ages of seven and thirteen, and to return the same with his roll.
- Copy of list of names. **120.** It shall be the duty of the clerk of the municipality to 50
- furnish a copy of such list of names to the Secretary of the

School Board on the payment of a fee of _____ cents
for every hundred names.

121. The Clerk of every municipality shall also, upon request, and free of any charge, furnish the Public School Inspector with a true copy of the assessed value of each school section or division as shewn in the revised assessment roll for that year, and also of the several requisitions of the trustees for school moneys. Such clerk shall be entitled to reasonable payment from the council for the above mentioned services. 43 V. c. 32, s. 4.

Clerk to give copy of assessment to school inspector.

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School Assessment.

122. The Municipal Council of every Township may levy and collect by assessment, upon the taxable property of the township, in the manner provided by this Act, and by the Municipal and Assessment Acts and amendments, the sum of one hundred dollars for every school section therein in which a school has been kept open the whole year exclusive of vacations (a proportionate sum being levied for a shorter term, and an additional sum of fifty dollars for each additional teacher employed the whole year), and also shall collect on the taxable property in each section such other sums as may be required by the Trustees thereof for school purposes. *New.* See R. S. O., c. 204, s. 78, (7), (8), (11); 42 V. c. 34, s. 11.

Township council to levy sums required for school purposes.

(2) In the case of Union School Sections the Municipal Council of each Municipality of which the Union School Section is composed shall levy and collect by assessment upon the respective portions of such Union School Section, the said sum of one hundred dollars in the proportion which the assessment of the whole Union School Section bears to the portions situated in the respective Municipalities. *New.*

123. The Municipal Council of every City, Town and Incorporated Village shall levy and collect upon the taxable property within the municipality, in the manner provided in this Act, and in the Municipal and Assessment Acts and amendments thereto, such sums as may be required by the Public School Trustees for school purposes, subject to section one hundred and thirty-eight of this Act. *New.* See R. S. O., c. 204, ss. 90, 91.

City, town or village council to levy sums required for school purposes.

124. Wherever the land or property of any individual or company is situated within the limits of two or more school sections, each Assessor appointed by any Municipality shall assess and return on his roll, separately, the parts of such land or property, according to the divisions of the school sections within the limits of which such land or property is situated. R. S. O., c. 204, s. 106.

Assessors to value lands situated in each section.

125. The assessor or assessors of every Municipality shall set down the religion of the person taxable, distinguishing between Protestant and Roman Catholic, and whether supporters of public or separate schools; but nothing herein contained shall be deemed to interfere with the rights of Separate School Trustees under the *Separate Schools Act*. R. S. O., c. 204, s. 78 (5), (7a).

Duty of assessors.

Statement as
to religion.

(1) The assessor shall accept the statement of, or made on behalf of, any ratepayer, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column. R. S. O., c. 204, s. 78 (5 part); 42 V. c. 34, s. 26 (3). 5

Court of Re-
vision to
decide.

(2) The Court of Revision shall try and determine all complaints in regard to persons in these particulars alleged to be wrongfully placed upon or omitted from the roll (*as the case may be*), and any person so complaining, or any elector of the municipality, may give notice in writing to the Clerk of the Municipality of such complaint, and the provisions of "*The Assessment Act*," in reference to giving notice of complaints against the assessment roll, and proceedings for the trial thereof, shall likewise apply to all complaints under this section of this Act. R. S. O., c. 204, s. 78 (5 latter part). 10 15

Collector's roll
—further
columns.

126. The Clerk of every Municipality, in annually making out the Collector's roll, shall place columns therein, so that under the head of "*School Rate*," the Public School rate may be distinguished from the Separate School rate, and also under "*Special Rate for School Debts*," shall distinguish between Public and Separate School purposes, and the proceeds of any such rate shall be kept distinguished by the Collector, and accounted for accordingly. R. S. O., c. 204, s. 78 (6) *amended*. 20 25

Municipal
clerk to fur-
nish statement
of county rate.

127. The clerk of any Municipality in which any separate school section or part of a section is situate, shall, not later than the first day of December in each year, make out and transmit to the County School Inspector a statement showing whether or not any county rate for Public School purposes has been placed upon the collector's roll against supporters of Separate Schools, and if such has been rated against supporters of Separate Schools, giving a list of such and the amount so rated against each and the total amount so rated. 43 V. c. 32, s. 9. 30 35

Occupant
primarily
liable for
school rates.

128. In any case when under the eighteenth section of the Assessment Act land is assessed against both the owner and occupant, or owner and tenant, then such occupant or tenant shall be deemed and taken to be the person primarily liable for the payment of school rates and for determining whether such rates shall be applied to Public or Separate School purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall be allowed to alter or affect this provision otherwise, and in any case where as between the owner and tenant or occupant, the owner is not to pay taxes, if by default of the tenant or occupant to pay the same, the owner is compelled to pay any such school rate, he may direct the same to be applied to either Public or Separate School purposes. 44 V., c. 30, s. 10. 40 45 50

A resident in
one section
sending his
children to
another
section.

129. Any person residing in one school section or division, and sending his child or children to the school of a neighbouring one, shall, nevertheless, be liable for the payment of all rates assessed on his taxable property for the school purposes 45

of the section or division in which he resides, as if he sent his child or children to the school of such section or division. R. S. O., c. 204, s. 160.

- 5 **130.** All sums levied and collected by the Municipal Council of any Township shall be paid over to the secretary-treasurer of the Board of Trustees, without any deduction whatever, [on or before the fifteenth day of December in each year.] 43 V. c. 32, s. 4 *part, amended.* School money^a —when to be paid over.
- 10 **131.** The Treasurer in every City, Town, or Incorporated Village shall be the treasurer for the Public School Board and the security to be taken by the Council shall include and be applicable to public school moneys, and all public school moneys and accounts shall be submitted to the same audit as the other moneys or accounts of the municipality. *New.* Municipal treasurer to be treasurer for school purposes.
- 15 **132.** Such Treasurer shall pay over to the joint order of the Inspector and the Board of Trustees all sums of money due and payable for teachers' salaries, and all other moneys for school purposes shall be payable on the order of the Board of Trustees alone. *New.*
- 20 **133.** The Clerk of every Township shall within one week after the first day of March in each year, under a penalty of twenty dollars in case of default, make a return to the Clerk of his county of the total expenditure of the township on account of schools and education. R. S. O., c. 204, s. 108 (5). To County Clerk.
- 25 **134.** It shall be the duty of every County Clerk to furnish the Minister with a copy of all proceedings of the Council relating to school assessments and other educational matters and to transmit to the Minister, on or before the first day of March in each year, a certified copy in the form provided, of the abstract of the report of the auditors. R. S. O., c. 204, s. 112 (2) (3). Clerk to transmit audited accounts to Minister.
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School Debentures.

- 35 **135.** On the application of any Board of Rural School Trustees for the issue of debentures for the purchase of a school site or sites, for the erection of a school-house or school-houses and their appendages, or for the purchase or erection of a teacher's residence, the Municipal Council of the Township shall pass a By-law for the said purpose, and shall forthwith issue a debenture or debentures to be repayable out of the taxable property of the school section concerned, and subject to the limitations contained in section of this Act. R. S. O., c. 204, s. 78 (11), 42 V., c. 34, s. 29 *amended.* Township school debentures.
- 40

2. Where the application mentioned in this section is made by the Trustees of a rural section the Municipal Council shall not borrow or levy or collect any rate for any sum of money for any such purposes unless the proposal for the same has been submitted by the Trustees to and approved of by the duly qualified school electors of the section. 42 V., c. 34, s. 29 (3).

3. Where the said application is made by a Township Board, and where the Municipal Council by a two-thirds vote refuse

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to raise or borrow the sum required, then such question shall be submitted by the Municipal Council, if requested by the School Board, to the vote of the electors of the municipality in the manner provided by the Municipal Act for the creating of debts, and in the event of the assent of the electors being thereby obtained, then it shall be the duty of such Council to raise or borrow such sum. 42 V., c. 34, s. 29 (2). 5

How repayable.

136. Notwithstanding any alteration which may be made in the boundaries of such section or division, the taxable property situated in the school section or division at the time when such loan was effected, shall continue to be liable for the rate which may be levied by the Township Council for the repayment of the loan. R. S. O., c. 204, s. 78, (11*a*). 10

Council not to levy more than one rate except in certain cases.

137. No township council shall levy or collect in any school section during any one year more than one school section rate except for the purchase of a school site, or for the erection of a school-house. 15

Municipal Council may refuse to raise money for school site, etc.

138. Where a Public School Board requires the Municipal Council of a city, town, or incorporated village to raise or borrow a sum of money for the purchase of a school site, or the erection or purchase of any school-house or addition thereto, or for the purchase or erection of a teacher's residence, and where the Municipal Council, by a two-thirds vote, refuse to raise or borrow the sum proposed, then such question shall be submitted by the Municipal Council, if requested by the School Board, to the vote of the electors of the Municipality in the manner provided by the Municipal Act for the creating of debts, and in the event of the assent of the municipal electors being thereby obtained, then it shall be the duty of such Council to raise or borrow such sum. R. S. O., c. 204, s. 91; 42 V., c. 34, ss. 29 and 29(2). 20 25 30

School corporations may borrow surplus moneys.

139. Any School Corporation may, with the consent of the ratepayers of their school section first had and obtained at a special meeting duly called for that purpose, by resolution authorize the borrowing from any Municipal Corporation of any surplus moneys derived from the Ontario Municipalities Fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution, for the purpose of purchasing a school site or school sites, or erecting a school house or school houses; and any sum or sums so borrowed shall be applied to that purpose, and to that only. R. S. O., c. 204, s. 96. 35 40

Form and term of debenture.

140. Any debenture issued by any Municipality for school purposes shall be in the form given by this Act, for such term of years as the Council may see fit, not exceeding twenty years, and the Municipal Council may also in its discretion make the principal and interest of such debt repayable by annual or other instalments, in the manner provided in the three hundred and thirty-second section of the Municipal Act. 42 V., c. 34, s. 29 (4). 45

Legislative Grant.

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Apportionment of

141. All sums of money voted by the Legislative Assembly for the support of Public and Separate Schools shall be ap-

- portioned annually on or before the first day of May by the Minister of Education to the several counties, townships, cities, towns, and incorporated villages according to the population in each as compared with the whole population of Ontario, as shown by the last annual returns received from the clerks of the respective counties, cities and towns separated from a county, of which apportionment due notice shall be given to the clerks of the municipalities concerned. *See* 42 V., c. 34, s. 20. Legislative Grant.
- 10 **142.** The sum of money annually apportioned by the Minister of Education to every County, Township, City, Town or Village in aid of Public Schools therein respectively, shall be payable by the Provincial Treasurer on or before the first day of July in every year to the Treasurer of every County, City, 15 Town and Village in such way as the Lieutenant-Governor from time to time directs. R. S. O., c. 204, s. 217. Grant payable on the first of July in each year.
- 143.** No County, City, Town or Village shall be entitled to a share of the legislative school grant without raising by assessment a sum at least equal (clear of all charges for collection) to the share of the said school grant apportioned to it. R. S. O., 20 Conditions of receiving share of grant. c. 204, s. 215.
- 144.** Should the Municipal Corporation of any County, City, Town or Village, raise in any one year a less sum than that apportioned to it out of the Legislative School Grant, the 25 Minister of Education shall deduct a sum equal to the deficiency from the apportionment to such County, City, Town or Village in the following year. R. S. O., c. 204, s. 216. Deduction if equivalent not raised by the municipality.
- 145.** The clerk of every county shall make a return to the Minister of Education showing the population of each minor 30 municipality within the county, and the clerk of every city and town separated from a county shall make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous year, said returns to be made on or before the first day of 35 April in each year. 42 V., c. 34, ss. 21 and 22. Clerks to make returns of population.
- 146.** The County Council shall cause to be levied yearly upon the several townships of the county, such sums of money as shall be at least equal (clear of all charges of collection) to the amount of school money apportioned by the Minister of Education to the several townships of the said county for 40 the year, such sums to be payable to the Township Treasurer on or before the fourteenth day of December in each year, and the county treasurer shall, on or before the twentieth day of December in each year, pay out of 45 the school assessment of the county into the hands of the treasurers of the respective townships within the county, the proportionate assessment levied in their respective municipalities; and for all school purposes in Townships the Township Treasurers shall be considered sub-treasurers of the County Treasurer. R. S. O., c. 204, s. 87 (1), 50 109, 110 (1), *amended*. To raise equivalent to Legislative school grant. County Treasurer's duties. Pay school assessment to township, etc., Treasurer.
- 147.** The County Council may increase the sums of money levied yearly upon the several Townships for the payment of Increase of sums levied on township s.

teachers' salaries, or on the recommendation of one or more County Inspectors, to give special or additional aid to new or poor school sections. R.S. O., c. 204, s. 89 (6).

Distribution to sections and divisions.

148. The County Inspector shall, half yearly, unless otherwise instructed by the Minister of Education, distribute among the school sections and divisions under his jurisdiction their respective portions of the public grant voted by the Legislative Assembly or raised by county vote within the townships under his charge according to the ratio of the average attendance of pupils at each Public School as compared with the whole average number of pupils attending the Public Schools of every such township. *See R. S. O., c. 204, s. 194 (13).*

(2). All such sums shall be payable by the Township Treasurer to the order of the Trustees on the Inspector's order. *See 44 V. c. 30, s. 9.*

Separate School amounts to be deducted.

149. The County Inspector shall, before distributing the county rate among the Public School sections, deduct the amount certified to him by the clerk of any municipality in which any Separate School section or part of a section is situate, according to the list given by such clerk, of the supporters of Separate Schools against whom the county rate for Public School purposes has been placed, and the amount so rated against each and the total amount so rated, and shall give the trustees of the Separate School section an order on the County Treasurer or Sub-Treasurer for the amount thereof, and it shall be the duty of such Treasurer or Sub-Treasurer to pay over the same. *44 V., c. 30, s. 9, sub-s. 3.*

Teachers' salaries to be paid, though assessment not paid to County Treasurer.

(a) Notwithstanding the non-payment to the County-Treasurer by the fourteenth day of December, of the school assessment levied in the County, no teacher shall be refused the payment by the County Treasurer or Sub-Treasurer of the sum to which on the Inspector's order he may be entitled from such year's County School assessment. *R. S. O., c. 204, s. 110 (1 a)*

Liability on Investments.

Municipality responsible on default of Treasurer, etc.

150. Every County, and every City and Town withdrawn from the jurisdiction of the County within which it is situated, shall be responsible to Her Majesty, and to all other parties interested, that all moneys coming into the hands of the Treasurer of the County, City or Town, in virtue of his office, shall be by him duly paid over and accounted for, according to law. *R. S. O., c. 204, s. 219.*

Treasurer, etc., responsible to county, etc.

151. The Treasurer and his sureties shall be responsible and accountable for such moneys in like manner to the County, City or Town, and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands, belonging to the County, City or Town, shall be taken to apply to all Public School moneys, and may be enforced against the Treasurer or his sureties, in case of default on his part. *R. S. O., c. 204, s. 220.*

152. The bond of the Treasurer and his sureties shall apply to school moneys, and all public moneys of the Province, and, in case of any default, Her Majesty may enforce the responsibility of the County, City or Town, either by stopping a like amount out of any public moneys payable to the County, City or Town, or to the Treasurer thereof, or by suit or action against the corporation. R. S. O., 204, s. 221.

Bonds to apply to school moneys, e'tc.

153. Any person aggrieved by the default of the Municipal Treasurer may recover from the corporation of any City, County or Town, the amount due or payable to such person as money had and received to his use. R. S. O., c. 204, s. 222.

City, etc., responsible for default of Treasurer, etc.

154. Trustees shall not be liable to any prosecution, or the payment of any damages, for acting under any by-law of a Municipal Council before it has been quashed.

Trustees acting under by-laws not liable.

2. In case a by-law, order or resolution of a Municipal Council is illegal, in whole or in part, and in case anything has been done under it, which by reason of the 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 such action has been given to the Corporation.

3. Every such action shall be brought against the Municipal Corporation alone, and not against any person acting under the by-law, order or resolution. R. S. O., c. 204, s. 223 (1) (2) (3).

(5.) *Sub-Treasurers.*

155. Every Sub-Treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys, and the payment of lawful orders for such moneys given by any County Inspector as are imposed by this Act upon every County Treasurer, in respect to the paying and accounting for school moneys. R. S. O., c. 204, s. 111.

Sub-Treasurer's duties, etc.

Teachers.

156. All agreements between trustees and teachers, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees, and such agreements may lawfully include any stipulation to provide the teacher with board and lodging. R. S. O., c. 204, s. 161 and (2).

Valid agreements with teacher.

157. No teacher of a Public School shall be deemed legally qualified, who does not at the time of his engaging with the trustees, and during the period of such engagement, hold a legal certificate of qualification. R. S. O., c. 204, s. 162.

Qualified teacher defined.

158. It shall be the duty of every teacher of a Public School—

Duties of Public School teacher.

(1). To teach diligently and faithfully all the branches required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act and the regulations of the Education Department ;

To teach according to law and regulations.

- To keep the register of the school. (2). To keep in the prescribed form the general, entrance, and the daily class, or other Registers of the school, and to record therein the admission, promotion, removal, or otherwise of the pupils of the school ;
- To maintain proper order and discipline. (3). To maintain proper order and discipline in his school, according to the prescribed regulations ; 5
- To keep a visitors' book. (4). To keep a Visitors' Book (which the trustees shall provide) and enter therein the visits made to his school, and to present said book to every visitor, and request him to make therein any remarks suggested by his visit ; 10
- To give access to register and visitors' book. (5). To give the trustees and visitors access at all times, when desired by them, to the Registers and Visitors' Book appertaining to the school ;
- Deliver up registers and key. (6). To deliver up any school Registers, Visitors' Book, school-house key, or other school property in his possession, on the demand or order of the majority of the corporation employing him ; 15
- In case of refusal. (7). In case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees ; 20
- To hold public quarterly examinations. (8). To have at the end of each term a public examination of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in or adjacent to the school, and through the pupils to their parents or guardians ; 25
- To furnish information to the Minister and Inspector. (9). To furnish to the Minister of Education, or to the School Inspector, from the trustees' report or otherwise, any information which it may be in his power to give respecting anything connected with the operations of his school, or in any wise affecting its interests or character. R. S. O., c. 204, s. 163 ; subsections. 1 to 8. 30
- Reports to be prepared. (10). To prepare, so far as the school Registers supply the information, such reports of the corporation employing him as are required by the regulations of the Education Department. *New.* 35
- Proportion of salary to which teacher entitled. **159.** Every qualified teacher of a Public School employed for any period not less than three months shall be entitled to be paid his salary in the proportion which the time during which he has taught, bears to the whole number of teaching days in the year. *New.* 40
- Provision in case of difference between teacher and trustees. **160.** All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought and decided in the Division Court by the Judge of the County Court in each County, subject to an appeal, as provided by this Act. R. S. O., c. 204, s. 165, and (2). 45
- Issue of execution. **161.** In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this section, and not appealed from, execution may issue from time to

time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and 5 levy thereunder. R. S. O., c. 204, s. 165 (3).

162. In case of sickness, certified by a medical man, every teacher shall be entitled to his salary during such sickness, for a period not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. 10 41 V., c. 8, s. 21.

Case of sickness.
Four weeks allowed.

163. Every teacher shall be entitled to be paid at the rate mentioned in his agreement with the trustees, even after the expiration of the period of his agreement, until the trustees pay him the whole of his salary as teacher of the school, according 15 to their engagement with him, provided always that an action must be commenced within three months after such salary is due and payable by the trustees. R. S. O., c. 204, s. 164 and (2)

Protection of teachers in regard to salary.

Certificates.

164. Every certificate to teach a Public School shall be 20 ranked as of the first, second, or third class, and shall be issued under the regulations of the Education Department, only to such persons as (a) furnish satisfactory proof of good moral character, (b) and, if males, are at least eighteen years of age, or if females, 25 seventeen years of age, (c) and are native born or naturalized subjects of Her Majesty, and (d) pass the examinations prescribed by the Education Department. R. S. O., c. 204, s. 200, part.

Three classes of certificates.

165. Every certificate of the first and second class issued under this Act shall entitle the holder thereof to teach a public 30 school in any municipality in the province, and shall be valid during good behaviour. R. S. O. c. 2040, 201 (5), 204.

First and second class certificates.

166. Every certificate of the third class shall be valid within the jurisdiction of the Board of Examiners granting the same, provided always that it shall be lawful to transfer such Third 35 Class Certificate to any other County or to extend the same according to the regulations of the Education Department. *New.* See R. S. O.; c. 204, s.201 (3).

Third class certificates.

167. First and second class certificates of qualification shall be granted to teachers by the Minister of Education on the 40 report of the Central Committee of Examiners, and third class certificates shall be granted by the County Board of Examiners according to the regulations of the Department. R. S O., c. 204, s. 201 (1) and (3) *amended.*

First and second class Provincial certificates.

168. Third class District Certificates may be granted, sub- 45 ject to the regulations of the Education Department, to be valid only in the territorial and remote districts following, namely: Thunder Bay, Nipissing, Algoma and Parry Sound, also in the northern parts of the counties of Victoria (including the district of Muskoka), Peterborough (including the county of Haliburton), Hastings, Frontenac, Lennox and Addington, and Renfrew, as may be defined by the Education Department. The

Third class district certificates

Board of Examiners for any such district certificate shall consist of the judge (where one) and stipendiary magistrate, with the Inspector (if any) in the territorial and other districts; and in counties, of the Inspector and two members appointed by the Minister of Education. 45 V., c. 30, s. 3. 5

Certificates to students of any Normal School in British dominions.

169. Upon passing the requisite examination, special certificates of the first and second class may be issued by the Minister of Education to any person who has been trained at any Normal School or other training institution for teachers, or who has been duly certified or licensed by any recognized body as a school teacher in any part of the British Dominions, and such certificate shall be valid in any part of the Province until revoked. R. S. O., c. 204, s. 202 *amended*. 10

Suspension of certificates.

170. The Inspector of Public Schools may suspend the certificate of any teacher under his jurisdiction for inefficiency, misconduct, or a violation of the regulations of the Education Department. In every case of suspension he shall notify in writing the trustees concerned, and the teacher, of the reasons for such suspension. See R. S. O., c. 204, s. 194, (26), (27*a*). 15

171. Any teacher who enters into an agreement with a Board of Trustees, and who wilfully neglects or refuses to carry out such agreement, shall be liable to the suspension or cancellation of his certificate. 20

Same subject.

172. When the teacher whose certificate is suspended holds a certificate issued by the Chief Superintendent or Council of Public Instruction, or by the Education Department or Minister of Education, the Inspector shall forthwith report to the Minister of Education, and such suspension shall continue until the case is decided by the Minister. See R. S. O., c. 204, s. 194, (26*a*). 25 30

Same subject.

173. When the teacher holds a certificate granted by a County Board of Examiners, the Inspector shall forthwith call a meeting of such County Board of Examiners for the consideration of the suspension, of which due notice shall be given to the teacher concerned, and the decision of such Board shall be final. See R. S. O., c. 204, s. 194, (26*b*), 197 (2). 35

County Boards.

To examine teachers and give certificates.

174. The County Council of each county shall appoint a Board of Examiners, (a majority of whom shall form a quorum,) consisting of the Inspector or Inspectors having jurisdiction within the county or any part thereof, and not more than two other competent persons whose qualifications shall be prescribed from time to time by the Education Department, for the purpose of granting third class certificates of qualification to candidates as teachers of Public Schools, according to the regulations of the Education Department, and for such other purposes as may be prescribed by this Act. R. S. O., c. 204, ss. 87 (4), 194 (21), 196 (1) (3) (4), 197 (1). 40 45

Additional examiners.

175. Where deemed necessary from the general use of the French or German language, it shall be lawful for the County Council to appoint two additional Examiners for the purpose 50

of conducting examinations in either of the languages aforesaid, of such candidates as may present themselves for certificates to teach a Public School, subject to the regulations of the Education Department. *New.*

5 176. It shall be the duty of the County Council

(1). To provide, upon the application of the Inspector, suitable rooms for holding the examination of Public School teachers in the county. R. S. O., c. 204, s. 87 (6), 194 (20). Examination of teachers.

(2). To pay the examiners for their time, travelling, and other expenses such a sum as would be at least equal to the per diem allowance paid members of the County Council; (b) To pay all the incidental expenses of the examination and (c) such remuneration to the Secretary of the Board as the County Council may deem just and expedient. R. S. O., c. 204, s. 87 (5) *a, b, c, amended.* Expenses of the Board.

177. One examination per annum shall be held in each County or union of counties for the granting of Public School teachers' third class certificates, and every certificate of qualification issued by any Board of Examiners shall have the signature of at least one Inspector of Schools. R. S. O., c. 204, s. 198 *part*, and 197 (1a). Only one examination for third class certificates to be held yearly. Signature on certificates.

178. Where there are two Inspectors in any county, the County Council may authorize and direct a separate examination to be held in each division of the county. R. S. O., c. 204, s. 198 (2). Examination in each division.

County Model Schools.

179. The Board of Examiners shall, under the regulations of the Education Department and subject to the approval of the Minister of Education, set apart at least one school in each county as a County Model School for the training of third class teachers, and the County Council shall provide and levy in each year, in aid of each County Model School, an amount at least equal to the amount apportioned or paid by the Education Department, in support of County Model Schools out of any grant annually voted by the Legislature for that purpose, but such amount shall not exceed the sum of one hundred and fifty dollars in one year, unless the County Council should see fit to provide a larger amount of aid. 44 V., c. 30, s. 11. One school in each county to be set apart as county model school.

Teachers' Institutes.

180. It shall be lawful for the Minister of Education to apportion out of any moneys voted by the Legislative Assembly for the training of teachers the sum of twenty-five dollars for every Teachers' Institute established under the regulations of the Education Department, and it shall be the duty of the County Council to pay to the order of the President of each such Institute a sum at least equal to the amount so apportioned by the Minister of Education. Apportionment of funds to Teachers' Institutes.

Inspectors.

Qualifications for appointment as inspector.

181. No person shall be eligible to be appointed an Inspector who does not hold a legal certificate of qualification as Inspector, granted according to the regulations of the Education Department, and no person who is a teacher or trustee of any Public, High or Separate School shall be eligible for an appointment as Inspector so long as he remains such teacher or trustee R. S. O., c. 204, secs. 176, 177, 226. 5

Number of inspectors.

182. Each County Council shall appoint one or more persons, holding legal certificates of qualification, Inspector or Inspectors of the Public Schools of such County, providing always that one Inspector shall not have charge of more than one hundred and twenty schools or less than fifty. R. S. O., c. 204, s. 87 (2). 10

(a) It shall not be necessary to appoint more than one Inspector in each Riding of a County. R. S. O., c. 204, s. 87 (2a). 15

French or German.

(b) In Counties containing any Municipality wherein the French or German language is the common or prevailing language, an Inspector may have charge of any number of schools not less than forty. R. S. O., c. 204, s. 87 (2b). 20

Counties may appoint additional Inspectors and change Inspectors.

(c) In Counties where there are more than fifty Public Schools, the County Council may appoint two or more Inspectors, and prescribe and number the territorial limits of each, and change or remove the Inspectors from one circuit or riding of the county to another. R. S. O., c. 204, s. 87 (2c, d). 25

The Clerk to notify appointment.

183. The County Clerk shall notify the Minister of Education of the appointment and address of every County Inspector. R. S. O., c. 204, s. 112 (1).

Warden may supply vacancies in the office of the Inspector.

184. In the event of a vacancy occurring in the office of the County Inspector, the Warden of the County within which such Inspector held office may appoint, from the list of those legally qualified, a fit and proper person to the office vacated, until the next ensuing meeting of the County Council. R. S. O., c. 204, ss. 87 (3), 193. 30

Lieut.-Governor to form remote districts for inspection.

185. The Lieutenant-Governor in Council may constitute any number of Municipalities or other portions of territory, in the rear or remote parts of Counties, and in Judicial or Territorial Districts, to be a district or districts for the purposes of school inspection under this Act, upon such terms, and subject to such regulations as the Lieutenant-Governor in Council may from time to time determine, and the County or Provisional Council concerned, shall provide their proportionate share of the salary of the Inspector, and also of his travelling expenses. R. S. O., c. 204, s. 179. 35 40

Conditions of dismissal of Inspector.

186. Every County Inspector shall be subject to dismissal by the Lieutenant-Governor, or by a majority of the members of the Council appointing him, in case of misconduct or inefficiency, or by a vote of two-thirds of such Council without such 45

cause, and no such Inspector shall be re-appointed without the concurrence of the party who dismissed him. R. S. O., c. 204, ss. 180, 181, 182 *amended*.

187. It shall be lawful for the Lieutenant-Governor to direct the payment, out of the Consolidated Revenue Fund, of a sum, not exceeding five dollars per school per annum, to each County Inspector, and the County Council shall pay quarterly not less than an equal amount per school, [and in addition thereto the reasonable travelling expenses of such County Inspector.] R. S. O., c. 204, ss. 185, 186 and 187 *amended*.

Additional allowance by Lieutenant-Governor.

188. Any Inspector, or other duly qualified person, appointed to inspect schools in new and remote townships, or to take charge of a special examination for teachers, or to advise and encourage settlers to establish schools, under the regulations and with the aid provided by law, or to report on any school matter, shall be entitled to such additional or other remuneration out of any moneys appropriated by the Legislature or County Council for that purpose, as may be deemed just and equitable, considering the nature and extent of the duties to be performed. R. S. O., c. 204, ss. 188, 189.

Additional remuneration to Inspectors in new Districts.

189. It shall be the duty of every County Inspector—

(1). To visit every Public School within his jurisdiction [once in each term], unless required to do so oftener by the County Council which appointed him, or for the adjustment of disputes or other purpose, and to see that every school is conducted according to law and the regulations of the Department. R. S. O., c. 204, s. 194 (2) (3) *amended*.

Make two visits a year to each school.

(2). To examine at his visits of inspection, into the condition of the school, as respects the progress of the pupils in learning; the order and discipline observed; the system of instruction pursued; the mode of keeping the school registers; the average attendance of pupils; the character and condition of the building and premises; and to give such advice to the teachers, pupils and officers of the school as he may judge proper. R. S. O., c. 204, s. 194 (4).

Examine the state of the school.

(3). To deliver from time to time, under regulations prescribed by the Minister of Education, a public lecture or lectures in his county or division, on some subject connected with the objects, principles, and means of practical education. R. S. O., c. 204, s. 194 (7).

Deliver annual lecture.

(4). To withhold his order for the amount apportioned from the Legislative or Municipal Grant to any school section:

When order to be withheld.

(a) When the school was kept open for less than six months in the year;

(b) When the trustees failed to transmit the annual or semi-annual school returns properly filled up;

(c) When the trustees fail to comply with the School Act, or the Regulations of the Education Department;

(d) When the teacher uses, or permits to be used, as a text book any book not authorized by the Education Department.

In every case where, from any cause, the School Grant is withheld the inspector shall forthwith report to the Trustees and to the Education Department.

- Giving information to Minister. Transmit annual report to the Minister. (5). To give any information in his power, when desired, to the Minister of Education, respecting any Public School matter within his jurisdiction, and to prepare and transmit to the Minister of Education on or before the first day of March, an annual report in the form provided by the Education Department. 5
- Aid to poor schools. (6). To recommend to the County or Township Council such special or additional aid as he may deem advisable to be given to new or needy school sections in the County. R. S. O., c. 204, s. 194 (36). 10
- Hand ver papers on retiring from office. (7). To deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, on the order of the County Council or Public School Board, as the case may be. R. S. O., c. 204, s. 194, (37). 15
- Call special meeting. (8). To appoint, in his discretion, the time and place for a special school meeting, at any time, for any lawful purpose. R. S. O. c. 204, s. 194 (33). 20
- May give temporary certificates to teachers. (9). To give any candidate, on due examination, according to the programme authorized for the examination of teachers, and subject to the regulations of the Education Department, a certificate of qualification to teach a school within the limits of the charge of such Inspector until (but no longer than) the next ensuing meeting of the Board of Examiners of which such school Inspector is a member. R. S. O., c. 204, s. 194 (22). 25
- Appointment, Remuneration Dismissal. **190.** The Public School Board of every city or town shall from time to time appoint an Inspector from those possessing the requisite qualification, who shall receive such remuneration as the Board may determine, and be subject to dismissal by a majority of the members of the Board, in case of inefficiency or misconduct, or by a vote of two-thirds of the Board without cause, or where it is resolved to place the Town schools under the County Inspector. R. S. O. c. 209, ss. 104 (9c) (21 a, b), 35 178, 180, and 184. 30
- Pay Inspector's salary raised in towns not separated. **191.** When the Public School Board of any town not separated from the County appoints an Inspector, other than the County Inspector, to take charge of their school, the County Treasurer on demand shall pay to the order of such Board a sum of money equal to any amount collected within such town for the payment of salary of the County Inspector. R. S. O., c. 204, s. 110 (3). 49
- Towns may place schools under County Inspector. **192.** The Public School Board of any town not separated from the County may, with the approval of the Education Department and subject to its General Regulations, place the schools of such town under the jurisdiction of a County Inspector, in which case the Inspector shall be entitled to the like salary and remuneration as he receives for rural schools. R. S. O., c. 204, s. 183. 50

193. It shall be the duty of every City or Town Inspector to visit the schools under his charge from time to time, and as often as he may be required by the Board, and to discharge such other duties as the Board may require, or are required of County Inspectors under section of this Act. R. S. O. c. 204, s. 194 (3) (40).

194. No Inspector of schools shall, during his tenure of office, engage in or hold any other employment, office, or calling which would interfere with the full discharge of his duties as Inspector as required by law. R. S. O. c. 204, s. 191. Inspector not to hold other offices.

195. In cases where an Inspector requires the testimony of witnesses to the truth of any facts alleged in any complaint or appeal made to him or to the Minister of Education or the Education Department, it shall be lawful for such Inspector to administer an oath to such witnesses, or to require their solemn affirmation before receiving their testimony. R. S. O. c. 204, s. 192. Inspector to swear witnesses in certain cases.

Allowance to Arbitrators.

196. All persons engaged as arbitrators on any matter arising under this Act, and Inspectors who are acting as arbitrators, while engaged in investigating and deciding upon school complaints and disputes, shall be entitled to the same remuneration per diem as are members of the County Council of their county for their time and attendance at Council meetings. R. S. O., c. 204, s. 127, 190 (2). Allowance to Arbitrators and Inspectors.

Superannuation.

197. From and after the date of this Act, every teacher or Inspector whose name is entered as having paid into the fund for the support of superannuated teachers, may contribute to such fund in such manner as may be prescribed by the Education Department, the sum of at least eight dollars annually. *New.* Superannuation Fund.

198. On the decease of any teacher or Inspector, his wife, her husband, or other legal representative, shall be entitled to receive back the full amount paid into the Superannuation Fund by such teacher or Inspector with interest at the rate of seven per cent. per annum. R. S. O., c. 204, s. 169. Repayment to wife, etc., of deceased teacher.

199. Every teacher or [Inspector] who, while engaged in his profession, contributes to the Superannuated Teachers' Fund as provided by this Act, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of six dollars per annum, for every year of such service in Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as teacher or Inspector. R. S. O., c. 204, s. 170. Right of teacher to retire. Pension on reaching sixty years of age.
45 *amended.* Condition of pension.

2. Every pension payable under this Act may be supplemented out of local funds by any Municipal Council, Public School Board or Board of Education, at its pleasure. R. S. O., c. 204, ss. 89 (2), 105 (4), 170 (2). Supplementary pension.

Teachers under sixty. **200.** Every teacher or [Inspector] under sixty years of age who has contributed as aforesaid and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and upon furnishing to the Education Department from time to time, in addition thereto, satisfactory evidence of his being disabled. R. S. O., c. 204, s. 171 *amended*. 5

\$1 per annum extra to certain teachers. **201.** Every teacher entitled to receive an allowance from the Superannuated Teachers' Fund, who holds a first or second class Provincial Certificate, or who is an authorized Head Master of a High School or Collegiate Institute, shall, in addition to said allowance or pension, be entitled to receive a further allowance at the rate of one dollar per annum for every year of service while he held such certificate, or while he acted as Head Master of a High School or Collegiate Institute. R.S.O, 15 c. 204, s. 172. 10

Proviso in regard to good moral character. **202.** The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when requested) to the satisfaction of the Education Department. R.S.O., c. 204, s. 173 20

Teacher resuming profession. **203.** If any pensioned teacher or inspector shall, with the consent of the Education Department, resume the profession of teaching or inspecting, the payment of his allowance shall be suspended from the time of his being so engaged. R. S. O., 25 c. 204, s. 174. 25

Again retiring **204.** In case of his again being placed by the Education Department on the superannuation list a pension for the additional time of teaching shall be allowed him, on his compliance with this Act, and the regulations of the Education Department. R. S. O., c. 204, s. 175. 30

Drawing for allowance. **205.** Any teacher who, having resumed his profession, draws or continues to draw upon the Superannuation Fund for any part of his allowance as a superannuated teacher, shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers. *New*. 35

Teachers not availing themselves of Act. **206.** In the case of those teachers who may not avail themselves of the provisions of section ——— of this Act, the provisions of sections ——— to ——— inclusive shall apply so far as relates to all sums of money already paid into the fund for the support of superannuated teachers. 40

207. Any teacher retiring from the profession shall be entitled to receive back from the Minister of Education one-half of any sums paid in by him or her to the fund, through the Public School Inspector, or otherwise. R. S. O. c. 204 s. 168. 45

Non-Resident Pupils.

Fees. Admit non-resident pupils **208.** It shall be the duty of the trustees of every rural school section and of every Public School Board to admit, on payment in advance of fees not exceeding fifty cents per pupil for every calendar month, any non-resident pupils who reside nearer to 50

such school than the school in their own section; and in case of dispute as to the distance from the school, the Inspector shall decide. R. S. O., c. 204, s. 102 (20), 103 (4 and 4a), 104 (17), 105 (3), 194 (12).

- 5 **209.** In case a County Council establishes a House of Refuge in any County any person of school age maintained in such House of Refuge shall for the purposes of this Act be deemed a non-resident, and the County Council shall be liable for such fees as are lawful under this Act.

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Holidays.

- 210.** The Public School Year shall consist of two terms: the first shall begin on the third day of January, and end on the first Friday of July; the second shall begin on the third Monday of August, and end on the twenty-third day of December. Terms.
- 15 Every Saturday, every statutory holiday, and every day proclaimed a holiday by the municipal authorities in which the school section or division is situated, shall be a holiday in the Public Schools. R. S. O., c. 204, ss. 13, 14; 43 V. c. 32, s. 1 *amended.*

- 20 **2.** In the case of rural schools, it shall be lawful for the trustees thereof to open the schools therein on the first Monday in August, but such additional period during which the school may be open shall not be considered in any appropriation of the Legislative or Municipal grants, 47 Vic. c. 32, s. 1.

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Authorised Books.

- 211.** No teacher shall use or permit to be used as text books any books in a Model or Public School, except such as are authorized by the Education Department, and no portion of the Legislative or Municipal grant shall be paid by the Inspector to any school in which unauthorized books are used. Only authorized text-books to be used. R. S. O., c. 204, s. 12; 44 V., c. 30, s. 12.

- 212.** Any authorized text book in actual use in any Public or Model School may be changed by the teacher of such school for any other authorized text book in the same subject on the written approval of the trustees and the Inspector, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given. Change of text-book. See 44 V., c. 30, s. 12.

- 213.** In case any teacher or other person shall negligently or improperly substitute any unauthorized text book in place of any authorized text book in actual use upon the same subject in his school, he shall for each such offence, on conviction thereof before a police magistrate or justice of the peace, as the case may be, be liable to a penalty not exceeding ten dollars, payable to the municipality for public school purposes, together with costs, as the police magistrate or justice may think fit. Substitution of unauthorized text-books. 44 V., c. 30, s. 12.

Libraries.

- 214.** The Council of every Municipality may raise by assessment such sums as it may judge expedient for the establish-

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ment and maintenance of a Public School Library, subject to the regulations of the Education Department. R. S. O., c. 204, s. 80 (2), 89 (3), 102 (24).

Compulsory Education.

Children from 7 to 13 to attend school. **215.** The parent or guardian of every child not less than seven years nor more than thirteen years of age is required to cause such child to attend a public school, or any other school in which elementary instruction is given, for the period of eleven weeks in each of the two terms of the Public School year, unless there be some reasonable excuse for non-attendance. 44 V. c. 30, ss. 1, 2. 5 10

Exceptions. **216.** A child shall not be required to attend a Public School if such child is under efficient elementary instruction in some other manner, or if such child has been prevented attending school by sickness or other unavoidable cause, or if there is no Public School which such child can attend within two miles, measured according to the nearest road from the residence of such child, if under the age of nine, and within three miles if over that age. 44 V. c. 30, s. 4. 15

Duty of persons with whom any child under 13 resides. **217.** Any person who receives into his house a child of any other person, under the age of thirteen years, and who is resident with him or in his care or employment, shall be deemed thereby to be subject to the same duty with respect to the elementary education of such child during such residence, and shall be liable to be proceeded against as in the case of a parent, if he should fail to perform his duty of causing such child to be educated to the extent required of a parent; but the duty of the parent under this Act shall not thereby be affected or diminished and shall continue in full force. 44 V., c. 30, s. 3. 20 30

Children employed in manufacturing factories. (2) In the case of each such child who is employed in any manufactory, one-half of the whole time required by this Act in each week for instruction shall be deemed to be sufficient instruction in such case, provided such child is certified by a Public School Inspector as having passed the examination for promotion from the Third Reader to the Fourth Reader, according to the curriculum of studies prescribed by the Education Department. 44 V. c. 30, ss. 3 (2). 35

Officer to enforce law may be appointed by Board. **218.** The trustees may appoint an officer, [who shall be furnished with the list containing the names of all children between the ages of seven and thirteen], to ascertain and report, for their information, any parent or other person who has failed and omitted, and is failing and omitting, to perform the duty of providing that each child of his, or in his care or employment, between the ages aforesaid, is attending some school or otherwise being under efficient elementary instruction, and it shall be the duty of such officer to notify, personally or by letter, or otherwise, such parent or other person of his neglect or violation of duty and the consequences thereof. 44 V. c. 30, s. 5. 40 45 50

Notice to be given before **219.** No proceeding against any parent or other person for any neglect or violation on his part of the requirements of this Act shall be taken until after the expiration of fourteen days

from the time in which he has been so notified, nor until such parent or other person has had an opportunity of attending a meeting of the trustees, to state his or her reasons for not complying with such notice; but if such parent or other person should, on being notified, either fail to appear or to satisfy the trustees that his neglect or violation of duty has arisen from any of the grounds on which he would be excused, it shall be the duty of the trustees, through their said officer, to make complaint of such neglect or violation of duty to the Police Magistrate or a Justice of the Peace having jurisdiction under the Act respecting summary convictions before Justices of the Peace, and such Police Magistrate and Justice shall possess and exercise all the powers conferred by the section of this Act. 44 V. c. 30, s. 6.

taking proceedings for neglect.

15 **220.** With respect to proceedings for any offence or penalty under the provisions of this Act, where a child is apparently of the age alleged, for the purpose of such proceeding it shall lie with the defendant to prove that the child is not of such age. 44 V. c. 30, s. 7.

Proof of age.

20 **221.** Nothing herein shall be held to require any Roman Catholic to attend a Public School, or to require a Protestant to attend a Roman Catholic School. R. S. O., c. 204, s. 8 (2).

222. It shall be the duty of the trustees of every Rural School section and of every City, Town, Incorporated Village and division respectively, and they are hereby authorized to impose upon said parents or guardians who, after having been so notified, continue to neglect or violate the above seven provisions of this Act or any of them, a rate bill not exceeding one dollar per month for each of their children not attending school, or to make complaint of such neglect or violation to a Justice of the Peace having jurisdiction in such cases, as provided by this Act, and to deliver to said Justice a statement of the names and residences of the parents or guardians of such children, unless from the circumstances of the case the trustees are satisfied that such neglect or violation has not been wilful, or has been caused by extreme poverty, ill-health, or too great a distance from any school. R. S. O., c. 204, s. 210 (3).

Duties Public School Board.

Impose a rate bill, or make complaint to magistrate.

223. It shall be competent for the Police Magistrate of any City or Town, or for any Justice of the Peace in any Village, Township or Town where there is no Police Magistrate, to investigate and decide upon any complaint made by the trustees, or any person authorized by them, against any parent or guardian for the violation of the provisions of this Act, in regard to compulsory education, and to impose a fine not exceeding five dollars for the first wilful offence, and double that penalty for every subsequent offence; which fine and penalty shall be enforced as provided in the section of this Act. R. S. O., c. 204, s. 211.

Penalty for non-attendance at some school.

2. The Police Magistrate or Justice shall not be bound to, but may, in his discretion, forego the issue of the warrant for the imprisonment of the offender, as in said section is provided. R. S. O., c. 204, s. 211 (2).

224. It shall be the duty of the Police Magistrate, or any Justice of the Peace where there is no Police Magistrate, to

Further discretion of

magistrate to
enforce
penalty.

ascertain, as far as may be, the circumstances of any party complained of for not sending his children to some school, or otherwise educating him or them, and whether the alleged violation has been wilful, or has been caused by extreme poverty, or ill-health, or too great a distance from any school; and in any of the latter cases, the Magistrate shall not award punishment, but shall report the circumstances to the trustees of the school section or other school division in which the offence has occurred. R. S. O., c. 204, s. 212 5

Unions of High and Public Schools.

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225. All existing unions of High Schools (or Collegiate Institutes) and Public School Trustee Corporations are hereby continued, and all the members of both corporations shall constitute a joint Board, and shall, as long as the union exists, be a corporation under the name of "*The Board of Education for the City (Town, or Incorporated Village of or School Section No. in the Township of*," as the case may be). R. S. O., c. 204, s. 153. 15

Powers.

226. Seven of the members of the Board shall form a quorum; and such Board shall have the powers of the trustees of both the Public and High Schools. R. S. O., c. 204, s. 154 20

Union may be
dissolved.

227. The union may be dissolved at the end of the year by resolution of a majority present at any lawful meeting of the said Board of Education called for that purpose. R. S. O., c. 204, s. 155. 25

Disposition of
school
property.

228. On the dissolution of such union, the school property held or possessed by the Board of Education at the time shall be divided or applied to school purposes, as may be agreed upon by a majority of the Public School trustees, and of the High School (or Collegiate Institute) trustees respectively, present at meetings called for that purpose. R. S. O., c. 204, s. 156. 30

Failure of
trustees to
settle
disposition.

229. If the trustees fail so to agree within the space of six months after such dissolution, then the division shall be made by the Municipal Council of the City, Town, or Incorporated Village within the limits of which such Public and High Schools (or Collegiate Institute) are situated. R. S. O., c. 204, s. 157. 35

By whom
made.

230. If the High School is situated in a school section or unincorporated Village, the division (in case of failure to agree as aforesaid) shall be made by the County Council. R. S. O., c. 204, s. 158. 40

No future
union.

231. No union of a Public School, or department thereof, with a High School or Collegiate Institute, shall hereafter be made. R. S. O., c. 204, s. 159.

Special Enquiries.

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Remunera-
tion.

232. The Minister of Education shall have power to appoint one or more persons, as he from time to time deems necessary, inquire into and report to him upon any school matter; such Inspector or other person or persons shall be entitled to such

remuneration out of any moneys appropriated by the Legislature for that purpose as may be deemed just and equitable, considering the nature and extent of the duties to be performed. Such person or persons, or any of them, shall have
 5 power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon. R. S. O., c. 203, s. 5 (23).

Power to commissioners to administer oaths.

233. In any matter of inquiry which the Minister is by law authorized to institute, make or direct, a writ or writs of subpoena
 10 *ad testificandum* and also *duces tecum* may issue from the High Court of Justice for Ontario by the proper officer in that behalf upon the *præcipe* of the Minister of Education therefor, containing the names of the witnesses intended to be summoned thereby, to be directed to such person or persons for him or
 15 them to attend and give evidence under oath, at such times and places, and before such person or persons as the Minister shall appoint, and any default of any such person in obeying any such subpoena shall be punishable as in the like case in any action or cause in any of the said courts. 43 V. c. 32, s.
 20 12; 45 V. c. 30, s. 6.

Compelling attendance of witnesses.

Appeals from Division Court Decisions.

234. The Judge of any Division Court wherein any action between teachers, inspectors, trustees, or others acting under this Act, or the *High School Act*, is tried may, at the request of
 25 either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister of Education to appeal the case. R. S. O., c. 203, s. 7.

Appeals from Division Courts.

235. The Minister may, within one month after the rendering of judgment in any such case, appeal from the decision of the
 30 Division Court Judge to either of the Superior Courts of Law at Toronto, by serving notice in writing of such appeal upon the Clerk of the Division Court appealed from, which appeal shall be entitled "The Minister of Education for Ontario, Appellant, in the matter between (A. B. and C. D.);" R. S. O. c.
 35 203, s. 8.

Minister may appeal from such Court to one of the Superior Courts of Law.

236. The Judge, whose decision is thus appealed from, shall thereupon certify under his hand, to the Superior Court ap-
 pealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own
 40 judgment thereon, and all objections made thereto. R. S. O., c. 203, s. 9.

Judges to send papers to Superior Court.

237. After notice of appeal has been served as hereinafter provided no further proceeding shall be had in such case until the matter of appeal has been decided by the Superior Court.
 45 R. S. O., c. 203, s. 10.

No further proceeding to be taken after notice of appeal.

238. On the Judge receiving an intimation of appeal from his decision (under the authority of this Act), he shall there-
 upon certify under his hand, to the Minister of Education, the statement of claim and other proceedings in the case, together
 50 with the evidence and his own judgment thereon, and all objections thereto. R. S. O., c. 203, s. 11.

Judge to certify proceedings to the Minister.

- Setting down cases in Superior Court. **239.** The matter shall be set down for argument at the next Term of the Superior Court. R. S. O., c. 203, s. 12.
- Order thereon. **240.** Such Court shall give such order or direction to the Court below, touching the judgment to be given in the matter, as law and equity require. R. S. O., c. 203, s. 13, 5
- Costs. **241.** The Court may also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the Court below. R. S. O., c. 203, s. 14.
- Costs of appellant to be paid by Minister. **242.** All costs awarded against an appellant, and all costs incurred by him, shall be paid by the Minister, and charged as 10 contingent expenses of his office. R. S. O., c. 203, s. 15.
- Proceedings in Division Court when appeal decided. **243.** Upon receipt of such order, direction, and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith. R. S. O., c. 203, s. 16.
- Submit case to Judges of Superior Court for decision. **244.** The Minister of Education shall have power to submit 15 a case on any question arising under "*The Public Schools Act*," or "*The High Schools Act*," to any Judge of either of the Superior Courts, for his opinion and decision, or, with the consent of such Judge, to either of the Superior Courts, for their opinion and decision. R. S. O., c. 203, s. 17. 20

School Visitors.

- Public School visitors defined. **245.** All clergymen recognized by law, of whatever denomination; all judges, members of the Legislature, members of county councils, and aldermen shall be school visitors in the townships, cities, towns and villages where they respectively 25 reside.
2. Persons holding the Commission of the Peace for the county only shall not be school visitors within towns and cities.
3. Every clergyman shall be a school visitor only in the 30 township, town or city where he has pastoral charge. R. S. O., c. 204, s. 206 (1) (2) (3).
- Their authority to visit Public Schools **246.** Each of the school visitors may visit the public schools in the township, city, town or village. They may also attend the quarterly examination of schools, and at the time 35 of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as they think advisable, in accordance with the regulations and instructions provided in regard to school visitors. R. S. O., c. 204, s. 207. 40
- General meeting of school visitors. **247.** A general meeting of the visitors may be held at any time or place appointed by any two visitors, on sufficient notice being given to the other visitors in the township, city, town or village. R. S. O., c. 204, s. 208.
- Authority at such meetings. **248.** The visitors thus assembled may devise such means as 45 they deem expedient for the efficient visitation of the schools, and for promoting the establishment of libraries and the diffusion of useful knowledge. R. S. O., c. 204, s. 209.

Penalties and Prohibitions.

249. If any Township Clerk neglects or refuses to prepare and furnish the map of the school sections or other divisions of his municipality, as required by this section, he shall be liable to a penalty not exceeding ten dollars, to be recovered before a Justice of the Peace, for the school purposes of his municipality, at the instance of any ratepayer thereof. R. S. O., c. 204, s. 224.

Information to
County Clerk.

250. No person shall wilfully make a false declaration of his right to vote at any school meeting or election of school trustees; and any person convicted of a contravention of this section, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the Court of General Sessions, or by a penalty of not less than five dollars, or more than ten dollars, to be sued for and recovered with costs before a Justice of the Peace, by the Public School trustees of the City, Town, Village, school section, or other division, for its use. R. S. O. c. 204, s. 244.

Penalty for
making a false
declaration.

251. If any person elected as trustee of a rural school section does not make the declaration of office within two weeks after notice of his election, his neglect to do so shall be sufficient evidence of his refusing to serve, and of his liability to pay the fine of five dollars, as provided for in the section of this Act. R. S. O. c. 204, s. 247.

Fine for de-
fault or in case
of neglect to
make declara-
tion.

252. No trustee of a school section shall hold the office of Public School Inspector, or be a master or teacher within the section of which he is a trustee; nor shall the master or teacher of any Public, High, or Separate School hold the office of trustee, nor shall an Inspector be a teacher or trustee of any Public, High or Separate School while he holds the office of Inspector. R. S. O. c. 205, s. 212.

Trustees not
to hold certain
offices.

253. Any trustee who is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the Board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the school municipality for which he is a trustee, shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant and forthwith order a new election. R. S. O., c. 204, s. 38 *amended*.

Vacancy in
office of trust-
ee, when
caused.

254. Any trustee who has any pecuniary interest, profit or promise or expected benefit in, or from any contract, agreement or engagement, either in his own name, or in the name of another with the Corporation of which he is a member, or who receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and the remaining trustees, or a majority of them, shall declare the seat vacant, and forthwith order a new election. R. S. O. c. 204, s. 225, 44 V. c. 30, s. 13 *amended*.

Vacancy for
contracts,
agreements,
etc.

255. In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit

Penalty for
not calling
school meet-
ings.

the sum of five dollars, to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the rural school section, for the use thereof. R. S. O. c. 204, s. 248.

Penalty for disturbing a school or school meeting.

256. Any person who wilfully disturbs, interrupts, or disquiets* the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disquiets any Public School established and conducted under its authority, or other school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for Public School purposes to the school section, City, Town, or Village within which the offence was committed, a sum not exceeding twenty dollars, together with 15 the costs of the conviction, as the said Justices may think fit. R. S. O. c. 204, s. 249.

Penalty for refusing to serve as trustee.

257. If any person chosen as trustee refuses to serve he shall forfeit the sum of five dollars. R. S. O. c. 204, s. 256.

Penalty for refusing to perform duties.

258. Every person so chosen who has not refused to accept 20 the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of twenty dollars, to be sued for and recovered before a Justice of the Peace, by the trustees of the school section or division, or by any two ratepayers, for its use, as authorized by this Act. R. S. O. c. 204, s. 237. 25

Penalty for refusing to exercise corporate powers.

259. If the trustees of any Public School wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such power shall be held to be personally respon- 30 sible for the fulfilment of such contract or agreement. R. S. O. c. 204, s. 238.

Penalty on chairman for neglect.

260. Any chairman who neglects to transmit to the County Inspector a copy of the proceedings of an annual or other rural school section meeting over which he has presided, within ten 35 days after the holding of such meeting, shall be liable, on the complaint of any ratepayer, to a fine of not more than five dollars, to be recovered by this Act. R. S. O. c. 204, s. 246.

261. If any trustees of any school section refuse or neglect^t to take proper security from the secretary-treasurer, or other^r party to whom they entrust school moneys, they shall be held 40 personally responsible for the moneys. R. S. O., c. 204, s. 229.

Certain parties personally responsible in case of lost school moneys.

262. If any part of the Public School Fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has 45 been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them by the party entitled to receive the same, 50 by action at law in any court having jurisdiction to the amount, or by information at the suit of the Crown. R. S. O., c. 204, s. 230.

263. No secretary-treasurer appointed by the school trustees of any school section or division, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect or refuse to deliver up, or, account for, and pay over the same or any part thereof to the person, and in the manner directed by a majority of the school trustees for the school section then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the three following sections of this Act. R. S. O., c. 204, s. 231.

Penalty on secretary-treasurer, trustee or other refusing to account.

264. Upon application to the Judge of the County Court, by a majority of the trustees, or any two ratepayers in a school section or division, supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him at a time and place to be appointed in the order. R. S. O., c. 204, s. 232.

Mode of proceeding in the case.

2. Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the party complained against, or leave the same with a grown-up person at his residence. R. S. O., c. 204, s. 232 (2).

265. At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the party complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded, the Judge shall order the party complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax. R. S. O., c. 204, s. 233.

Judge to issue order.

266. In the event of a non-compliance with the terms specified in such order, or any or either of them, the Judge shall order the said party to be forthwith arrested by the Sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the Judge be satisfied that the party has delivered up, accounted for, or paid over the books, papers, chattels or moneys in question, in the manner directed by the majority of the trustees, or other competent authority as aforesaid; upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly. R. S. O., c. 204, s. 234.

Effect of non-compliance with Judge's order.

267. No such proceeding shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. R. S. O., c. 204, s. 235.

Other remedy not affected.

Penalty on trustees refusing information, etc., to auditor.

268. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of a Rural School section, or either of them, with any papers or information in their power, and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any ratepayer, shall be punished by fine or imprisonment, as provided by this Act. R. S. O., c. 204, s. 239. 5

Penalty for neglected to send half-yearly returns.

269. In case the trustees of any Rural School section neglect to transmit to the County Inspector, on or before the thirtieth day of June, and the thirty-first day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months. 10 15

(2) The trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. R. S. O., c. 204, s. 240 and (2).

Penalty for delaying yearly report.

270. In case the trustees of any school section neglect to prepare and forward the aforesaid annual report of their County Inspector by the fifteenth day of [January] in every year, each of them shall, for every week after such fifteenth day of [January,] and until such report has been prepared and presented, forfeit the sum of five dollars, to be sued for by the County Inspector, and collected and applied in the manner provided for by this Act. R. S. O., c. 204, s. 241. 20 25

Penalty for false school reports and registers.

271. If any trustee of a Public School knowingly signs a false report, or if any teacher of a Public School keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the Public School Fund of the Township the sum of twenty dollars, for which any person whatever may prosecute him before a Justice of the Peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor. 30 35

Recovery by distress.

(2) If, upon conviction, the penalty is not forth paid, the same shall, under the warrant of the Justice, be levied with costs by distress and sale of the goods and chattels of the offender. 40

Application of penalty.

(3) The penalty, when so paid or collected, shall by the Justice be paid over to the said Public School Fund. R. S. O., c. 204, s. 242 (2), (3).

Trustees personally responsible for moneys lost.

272. The trustees of every school section shall be personally responsible for the amount of any school moneys forfeited by or lost to the school section in consequence of the neglect of duty of the trustees during their continuance in office. 45

(2) The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. R. S. O., c. 204, s. 228 and (2). 50

General Prohibitions.

273. No teacher, trustee, Inspector, or other person officially connected with the Education Department, the Normal, Model, Public, or High Schools or Collegiate Institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever. R. S. O., c. 204, ss. 26, 227.

No inspector, trustee, teacher, etc., shall act as agent for the sale of books, maps, etc.

How Fines and Penalties may be Recovered.

274. Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced, with costs, by and before any Justice of the Peace having jurisdiction within the school section, City, Town, or Village in which such fine or penalty has been incurred.

How penalties under this Act shall be recoverable.

2. If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected with costs, by distress and sale of the goods and chattels of the offender, and shall be by the Justice paid over to the school treasurer of the school section, City, Town, or Village, or other party entitled thereto.

3. In default of such distress, the Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same, are sooner paid. R. S. O., c. 204, s. 250.

Confirming and Saving Clauses.

275. All lands which, previous to the twenty-fourth day of July, one thousand eight hundred and fifty, were granted devised or otherwise conveyed to any person or persons in trust for common school purposes, and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the Public School trustees of the school section or division in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by said trustees and their successors upon the like trusts and subject to the same conditions and estates as the said lands are now respectively held.

School lands granted before 1850 vested in trustees for school purposes.

276. All school sections existing on the second day of March, one thousand eight hundred and seventy-seven, and all unions of school sections comprised of parts of the same or different municipalities which on that date existed in fact, and whether formed in accordance with the provisions of the law in that behalf or not, are to be deemed as having been legally formed, and such unions shall continue to exist, subject, however, to the provisions of this Act so far as applicable, as if they had been formed thereunder; and in cases where any union has heretofore been adjudged by any court or judge to have been illegally formed, or where any proceedings were

Unions existing 2nd March, 1877, confirmed.

pending at said date on that ground, further proceedings may be stayed, upon payment of such costs or expenses, if any, as the court or judge may award.

Elections of trustees. Inspection and taxation in union school sections and divisions existing on 2nd March, 1877.

277. In the case of union school sections existing on the second day of March, one thousand eight hundred and seventy-seven, and composed of portions of adjoining townships or portions of a township or townships, and a town or incorporated village, every such union school section shall, for the purposes of the election of trustees, be deemed one school section or division, and shall be considered in respect to inspection and taxation for school purposes as belonging to the township, town or village in which the school-house is situated. 5 10

Former certificates continued.

278. All certificates of qualification of teachers granted before the fifteenth day of February, in the year one thousand eight hundred and seventy-one, shall remain in force in their respective municipalities on the terms and conditions of the Act under which they were granted; and upon their ceasing to be valid, as provided by law, other than by the confirmation of their suspension, they may be renewed from time to time under the regulations and programmes prepared under the authority of *The Act respecting the Education Department*. 15 20

Same subject.

279. Every public school teacher's first-class certificate issued under the school laws of this province by a county board, before the fifteenth day of February, one thousand eight hundred and seventy-one, and now legally valid (not having been recalled, suspended or cancelled according to law), in any city or county, shall be valid in any municipality in the province during the good behaviour of the holder, but subject to the regulations of the Education Department (*amended*); every public school second-class teacher's certificate issued before such time, and under like authority, and now legally valid, as aforesaid, shall (when such teacher has taught for a period of not less than ten years in Ontario) continue to be valid during good behaviour in such county or city. 25 30

Inconsistent enactments repealed. Exception.

280. The Acts and parts of Acts set out in schedule "B" to this Act are hereby repealed; but the repeal thereof shall not revive any Act or provisions of law by them repealed, or prevent the effect of any saving clause therein, or the application of any such parts or Acts, or of any Act or provision of law formerly in force to any transaction, matter or thing prior to the said repeal to which they would otherwise apply. *New*. 35 40

SCHEDULE.

FORM OF SCHOOL DEBENTURE.

PROVINCE OF ONTARIO.

\$			No.
<i>Debenture of the School Loan.</i>	<i>of</i>	<i>County of</i>	<i>, for</i>
The corporation of the to Bearer at the Bank of	of , at	hereby promise to pay , the sum of	dollars,

lawful money of Canada, _____ year from the date hereof; and to pay interest at the rate of _____ per cent. per annum, half-yearly, to the Bearer of the annexed coupons respectively, upon the presentation thereof at the said Bank.

Issued at _____, this _____ day of _____, 18____, by virtue and under the authority of the *Public School Act* of Ontario, _____ Vict., chap. _____, and pursuant to By-law No. _____ of said _____ of _____, passed on the _____ day of _____, A. D. 18____, intituled "A By-law to raise by way of loan the sum of _____ dollars for the purposes therein mentioned" (or as the case may be).

A. B., *Reeve.*

C. D., *Treasurer.*

COUPON, No.

The Corporation of the _____ of _____ will pay the Bearer at the Bank of _____, at _____, on the _____ day of _____, the sum of _____ dollars, interest due on that day on Debenture No. _____ C. D., *Treasurer.*

SCHEDULE ' B. '

ACTS REPEALED BY THIS ACT :

- Rev. Stat. Ont., c. 203, An Act respecting the Education Department.
- " " 204, An Act respecting Public Schools.
- " " 205, An Act respecting High Schools.
- " " 206, An Act respecting Separate Schools.
- 41 Vic. c. 8, secs. 20, 21 and 22, Amendments to the Revised Statute.
- 42 Vic. c. 34, An Act respecting Public, Separate and High Schools.
- 43 Vic. c. 32, An Act respecting certain amendments to the Public Schools Act.
- 44 Vic. c. 30, An Act for further improving the School Law.
- 45 Vic. c. 30, An Act respecting certain amendments in the School Law.
- 47 Vic. c. 45, An Act to amend the Act respecting Public, Separate, and High Schools.

APPENDIX.

Sections of School Acts to be repealed by new Act.

- 78.** It shall be the duty of every Township Council—
10. To issue a debenture or debentures, in the form given in School loans.
 5 the Schedule to this Act, for the amount of any loan which
 by any such by-law of the Council the trustees of such school
 section are authorized to make, together with a sufficient sum
 for the payment of the interest on the sum so borrowed, and
 a proportionate sum sufficient to form a sinking fund to pay
 10 off the principal [at any time within ten years].
11. To cause to be levied in each year. upon the taxable Levy rate.
 property of the school concerned (and upon such other taxable
 property as is herein made liable in case of an alteration in
 the boundaries of the section or division), a sum sufficient to
 15 pay the interest on the amount borrowed by the trustees on the
 authority of the Council, and also a sum sufficient to pay
 off the principal during any period not exceeding ten years,
 as may be agreed upon by the trustees and the lender of the
 money. R. S. O. c. 204, s. 78 (10) (11).

Public Schools
may be united
with Township
Model School.

80. Every Township Council shall have power to pass by-laws for the following purposes:—

1. Levy such sums as it judges expedient for procuring the site, and for the erection and support of a Township Model School; and in such event the members of such Township Council shall be the trustees of such Model School, and shall possess the powers of Public School trustees in respect to all matters affecting such Model School. 5

4. To give its consent to the merging, by the trustees, of any one or more Public Schools, at their discretion, into such Model Schools. 10

(a) Tuition to student teachers in such Model School shall be free. R. S. O. O. c. 204, s. 80 (1) and (4a).

Quarterly pay-
ment of teach-
ers' salaries.

89. Every County Council shall have authority—

1. To arrange for the payment of such sums as may be required for teachers' salaries, so that the salaries may be paid at least quarterly in each year; and if there are not sufficient funds, to borrow from any banking corporation such sums as may be required in the meantime until the taxes imposed therefor can be collected; and the Council shall regulate by by-law the amount to be so borrowed at a rate of interest not to exceed seven per cent. per annum, and the promissory note to be given under the seal of the corporation or the County Council may pay such sums as may be necessary for the said purposes out of any surplus moneys of the County, to be refunded out of the rate when collected. R. S. O. c. 304, s. 89 (1). 15 20 25

Accounts in
rural school
sections.

101a. The trustees of every Rural School section and the Public School Board of every Town, Village or Township shall keep, or cause to be kept, books of account of all school moneys of their section, Town, Village or Township (as the case may be), according to such form as may be prescribed by the Minister of Education. 43 V. c. 32, s. 5. 30

Duties of
trustees.

102. It shall be the duty of the trustees of every rural school section—¹

Annual report
as to teachers
holding third-
class certifi-
cates.

To prepare and send in annually to the Education Department, on or before the first day of June, a separate and independent report as to the fitness, aptness and success in teaching of each teacher holding a third-class certificate employed by them; and the Minister of Education shall have authority thereupon to determine whether, at the expiration of the term of such certificate, any such teacher is entitled to any and what extension of such term, and to grant the same for such period as the circumstances of each case may justify. 45 V. c. 30, s. 2. 35 40

Annual report
as to teachers
holding third-
class certifi-
cates.

It shall be the duty of the County Inspector in every case, and of the Public School Board or trustees by whom any Public School teacher, holding a third-class certificate, has been employed, to prepare and send in annually to the Education Department, on or before the first day of June, a separate and independent report as to the fitness, aptness and success in teaching of each such teacher; and the Minister of Education shall have authority thereupon to determine whether, at the expiration of the term of such certificate, any such teacher is 45 50

entitled to any and what extension of such term, and to grant the same for such period as the circumstances of each case may justify. 45 V. c. 30, s. 2.

2. Every undivided occupied lot, or part of a lot, shall only be liable to be assessed for school purposes in the school section where the occupant resides. Sec. 106 (2.) Undivided lot.

110. It shall be the duty of every County Treasurer—

Or, when directed by the County Inspector, to pay out of the school assessment of the county the amount of the Inspector's lawful order to any Public School teacher, assistant teacher or monitor. 42 V. c. 34, s. 14. County Treasurer's duties.
R. S. O.,
s. 110, c. 204,
amended.

140a. A union school section may be altered so that a part of the same may be withdrawn by the Council of the Municipality, in its discretion, in which such part is situate, without withdrawing the whole portion of such Municipality forming the union, in case such alteration is petitioned for by a majority of the assessed freeholders and householders of such part; and the *foregoing* [one hundred and fortieth] section [of the Public Schools Act] shall be construed to apply also to the case of an alteration of the boundaries of a union school section, where a part only of the portion in either Municipality is withdrawn by the Council thereof. 42 V. c. 34, s. 17. Alteration of
union section.

140b. The one hundred and fortieth section of the Public School Act shall hereafter be construed, but not to authorize such alteration by the Council of either Municipality as would add any further portions of the Municipality to such union school section. 43 V. c. 32, s. 9. Application of
R. S. O., c. 204,
ss. 140 and 150.

2. A non-resident child or children shall not be returned as attending any other than the school of the section or division in which the parents or guardians of the child or children reside. 30

3. This section shall not apply to persons sending children to or supporting Separate Schools. R. S. O. s. 204 s. 160 (2) (3).

166. Every male teacher of a Public School holding a certificate of qualification under the School Acts shall pay into the Fund for the support of superannuated school teachers, through the Public School Inspector, the sum of at least four dollars annually in half-yearly sums. R. S. O. c. 204, s. 166. Annual pay-
ments by male
teachers to
Superannuat-
ed Teacher's
Fund.

194. It shall be the duty of every Public School Inspector in a County, City or Town, and he is hereby empowered— Duties of
County School
Inspectors.

16. To deduct two dollars semi-annually for the Superannuated Teachers' Fund, from each half-yearly payment made by him on behalf of any male teacher holding a certificate of qualification within his jurisdiction, and to transmit the same to the Education Department. R. S. O. c. 204, s. 194. Deduct half-
yearly super-
annuation
payments.

17. To give an order, half-yearly, on the Treasurer or Secretary-treasurer for any moneys in his hands, deducted by him or otherwise payable by male teachers employed by the school corporation to the Superannuated Teachers' Fund. Order for
superannua-
tion money.

Teachers' superannuation moneys.

(a.) Every Treasurer of school moneys is required to pay to the order of the Inspector, at the end of every half-year, any male teacher's superannuation moneys in his hands. R. S. O. c. 204, s. 19† (17a).

5

Condition of giving cheques to trustees.

18. In the case of a County Inspector—to give no cheque upon any trustee's order, except in the case of a new school section, unless a satisfactory annual school report for the year ending on the last day of December preceding has been received from the trustees; nor unless it appears by such report that a school has been kept by a qualified teacher in such section for at least six months during the year ending at the date of such report. R. S. O. c. 204, s. 194 (1b).

10

Third-class certificates awarded by County Board to entitle holder to employment without endorsement of Inspector.

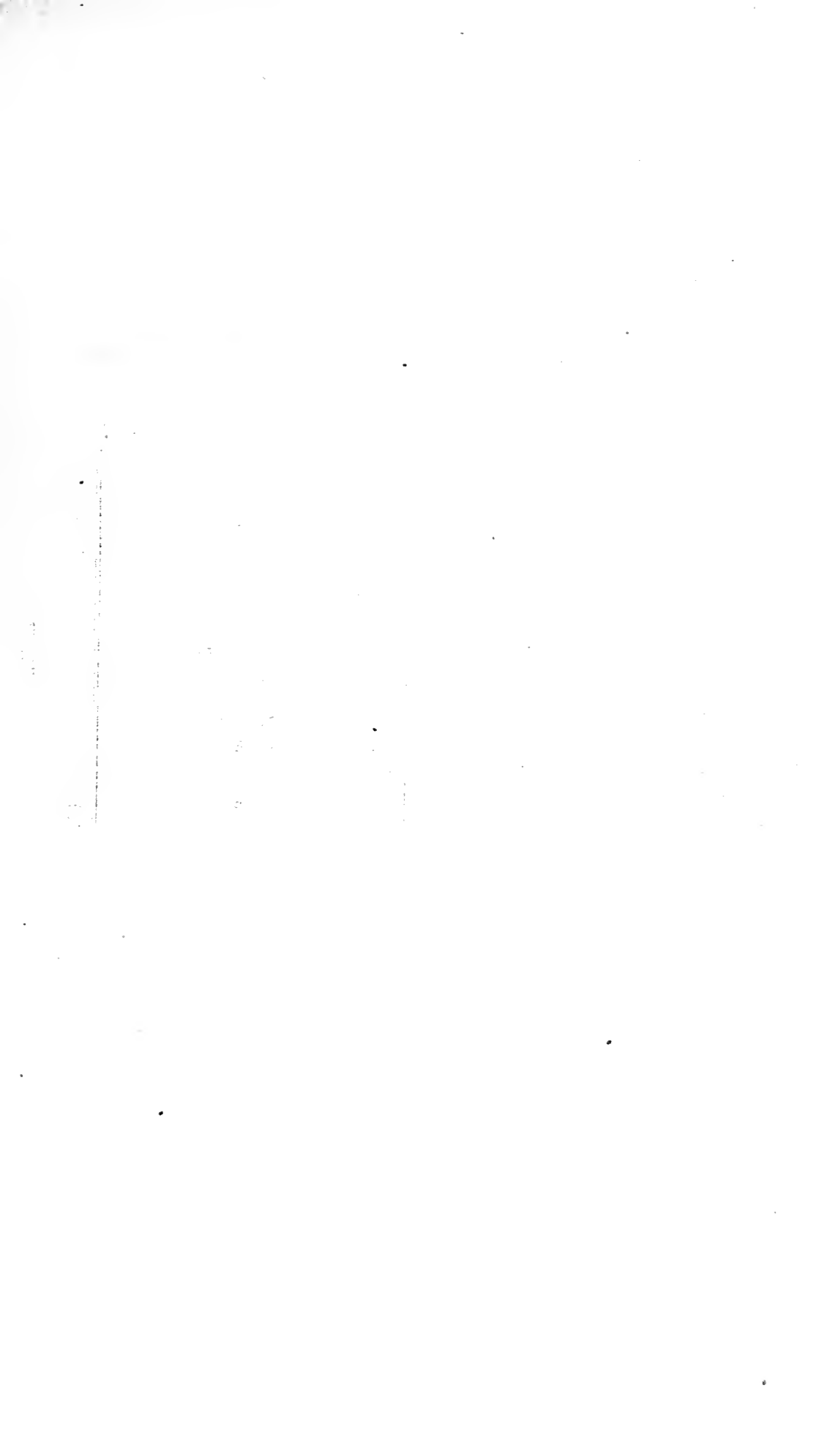
23a. In the case of a third-class Public School teachers, certificates which have been, or may be awarded by any County Board of Examiners to those passing the professional examination after attendance at a County Model School, shall entitle the holder thereof to be employed as a duly qualified Public School teacher in any County in the Province, without being required to obtain the endorsement of the Public School Inspector thereof. 45 V. c. 30, s. 1.

20

Certificates to monitors and assistants in Public Schools.

25. To examine and give, at his discretion, a special certificate to be valid for one year, to a senior pupil (or pupils) of a Public School or other person, to act as monitor or assistant, or monitors or assistants, in such Public School, under general regulations and instructions framed by the Education Department for that purpose. R. S. O. c. 204, s. 194 (25).

25



2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to Consolidate and Amend the
Public Schools Act.

First Reading, 1885.

Mr. ROSS
(*Middlesex*).

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to Consolidate and Amend the Public
Schools Act.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Preliminary.

- 5 **1.** This Act may be cited as "*The Public Schools Act, 1885.*" Short title.
- 2.** In the construction of this Act, Interpreta-
tion.
- (1) "Teacher" shall include female as well as male teachers. "Teacher."
- (2) "County" shall include a Union of Counties. "County."
- 10 **(3)** "Township" shall include Unions of Townships made "Township,"
for Municipal purposes.
- (4) "School site" shall mean such area of land as may be "School site."
necessary for the school building, *teacher's residence*, offices and
play-grounds connected therewith;
- 15 **(5)** "Owner" shall include a mortgagee, lessee or tenant, or "Owner."
other person entitled to a limited interest, and whose claims
may be dealt with by arbitration as herein provided.
- (6) "Resident" shall include such persons who, though not "Resident."
actually resident in a school section or division, pay a school
20 rate at least equal to the average school rate paid by the actual
residents of such section or division. See 43 V., c. 32, s. 2.
- (7) "Ratepayer" shall mean an assessed householder, owner "Ratepayer."
or tenant, or any person entered on the assessment roll as a
farmer's son, or *any person assessed for income*.
- 25 **3.** Nothing in this Act authorizing the levying or collecting No rate on
supporters of
Roman Catho-
lic Separate
Schools.
of rates on taxable property for Public School purposes shall
apply to the supporters of Roman Catholic Separate Schools.
R. S. O., c. 204, s. 4.
- 30 **4.** All Public School sections or other Public School divi- Existing
school
arrangements
continued.
sions, together with all elections and appointments to office, all
agreements, contracts, assessments, and rate-bills, heretofore
duly made in relation to Public Schools, and existing when
this Act comes into force, shall be subject to the provisions of
this Act. R. S. O., c. 204, s. 5.

Trustees' term
of office.

5. The term for which each school trustee holds office at the time this Act takes effect, shall continue as if such term had been created by virtue of an election under this Act. R. S. O., c. 204, s. 6.

Public Schools to be Free.

5

Public schools
to be free.

6. All Public Schools shall be free schools, and every person between the age of five and twenty-one years shall have the right to attend some school. R. S. O., c. 204, s. 7.

Religious Instruction.

Pupils not to
be required to
observe reli-
gious exercises
objected to by
their parents.

7. No person shall require any pupil in any Public School to read or study in or from any religious book, or to join any exercise of devotion or religion, objected to by his or her parents or guardians. R. S. O., c. 204, s. 9.

To receive
religious
instruction as
their parents
desire.

8. Pupils shall be allowed to receive such religious instructions as their parents or guardians desire, according to any general regulations provided for the organization, government and discipline of Public Schools. R. S. O., c. 204, s. 10.

Rural Public Schools.

School sec-
tions.

9. The municipal council of each township shall form portions of the township, where no schools have been established, into school sections, each section to be distinguished by a number; provided this section shall not apply to townships in which there is a township board.

New school
sections—
their size.

10. No section shall be formed which contains less than fifty actual resident children, between the ages of five and twenty-one years, unless the area of the section contains more than four square miles. R. S. O., c. 204, s. 78, sub-s. (a).

Township
Clerk to pre-
pare maps of
school sec-
tions.

11. It shall be the duty of every Township Clerk to prepare in duplicate, a school map of the Township, showing the divisions of the Township into school sections and parts of union school sections, to furnish one copy of such map to the County Clerk, for the use of the County Council, and retain the other in the Township Clerk's office, for the use of the Township corporation. R. S. O., c. 204, s. 108, (1) and (2).

35

Trustees' term
of office.

12. For each rural school section there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected. R. S. O., c. 204, ss. 17, 48.

Trustees who
are qualified.

13. The persons qualified to be elected trustees shall be such persons as are actual resident ratepayers within the school section, and of the full age of twenty-one years, and are not disqualified under this Act. R. S. O., c. 204, s. 18.

Electors, qua-
lification of.

14. Every ratepayer of the full age of twenty-one years, not being a supporter of a Separate School, shall be entitled to vote at any election for school trustee, or on any school question whatsoever, at any annual or special meeting in the section for which such person is a ratepayer. R. S. O., c. 204, s. 52.

15. A meeting of the ratepayers of each section shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, commencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or trustees. R. S. O., c. 204, s. 39; 42 V., c. 34, s. 9. Annual meeting when held.

16. In case, from the want of proper notice or other cause, any first or annual school section meeting, required to be held for the election of trustees, was not held at the proper time, the Inspector, or any two ratepayers in the section may call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the school section; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. R. S. O., c. 204, s. 53. Meetings to be called in default of first or annual meetings.

17. The electors of such school section present at such meeting shall elect one of their own number to preside over its proceedings, and shall also appoint a secretary, who shall record the proceedings of the meeting, and perform such other duties as may be required of him by this Act. R. S. O., c. 204, s. 45. Order of business.

(1) The business of such meeting may be conducted in the following order:—

- (a) Receiving the annual report of the trustees, and disposing of the same;
- 25 (b) Receiving the annual report of the auditor or auditors, and disposing of the same;
- (c) Electing an auditor for the current year;
- (d) Miscellaneous business;
- 30 (e) Electing a trustee or trustees to fill any vacancy or vacancies.

18. The chairman shall preside and submit all motions to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order, subject to an appeal to the meeting. R. S. O., c. 204, ss. 46 and 47; 42 V., c. 34, s. 34. Chairman, duties of.

19. When a poll is demanded by two electors at the meeting for the election of a trustee, the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record, as herein directed, the names of all qualified electors who shall present themselves within the time prescribed by this Act, and the secretary shall enter in the poll-book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in the column on which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name, with the residence of the voter. R. S. O. c. 204, s. 47; 42 V., c. 34, s. 6. Proceedings in case of a poll. Entries in poll book.

20. In case a poll is demanded upon any public school question by any two electors the name of each voter shall

be similarly placed in separate columns, marked 'for' or 'against.' 42 V., c. 34, s. 6.

When voter is objected to.

21. In case any objection is made to the right of any person to vote at any annual or special meeting, either for trustee or upon any school question, the chairman of the meeting, or other officer presiding, shall require the person whose right of voting is objected to, to make the following declaration or affirmation :

Declaration.

(1) I, A.B., do declare and affirm, that I am an assessed ratepayer (or farmer's son, *as the case may be*) in School Section

(2) That I am of the full age of 21 years.

(3) That I am a supporter of the Public School in said School Section No.

(4) That I have the right to vote at this election.

Whereupon the person making such declaration shall be entitled to vote. 42 V. c. 34. s. 3.

When poll shall close.

22. The poll at every election of a Rural School trustee or trustees or on any school question, shall not close before eleven o'clock in the forenoon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced R. S. O., c. 204, s. 41.

Trustee must make a declaration of office.

23. Every person elected as trustee, and who is eligible and liable to serve as such, shall before entering upon his duties make the following declaration of office before the chairman of the school meeting, or before any Justice of the Peace ; or if the chairman is elected trustee, he may make said declaration before the secretary of the meeting :

Declaration.

" I will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee, to which I have been elected." R. S. O., c. 204, s. 19.

Term for vacancies.

24. Any trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. R. S. O., c. 204, s. 37.

Trustees may resign.

25. Any trustee of a rural school section may resign with the consent, expressed in writing, of his colleagues in office. R. S. O., c. 204, s. 20.

Re-election of any trustee lawful.

26. Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. R. S. O., c. 204, s. 36.

When corporation ceases by want of Trustees.

27. No School Corporation shall cease to exist by reason of the want of trustees, but in case of any such want any two ratepayers of the section, or the Inspector, may, by giving six days' notice, to be posted in at least three of the most public places of the section, call a meeting of the ratepayers, who shall proceed to elect three trustees, in the manner prescribed in the seventeenth and following sections of this Act ;

and the trustees thus elected shall hold and retire from office in the manner prescribed by the thirtieth section of this Act. R. S. O., c. 204, part of s. 21.

Tenure of office.

28. Wherever a new school section is formed in any Township, as provided in the eighty-first section of this Act, the Municipal Council shall appoint a person to call the first school meeting for the election of trustees, and the Clerk of the Township shall give notice of the description and number of such school section to the person so appointed, who shall, within twenty days after receiving such notice, prepare a notice in writing, describing the section, and appointing a time and place for the first school section meeting, and shall cause copies of the notice so prepared by him to be posted in at least three of the most public places in the new school section, at least six days before the time of holding the meeting. R. S. O., c. 204, s. 43 and 44 78 (3), 108 (7).

Proceedings on the formation of a new school section.

A meeting in new section to be called within twenty days.

29. The meeting shall be organized, and the proceedings conducted, (*as near as may be*), according to the provisions of sections 17 to 22 of this Act, inclusive.

How meeting to be organized.

30. The trustees elected at a first school section meeting shall respectively continue in office as follows:—

Term of office of each Trustee.

(1) The first person elected shall continue in office for two years, to be reckoned from the annual school meeting next after his election, and thence until his successor has been elected;

First.

(2) The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected;

Second.

(3) The third, or last person elected, shall continue in office until the next ensuing annual school meeting in such section, and until his successor has been elected. R. S. O., c. 204, s. 49.

Third.

(4) In case of a poll being taken for one or more trustees at a first school section meeting, then the trustees shall rank in seniority according to the number of votes polled, and in case of a tie, then in the order of their nomination.

31. A correct copy of the *minutes* of a first and of every annual and of every special school section meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman of such meeting to the County Inspector. R. S. O., c. 204, s. 50.

Copy of minutes to be sent to Inspector.

32. When complaint is made to the Inspector by any rate-payer *that* the election of a trustee, or *that* the proceedings or any part thereof of any school meeting, have not been in conformity with the provisions of this Act, the Inspector shall investigate the same, and confirm or set such election or proceeding aside, and appoint the time and place for a new election, or for the reconsideration of a school question, but no complaint in regard to any election or proceeding at a school meeting shall be entertained by any Inspector unless made to him in writing within twenty days after the holding of such election or meeting. R. S. O., c. 204, s. 194, sub-s. 9, (a) and (b).

Complaints as to elections.

Trustees
a Corporation.

33. The trustees of every *such* school shall be a corporation under the name of "The Board of *Public* School Trustees for School Section — of the Township of — in the County of —. R. S. O., c. 204, s. 21 part.

(a) The Board (a majority of whom shall form a quorum) shall be constituted by the election of a chairman and a secretary-treasurer. See R. S. O., c. 204, s. 98, 102 (1). 5

(b) The secretary-treasurer, who may be a member of the Board, shall give such security as may be required by a majority of the trustees—such security to be deposited with the Clerk of the municipality. R. S. O., c. 204, s. 102 (1), (1 a) part, and (6). 10

Secretary-
Treasurer,
duties of.

34. It shall be the duty of the secretary-treasurer :

(a) To keep a full and correct record of the proceedings of every meeting of the Board in the minute-book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee. 15

(b) To receive all school moneys collected from the inhabitants or ratepayers of the section or other persons, and to account for the same. 20

(c) To disburse all moneys in the manner directed by a majority of the trustees.

(d) To produce, when called for by the trustees, auditors or other competent authority, all papers and moneys belonging to the corporation. 25

(e) To call at the request in writing of two trustees a special meeting of the Board of Trustees. R. S. O., c. 204, ss. 100, 102, (1a), (5b), part. 30

Notices of
meetings,
how given.

35. Notice of all meetings shall be given by the secretary to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences. R. S. O., c. 204, s. 97.

Corporate acts
must be per-
formed at
lawful trustee
meetings.

36. No act or proceeding of a *rural* School Corporation which is not adopted at a regular or special meeting of the trustees, shall be valid or binding on any person affected thereby, unless notice has been given as required by this Act and unless at least two trustees are present. R. S. O., c. 204, s. 99. 35

Appointment
of Auditor.

37. Every Board of School Trustees shall on or before the first day of December appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, then the inspector shall (at the request in writing of any two ratepayers) make such appointment. R. S. O., c. 204, s. 102 (3), (3a). 40

(2) It shall be the duty of the trustees, or their secretary-treasurer to lay all their accounts before the school auditors of the section, or either of them, together with the agreements, vouchers, contracts and books in their possession, and such 45

trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditures of school moneys. ~~and~~

38. The auditors appointed, or *one* of them, shall, on or ^{Time of} *immediately* after the first day of December in each year, ^{audit.} appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. R. S. O., c. 204, s. 115.

39. It shall be the duty of the auditors of every school ^{Duties of} ~~section~~ :— ^{auditor.}

(1) To examine into and decide upon the accuracy of the accounts of such section, and whether the trustees have only accounted for and expended for school purposes the moneys received by them, and to submit the said accounts, with a full ¹⁵ report thereon at the next annual school meeting.

(2) In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the County Inspector.

(3) If both of the auditors object to the lawfulness of any ²⁰ expenditures made by the trustees, they shall submit the matters in difference to the annual meeting, which may either determine the same, or submit the matter to the Minister of Education, whose decision shall be final.

(4) It shall be competent for the auditors or one of them—

²⁵ (a) To require the attendance of all or any of the persons interested in the accounts, and of their witnesses, with all such books, papers, and writings as such auditor or auditors may direct them or either of them to produce;

³⁰ (b) To administer oaths to such persons and witnesses;

(c) To issue their or his warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid; and the person named in such warrant shall have the same power and authority ³⁵ to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same has been issued, as any bailiff of a Division Court has in enforcing a judgment and ⁴⁰ execution issued out of such Court;

(d) The auditors shall remain in office until their audit is completed.

40. It shall be the duty of the Trustees—

(1) To appoint the place of each annual school meeting of ^{Meetings to be} ⁴⁵ the ratepayers of the section; and the time and place of a ^{appointed by} ^{the trustees.} special meeting of the same for (1) the filling up of any vacancy or vacancies in the trustee corporation occasioned by ^{Filling vacan-} ^{cies.} death, removal, or other cause; or (2) for the selection of a ⁵⁰ new school site; (3) the appointment of a school auditor; or ^{and to cause notices of the time and place, and of the objects} ^{Notice.} (4) any other lawful school purpose, as they may think proper;

of such meetings, to be posted in three or more public places of the section, at least six days before the time of holding such meeting. R. S. O., c. 204, s. 102 (25).

(a) Every such meeting shall be organized, and its proceedings recorded in the manner provided for in the seventeenth and following sections of this Act. R. S. O., c. 204, s. 102, (25a). 5

Adequate accommodation.

(2) To provide adequate accommodation and a legally qualified teacher or teachers, according to the regulations prescribed by the Education Department, for two-thirds of the actual resident children between the ages of five and twenty-one years, as ascertained by the census taken by the Municipal Council for the next preceding year; provided always such actual residents are not to include the children of persons on whose behalf a separate school is established according to the provisions of the Separate School Act. R. S. O., c. 204, s. 102 (8), (17). 10 15

Apply to municipality for school moneys.

(3) To apply to the Township Council at or before its meeting in August for the levying and collecting by rate, all sums for the support of their school, or schools, and for any other school purposes authorized by this Act to be collected from the ratepayers of such section, or to raise the amount necessary for the purchase of school sites, the erection or otherwise acquiring of school-houses and their appendages and teacher's residence, either by one yearly rate or by debentures, as provided in section one hundred and thirty-four of this Act, as may be required by the Trustees. R. S. O., c. 204, s. 102 (12). 20 25

(4) To arrange for the payment of teachers' salaries quarterly and, if necessary, to borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected. See R. S. O., c. 204, s. 89 (1), 102 (11). 30

Repairing, etc., school-house.

(5) To keep the school-house, furniture, outbuildings, and enclosures in proper repair, and where there is no suitable school-house belonging to the section, or where two or more school-houses are required, to build or rent a house or houses and to keep such house or houses, its or their furniture, outbuildings and enclosures in proper repair. R. S. O., c. 204, s. 102 (9 and 10). 35

Names and addresses of trustees, and of teachers to be given to township.

(6) To give notice in writing, before the fifteenth day of January in each year, to the Clerk of the Township and the Inspector in which their school is situate of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and to give reasonable notice in writing from time to time of any changes therein. R. S. O., c. 30, s. 4. 40 45

Trustees may exempt indigent persons.

(7) To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons, notice of such exemption to be given by the trustees to the Clerk of the municipality, on or before the first day of August. R. S. O., c. 204, s. 103 (5). 50

Dismissal of refractory pupils.

(8) To dismiss from the school any pupil who shall be adjudged so refractory by the trustees (or by a majority of them) and the teacher that his presence in school is deemed injurious to the other pupils, and, where practicable, to remove such pupil to an industrial school. R. S. O., c. 204, s. 102 (22). 55

(9) To take possession and have the custody and safe keeping of all Public School property which has been acquired or given for Public School purposes in the section; and to acquire and hold as a corporation, by any title whatsoever, any land, 5 moveable property, moneys or income given or acquired at any time for Public School purposes, and to hold or apply the same according to the terms on which the same were acquired or received; and to dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a 10 change of school site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes, or as directed by this Act. R. S. O., c. 204, s. 102 (6 and 7).

Trustees to acquire and hold school property.

Trustees may sell school site or other property.

(10) To visit, from time to time, every school under their 15 charge, and see that it is conducted according to law and the authorized regulations, and to provide school registers and a visitors' book, in the form prescribed by the Education Department. R. S. O., c. 204, s. 102 (21).

Visit schools.

(11) To see that no unauthorized books are used in the school, 20 and that the pupils are duly supplied with a uniform series of authorized text-books, sanctioned by the Education Department; and to procure annually, for the benefit of their school section, some periodical devoted to education, and to do whatever they may deem expedient in regard to procuring apparatus, maps, prize and library books for their school. R. S. O., c. 204, s. 102 (23), 103 (1).

Text-books.

(12) To cause to be prepared and read at the annual meeting of the ratepayers, a report for the year then ending, containing, among other things, a summary of their proceedings 30 during the year, together with a full and detailed account of the receipt and expenditure of all school moneys received and expended in behalf of the section, for any purpose whatever, during such year, and signed by the trustees and by either or both of the school auditors of the section. R. S. O., c. 204, 35 s. 102 (26).

Prepare and read report at annual meeting.

(13) To transmit to the Inspector the semi-annual returns on or before the 30th day of June and 31st day of December respectively, and the annual return on or before the 15th day of 40 January in each year according to the forms prescribed by the Education Department. R. S. O., c. 204, s. 102 (27 and 28 a, b, c and d).

Annual and semi-annual returns.

Sections in Unorganized Townships.

41. In unorganized Townships in any County or District, it shall be lawful for the Stipendiary Magistrate thereof and the 45 Public School Inspector (if any) of the County or District, or for the Stipendiary Magistrate alone, if there is no Inspector, and for the Inspector alone, if there is no Stipendiary Magistrate, to form a portion of a Township, or of two or more adjoining Townships, into a school section. R. S. O., c. 204, s. 26.

Formation of sections in unorganized townships.

50 (2.) No such section shall, in length or breadth, exceed five miles in a straight line, and, subject to this restriction, the boundaries may be altered by the same authority from time to time, and the alteration shall go into operation on the twenty-fifth day of December next after such alteration; pro-

Limits of section.

vided always, no such school section shall be formed except on the petition of five heads of families resident therein. R. S. O., c. 204, s. 26 (3) (3).

Exemption from rates on account of distance.

42. Any person whose place of residence is at a distance of more than three miles in a direct line from the site of the school-house of such section shall be exempt from all rates for school purposes, unless a child of such ratepayer *shall* attend such school. 41 V. c. 8, s. 20. 5

Election of school trustees.

43. After the formation of such a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the section. R. S. O., c. 204, s. 27. 10

Trustees' powers and obligations.

44. The trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have all the powers and be subject to all the obligations of Public School Trustees generally. R. S. O., c. 204, s. 28. 15

Annual assessment roll.

45. The trustees so elected shall annually appoint a duly qualified person to make out an assessment roll for the section, and shall transmit a certified copy thereof to the Stipendiary Magistrate (or Inspector); and it shall be the duty of the Stipendiary Magistrate, or of the Inspector, if there is no Stipendiary Magistrate, to examine the said roll, and correct any errors or improper entries which he may perceive therein. R. S. O., c. 204, s. 29. 20

Revision of assessment roll.

46. A copy of the said roll, as so corrected, shall be open to inspection to all persons interested, at some convenient place in the section, notice whereof, signed by the Stipendiary Magistrate, or Inspector if there is no Stipendiary Magistrate, shall be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the Magistrate or Inspector will hear appeals against said assessment roll; and such notice shall be posted as aforesaid by the trustees for at least three weeks prior to the time appointed for hearing the appeals. R. S. O., c. 204, s. 30. 25

Appeal against assessment roll.

47. All appeals shall be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a Court of Revision in the case of ordinary municipal assessments, and the Magistrate (or Inspector) shall have the same powers as such Court of Revision. R. S. O., c. 204, s. 31. 30

Confirmed roll binding.

48. The annual roll, as finally passed and signed by the Magistrate (or Inspector), shall be binding upon the trustees and ratepayers of the section until the annual roll for the succeeding year is passed and signed as aforesaid. R. S. O., c. 204, s. 32. 35

Appeals in unorganized township.

49. Where any Township under the jurisdiction of a Township Board is unorganized, appeals against its certified assessment roll, made out by a person appointed by the Board, shall be made to the Stipendiary Magistrate or Judge of the district or county, who has jurisdiction in other matters therein. R. S. O., c. 204, s. 34. 40

50. In forming union school sections between and out of an organized Township Municipality and an unorganized Township or locality within any territorial or judicial district, it shall be lawful for such union school section to be formed or altered according to the provisions of this Act, except that the Stipendiary Magistrate shall act for the unorganized Township or locality, and the Reeve of the organized Township for his Township. R. S. O., c. 204, s 35.



51. The Trustees shall appoint some fit and proper person or one of themselves, to be a collector (who may also be secretary-treasurer), to collect the rates imposed by them upon the ratepayers of their school section, or the sums which the inhabitants or others may have subscribed, or a rate-bill imposed on any person; and pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every such collector shall give such security as shall be satisfactory to the trustees, which security shall be lodged for safe keeping with the Stipendiary Magistrate or the Inspector by the trustees. R. S. O., c. 204, s. 102 (2); 42 V. c. 34, s. 11.

52. Every such collector shall have the same powers in collecting the school rate, rate-bill, or subscriptions, shall be under the same liabilities and obligations, and shall proceed in the same manner in his school section and Township, as a Township Collector does in his Municipality, in collecting rates in a Township or County, as provided in the Municipal Institutions and Assessment Acts from time to time in force. R. S. O., c. 202, s. 113.

53. In Municipalities composed of more than one Township, but without County organization, it shall be optional with the Municipal Council thereof to form portions of the Townships comprising the Municipality into school sections, or to establish a Board of Public School Trustees, two members being elected for each ward, and if not divided into wards, two for each Township thereof, and such Board shall possess all the powers and duties of Township Boards, and shall also, upon the petition of at least five heads of families, provide school accommodation and a teacher for their children and others. 42 V. c. 34, s. 10.

40 *Township Boards.*

54. At the annual meeting in any year of the school sections in a Township, the question of forming a Township Board may be submitted in each section for the decision of the meeting, and whenever in any Township, at any such annual meeting, two-thirds in number of the school sections so decide, the Council of such Township shall thereupon pass a by-law to abolish the division of the Township into school sections, and to establish a Public School Board accordingly; and this shall take effect on the first day of January in the next following year, and any portion of the Township forming a union, or being part of a school division with another municipality or portion thereof, shall be considered as a section in respect of the said requisite number of two-thirds of the school sections of the Township. R. S. O., c. 204, s. 142; 43 V. c. 32, s. 10.

- Division of township into wards. Management by Board. **55.** The Township Council shall, in the by-law for establishing the Public School Board, divide the township into four wards, which shall be the same from time to time as the wards for Municipal purposes, when such exist in any Township, and after such by-law goes into effect, all the Public Schools of the Township shall be managed by one Board of Trustees. R. S. O., c. 204, ss. 143, 144. 5
- Qualifications of members. **56.** At the first election, two resident *ratepayers* in the Township shall be elected school trustees in and for each ward, one of such trustees in each ward (to be determined by lot at the first meeting of the trustees after their election) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office for one year longer, and until his successor has been appointed, and shall then retire. R. S. O., c. 204, s. 145; 44 V. c. 30, s. 9. 15
- Time and manner of election. **57.** Such election shall take place annually at the time, in the manner, and as prescribed by this Act, for the election of trustees in towns divided into wards. R. S. O., c. 204, s. 146.
- Board to be a Corporation. **58.** The trustees so elected shall be a corporation under the name of "The Public School Board of the Township of in the County of " 20
- Powers of Board. **59.** The Board (a majority of whom shall form a quorum) shall be constituted by the election of a Chairman and Secretary-Treasurer, and shall be invested with, and possess, exercise and enjoy all the rights, property, powers and incidents, and shall be subject to the same duties and obligations as trustees in rural school sections under the provisions of this Act, as well as those of Public Schools in Cities and Towns and in any other statute, by-law, regulation, deed, proceeding, matter or thing shall be construed to stand and to be substituted for each and all of the trustees of the former school sections of the Township. R. S. O., c. 204, s. 147; 42 V. c. 34, s. 19. 25 30
- (2)  The Board shall, when called upon, submit their accounts, books and vouchers to the Auditors of the Municipality, and it shall be the duty of the Municipal Auditors to audit such accounts in the same way and at the same time as the Municipal accounts are audited.  35
- Effect as to parts united. **60.** After the Public School Board is established, the portions of the Township theretofore united with an adjoining Municipality, or a portion thereof, shall cease to be so united on the first day of January next following the passing of the by-law for establishing the Township Board, and in the intervening period between the passing of the said by-law and such first day of January a new union may be formed under the provisions of this Act, under which the said former union may be continued or another union formed, but the portion of the Township in any former union shall remain liable for any rate such portion was subject to while so united, for the payment of any debt or loan, so far as the creditors or lenders thereof are concerned, and in cases where unions existing on the second day of March, one thousand eight hundred and seventy-seven, are not re-formed under this Act, such unions shall continue to exist under and subject to the provisions of 40 45 50

the Acts in force at the time of their formation. R. S. O., c. 204, s. 148.

61. The Township Council shall, so soon as the by-law for establishing the Public School Board is passed, appoint the 5 County Inspector jointly with two other competent persons, not residents of the Township, and they, or any two of them, shall, in a report to the Council, value the existing school houses, school sites, and other school property in each and every section, or portions of the Township, and ascertain their 10 respective debts and liabilities; and the said arbitrators, or any two of them, shall thereupon adjust and settle, in such manner as they may deem just and equitable, the respective rights, claims and demands of each and every school section or portion of the Township, and the Township Council shall pass a by-law, 15 and give full effect to the report of said arbitrators. R. S. O., c. 204, ss. 78 (12) (13), 149.

Adjustment of all claims consequent on Board being established.

62. In cases where a portion of the Township Municipality, on the establishment of the Public School Board, ceases to be united with any other municipality, or portion thereof, the 20 Council of each such Municipality shall respectively appoint one competent person, who, with the Inspector or Inspectors having jurisdiction in the respective Municipalities concerned, shall, in a report to the Councils of the respective Municipalities, value and adjust all rights and claims consequent upon 25 such disunion between the respective portions of such Municipalities, and determine by what Municipality or portion thereof, and in what manner the same shall be settled, and the disposition of the property of the union and any payment by one portion to the other, and the report of the majority of 30 said persons shall be valid and binding; and in cases where the persons to make this report would be an even number, the County Judge shall also be added. R. S. O., c. 204, s. 150.

Adjustment of claims in cases of parts becoming disunited.

63. In case twenty ratepayers in more than one-half of the school wards of the Township petition the Township Council 35 to submit a by-law to the vote of the ratepayers of the Township for the repeal of the by-law under which the Public School Board was established, but not until after the Township Board has existed for five years at least, a by-law shall be submitted to such vote accordingly, and the proceedings shall be in conformity with the Municipal Institutions Act, except that the 40 vote shall not be by ballot; and in case in the majority of such wards the majority of the votes are for such repeal, the Township Council shall pass a by-law to disestablish such Public School Board, and form school sections instead thereof; but no 45 repeal shall take effect until the first day of the month of January next following, which will be more than three months after the voting upon the by-law for that purpose; and the Council shall also, in the same or another by-law, appoint the County Inspector jointly with two other competent persons, not 50 residents of the township, and they or any two of them shall, in a report to the Council, value the school houses, school sites, and other school property which may thereupon become the property of such school section, and shall also adjust and settle the respective rights and claims consequent on such repeal 55 between the respective school sections, or between any school section and the Township, and all payments to be made by or to any of them. R. S. O., c. 204, s. 151.

Repeal of by law, and for re-forming sections.

Rural School Sites.

New site.

64. Before any steps are taken by the trustees for securing a new school site on which to erect a new school-house, they shall call a special meeting of the ratepayers of the section, to consider the site proposed; and no change of school site shall be made, except in the manner hereinafter provided, without the consent of the majority of such special meeting. R. S. O., c. 204, s. 120. 5

When trustees and ratepayers disagree.

65. In case a majority of the trustees and a majority of the ratepayers present at such special meeting differ as to the situation of a new site, each party shall then and there choose an arbitrator, and the County Inspector, or, in case of his inability to attend, any person appointed by him to act on his behalf shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter or matters submitted to them. R. S. O., c. 204, s. 121. 10 15

Award.

66. With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within three months from the date of their award, to reconsider such award and make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least one year from the date thereof. R. S. O., c. 204, s. 122. 20 25

Reconsideration of award.

Where owner refuses to sell.

67. If the owner of the land selected for a new school site, or required for the enlargement of school premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of any section, then such owner and the trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the Inspector or any two of them, shall appraise the damages for such land. R. S. O., c. 204, s. 123 and sub-s. 2. 30

Form of report of arbitrators.

Appointment of school site. Arbitrators—their powers.

68. If the majority of the school trustees, or the majority of a Public School meeting, neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator, as provided in section sixty-seven of this Act, or if the owner of land selected as a school site, as provided by the said section of this Act, neglects or refuses to appoint an arbitrator, it shall be competent for the County Inspector with the arbitrator appointed, to meet and determine the matter; and the County Inspector, in case of such refusal or neglect, shall have a second or casting vote, if he and the arbitrator appointed do not agree. R. S. O., c. 204, s. 124. 35 40

Additional powers conferred upon arbitrators.

69. The arbitrators aforesaid, or any two of them, shall have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner, in respect of the land required for the purpose of the school site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights. 42 V., c. 34, s. 15. 45 50

(a) Upon the tender of payment of the amount of such ^{Taking of} damage to the owner or other person entitled thereto, or to any ^{land.} part of such amount, by the school trustees, the land shall be taken and used for the purpose aforesaid. R.S.O., c. 204, s. 123, 5 sub-s. 3 ; 42 V., c. 34, s. 15.

70. If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the ^{Proceedings where an arbitrator is absent.} matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of the adjournment. R. S. O., c. 204, s. 125

71. Any award for a school site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on the affidavit of one of the trustees verifying the same, R. S. O., c. 204, s. 123 (7). ^{Award equal to title.}

72. The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators, and the School Inspector respectively. R. S. O., c. 204, s. 127 and (2). ^{Cost of Arbitration.}

73. A school site shall not be selected in a Township within a hundred yards of the garden, orchard, pleasure ground, or dwelling house of the owner of such site without his consent. R. S. O., c. 204, s. 123 (4). ^{New site near garden.}

74. It shall be competent for the trustees (without reference to a special meeting of the ratepayers),

(1) To enlarge any school site existing at the passage of this Act, as required by the regulations of the Education Department, but no such enlargement shall be made in the direction of, or including an orchard, garden or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged. R. S. O., c. 204, s. 123 (5) and (6). ^{Enlargement of school site.}

(2) To select the site for, and establish and maintain an additional school or additional schools in the section, with the concurrence of the inspector, where, from the large size of the section, its physical conformation, or from any other cause, the children of the section are unable to attend the school established therein, and to procure or erect the necessary buildings for such additional school or schools. R. S. O., c. 204, s. 103 (2) and (3) ; 41 V., c. 8, s. 22. ^{Two or more additional schools in a section authorized.}

75. All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes-coverts, or other person, seised, possessed of or interested in any land, may contract for, sell or convey all or part thereof ^{Who may convey school sites.}

to school trustees for a school site or an addition to the school site, or for a teacher's residence ; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever ; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act. R. S. O., c. 204, s. 128. 5

Remedy in case of absence of owner.

76. If the owner of land duly selected for the said purpose is absent from the County in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter ; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same ; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the county and that, after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted for such time as he sees fit in some newspaper published in the county ; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit. R. S. O., c. 204, s. 129. 10 15 20

What notice shall contain.

77. The said notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid ; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not accepted ; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner ; and shall contain any other particulars which the County Judge may direct. R. S. O., c. 204, s. 130. 25 30

Arbitrators.

Judge may appoint one.

78. If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property. R. S. O., c. 204, s. 131. 35

Responsibility of trustees as to compensation.

79. Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land ; and after the trustees have taken possession of land any claim to, or incumbrance upon the same or any portion thereof, shall as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party. R. S. O., c. 204, s. 132. 40 45

In case of incumbrance.

80. If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other ex- 50

penses, and deposit the amount of the compensation with the County Treasurer, or in such other manner as the Inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner, whatever, and shall be registered in the proper Registry Office on an affidavit of one of the trustees verifying the same. R. S. O., c. 204, s. 133.

Deposit of
Compensation
money.

Award to be
registered.

Alteration of School Boundaries.

81. Every Township Council shall have power

(1) To pass by-laws to unite two or more sections in the same township into one, in case (at a public meeting in each section called by the trustees or County Inspector for that purpose) a majority of the ratepayers present at each such meeting request to be united. R. S. O., c. 204, ss. 78 (2), 194 (29) (30).

Union of ex-
isting sections.

(2) To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite portions of an existing section with another section, or with any new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union respectively, have been duly notified in such manner as the Council may deem expedient of the proposed proceeding for this purpose, or of any application made to the council to do so. R. S. O., c. 204, s. 81 ;

Alteration,
etc., of school
sections.


(3) Any such by-law shall not be passed later than the first day of *May* in any year, and shall not take effect before the twenty-fifth day of December next thereafter, and it shall be the duty of the Township Clerk to send forthwith, after such by-law has been passed, a copy of the *by-law and minutes* relating to the formation or alteration or union to the trustees of every school section affected thereby, and to the Public School Inspector. R. S. O., c. 204, ss. 78 (4), 84, 108 (8).

82. A majority of the trustees, or any five ratepayers of one or more of the school sections concerned, may appeal to the County Council of the Township in which such section or sections are situated, against any by-law or resolution passed at any time previously by the Township Council for the formation, division, union or alteration of their school section or school sections, or against the neglect or refusal of the Township Council (on application being made to it by the trustees, or Inspector, or any five ratepayers concerned) to form, divide, unite or alter the boundaries of a school section or school sections within such township. R. S. O., c. 204, ss. 83, 88.


Appeal to
County
Council.

(1) The County Council shall forthwith appoint as arbitrators not more than five, or less than three, competent persons (two of whom shall be the County Judge, or some person named by him, and the County Inspector), and a majority of whom shall form a quorum to revise, determine or alter the boundaries of the school section or school sections, so far



Appointment
of Arbitrators.

as to settle the matters complained of ; but the alterations or determination of the said matters shall not take effect before the twenty-fifth day of December in the year in which the arbitrators so decide, and shall thence continue in full force for the period of five years at least, and until lawfully changed by the Township Council, but such change shall be subject to the like appeal to the County Council ;  Provided, that where the decision of the arbitrators does not affirm that of the township council, and an application for reconsideration signed by a majority of the ratepayers affected by the decision of the arbitrators, or signed by a majority of the trustees of the section or sections affected by the decision, is delivered to the judge of the County Court within three months of the giving of the decision, the arbitrators may reconsider the matter, and if they think fit may vary such decision, and shall in such case direct at what time the decision as varied shall go into effect, and the five years hereinbefore limited shall in such case be computed from the time when the decision varying the former decision is given.

Proviso.

(2) The preceding provision shall apply to any case decided by any such arbitrators within one year prior to the passing of this Act, where the application for reconsideration is made within one month after this Act takes effect. 



Who may not act as arbitrators.

(3) No person shall be competent to act as arbitrator, who is a member of the Township Council,  or who was such member at the time at which the Council passed or refused or neglected to pass  the by-law or resolution,

Notice.

(4) Due notice of the alterations or the determination of the said matters made by the arbitrators shall be given by the Inspector to the Clerk of the Township and to the trustees of the school sections concerned. R. S. O., c. 204, s. 88 (2), (3), (4).

Adjustment of claims between unions in same township.

83. On the formation, dissolution, division or alteration of any school section in the same Township,  in case the trustees of the sections interested are unable to agree  the County Inspector and two other persons appointed by the Township Council as arbitrators shall value and adjust in an equitable manner all rights and claims consequent upon such formation, division, dissolution or alteration between the respective portions of the Township affected, and determine in what manner and by what portion or by whom the same shall be settled ; and the determination of the said arbitrators or any two of them shall be final and conclusive. R. S. O., c. 204, s. 85 *part*.

Disposal of school property when not wanted.

84. In case a school site or school house or other school property is no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be disposed of, by sale or otherwise, in such a manner as a majority of the ratepayers in the altered or united school sections may decide at a public meeting called for that purpose ; and the inhabitants transferred from one school section to another shall be entitled, for the Public School purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school house or other Public School property as the assessed value of their property bears to that of the other inhabitants of the school section from

Altered sections.

which they have been so separated ; and the residue of such proceeds shall be applied to the erection of a new school house in the old school section, or to other Public School purposes of such old section. In the case of united sections, the proceeds of the sale shall be applied to the like Public School purposes of such united sections. R. S. O., c. 204, s. 86.

Formation and Dissolution of Union School Sections Composed of Parts of Two or More Municipalities.

85. A Union school section may be formed between (a) 10 parts of two or more adjoining Townships ; (b) parts of one or more Townships and an adjoining Town or Incorporated Village. R. S. O., c. 204, s. 137.

86. The following shall be the procedure for the formation, alteration or dissolution of union school sections :—

15 (1) On the joint petition of five ratepayers from each of the municipalities concerned, to their respective municipal councils, asking for the formation, alteration or dissolution of a Union School section, each municipal council so petitioned may appoint an arbitrator (who must not be a member of the **20** council), notice of which shall be sent by the respective clerks to the Inspector or Inspectors, who shall be *ex officio* arbitrators. R. S. O., c. 204, s. 137 (3), *in part*, also 140 ;

(2) In cases where the persons so appointed arbitrators would be an even number, the Senior County Court Judge shall be **25** added, or in the case of an arbitration affecting two or more counties, then the Senior County Court Judge of the county having the largest population according to the last Dominion census. R. S. O., c. 204, s. 137 (5) ;

(3) The first meeting of the arbitrators shall be called by the **30** Inspector representing the greatest number of schools and such Inspector shall give reasonable notice in writing of such meeting to the clerks of the municipalities concerned.

(4) The arbitrators, or a majority of them, shall report to the municipalities concerned upon the expediency of such **35** union, the specific parcels of land to be included in such union, and the proportion in which the part in each municipality is to be liable to contribute towards the erection and maintenance of the school, and other requisite expenses. R. S. O., c. 204, s. 137 (3) ;

40 (5) On the receipt of the report of the arbitrators the Council of each municipality shall pass a by-law confirming the same, a copy of which shall be sent by the clerk to the Inspector or Inspectors concerned ;

(6) The Inspector, entitled under sub-section three to call **45** the meeting of the arbitrators, shall appoint a person to call the first meeting for the election of Trustees, who shall proceed as in Section 28 of this Act ;

(7) Such union shall not take effect until the twenty-fifth day of the month of December, which will be at least three **50** months after the passing of such by-laws respectively. R. S. O., c. 204, s. 137 (2.)

Procedure for
the alteration
or dissolution
of union
school section.

(8) On the appointment of arbitrators to consider the alteration or dissolution of a union school *section*, it shall be the duty of such arbitrators to report to the respective municipalities concerned upon the expediency of such alteration or dissolution, and in the event of their reporting in favor of an alteration or dissolution, they shall at the same time value and adjust in an equitable manner all rights and claims consequent upon such alteration or dissolution between the respective municipalities concerned, and determine in what manner and by what municipality or what portion thereof, the same shall be settled; and the disposition of the property of the union, and any payment by one portion to the other, and such valuation, adjustment and determination, shall form and be considered as an integral portion of their report. 5 10

(a) On the receipt of the report of the arbitrators the Council of each Municipality shall pass a by-law confirming the same, a copy of which shall be sent forthwith by the Clerk to the Inspector or Inspectors concerned. 15

(9) No alteration or dissolution of a Union School shall take effect before the twenty-fifth day of December in any year which will be at least three months after the passage of the by-laws respectively. R. S. O., c. 204, s. 140. 20

(10) Nothing herein contained shall be construed as restraining any municipal council from enlarging the boundaries of any union school section as may be deemed expedient. 25

Appeal relating to Union School within a county.

87. When the Union School section lies wholly within a county the trustees or any five ratepayers in the union section concerned, or the Inspector or Inspectors, may within six months after the passing thereof appeal in writing to the County Council against any by-law passed by the municipalities either for the formation, alteration, or dissolution of such section, and on the receipt of such appeal the County Council shall *have power to* proceed as provided in section eighty-two for the alteration of the boundaries of sections within a Township, and the arbitrators appointed as therein provided shall have power to revise, alter or determine such by-law, and the decision of a majority shall be final and conclusive. See R. S. O., c. 204, s. 82. 30 35

Appeals relating to Union School within two or more counties.

88. When the Union School *section* lies partly within two or more counties the trustees or any five ratepayers in the Union School *section* concerned, or the Inspector or Inspectors, may within six months after the passing thereof appeal against any by-law passed by the Municipalities for the formation, alteration or dissolution of such section, to the Minister of Education, who shall have power to alter, determine or confirm such by-law, and his decision shall be final and conclusive. 40 45

Payment to trustees of union school sections.

89. Every Union School section composed of the whole or parts of two or more Township Municipalities, shall be held for all school purposes, as within the Township Municipality in which the school house is situated, and if there are two or more school houses, then in the Township Municipality with the largest amount of 50

assessed property; and the school rates of such union section shall thenceforth be collected by the respective collectors of the Township Municipality in which each part of the union section is respectively situate, and the amount *collected from* the several
 5 ratepayers in each part of the union section shall be paid by the respective collectors to the Treasurer of the Township Municipality in which such part of the union section is situate, and such Treasurer shall pay over the same without any charge or deduction to the trustees entitled thereto. R. S. O., c. 204,
 10 s. 139; 42 V., c. 34, s. 16; 43 V., c. 32, s. 3; 45 V., c. 30, s. 5.

90. The union of part of one or more townships with a town or incorporated village shall be deemed one school *section*, and as belonging to such town or village, and the provisions of this Act respecting public schools in towns or
 15 villages shall apply thereto: and such part of the township for all school purposes, shall be deemed to be united to such town or village. R. S. O., c. 204, s. 139.

Union of parts of townships to be one school section.

(2) In the case of a town or incorporated village divided into wards to which a part of an adjoining township
 20 or townships is attached for school purposes, the Board of Trustees of such union school section shall by resolution determine in which ward or wards the ratepayers in such part shall vote for the election of school trustees and at elections on other school questions, and in case of no such resolution, then
 25 such portion of the township shall be considered for all election purposes as attached to the ward or wards adjacent.

91. *Once in every three years* the assessors of the *Municipalities* in which a *Union School Section* is situated, shall after they have completed their respective assessments and
 30 before the date fixed by the Assessment Act for the return of the roll, meet and determine what proportion of the annual requisition made by the trustees for school purposes shall be levied upon, and collected from the taxable property of the respective municipalities out of which the
 35 *Union School Section* is formed, and in the event of the said assessors disagreeing as to such proportion the Inspector in whose district the union school section is situated shall name a third person, who with the Assessors aforesaid shall determine the said matter and report the same to the Clerks of the
 40 respective municipalities, and the decision of a majority shall be final and conclusive *for the said period of three years*.

Assessors to determine proportion.

(2) When the union school *section* is composed of portions of two adjoining counties then on the disagreement of the said assessors the *Inspector* of the county *concerned containing the*
 45 *greatest number of schools* shall name an arbitrator.

92. *Any by-law passed for* the formation, alteration or dissolution of school sections, shall become absolutely legal and valid, and the jurisdiction of any court to question the same shall be deemed to be ousted when such
 50 by-law has been submitted to and confirmed by the Minister of Education, who shall require notice to be given of such application by the parties applying, by advertisement or otherwise, as he may direct, and the certificate of the Minister of Education endorsed on a certified copy of such
 55 by-law shall be conclusive evidence of such confirmation, and

Confirmation of by-laws for certain purposes.

the provisions of this section may be taken advantage of for the confirmation of any by-law for any of such purposes heretofore passed and not quashed or otherwise declared invalid, and this section shall be deemed to apply to any such by-law. 43 V., c. 32, s. 8.

5

Continuation of boundaries of rural sections.

93. In case a portion of the territory composing one or more school sections becomes incorporated as a village or town, the boundaries of such school section or sections shall continue in force and be deemed a Union School Section, notwithstanding such Act of incorporation, until altered as provided in section 86 of this Act.

Public School Boards in Cities, Towns and Incorporated Villages.

Two trustees to be annually elected in each ward.

94. On the incorporation of any city, town or incorporated village, the first election for school trustees shall be held as provided in section 98 of this Act, unless otherwise ordered, 15 as provided by section 104 of this Act.

Retirement of trustees.

95. For every ward into which any city, town or incorporated village is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected. 20 R. S. O. c. 204, ss. 22 and 23.

(2) One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and 25 the other shall continue in office one year longer and then retire. R. S. O. c. 204, ss. 24, 58 (1) (2); 42 V. c. 34, s. 7.

Trustees to be a corporation.

96. In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his 30 successor has been elected.

(2) Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and 35 the other three shall continue in office one year longer and then retire. R. S. O. c. 204, ss. 24, 58 (1) (2); 42 V. c. 34, s. 7.

Term of office.

97. Every trustee shall continue in office until his successor has been elected. R. S. O., c. 204 s. 58.

Provisions for elections of trustees of Public School Corporations. Nominations.

98. The annual and other elections of Public School Trustees, 40 unless otherwise ordered, as provided by section one hundred and four of this Act, shall be subject to the following provisions:

(1). A meeting of the electors for the nomination of candidates for the office of Public School Trustee, shall take place at noon on the last Wednesday in the month of December an- 45 nually, or if a holiday on the day following, at such place as shall from time to time be fixed by resolution of the Public School Board, and in municipalities divided into wards, in each ward thereof, if the Board in its discretion thinks fit.

(2). The Public School Board shall by resolution name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting shall
 5 preside, and the Public School Board shall give at least six days' notice of such meeting.

Returning
Officer.

(3). If at the said meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one
 10 hour, shall declare such candidates duly elected, and shall notify the Secretary of the Public School Board; but if two or more candidates are proposed for any one office, and a poll in respect of any such office is demanded by any candidate or elector, the returning officer or chairman shall adjourn the
 15 proceedings for filling such office until the first Wednesday of the month of January then next, when a poll or polls shall be opened at such place or places, and in each ward, where such exist, as shall be determined by resolution of the said trustees.

Proceedings at
nominations

(4). The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been
 25 polled.

Hours of
polling.

(5). The Public School Board shall, before the second Wednesday in December in each year, by resolution, fix the place or places for the nomination meeting, and also for holding the election in case of a poll, and also name the returning officer
 30 who shall preside at the respective polling places, and forthwith give public notice thereof.

Public School
Board to fix
place for no-
mination and
election, and
name return-
ing officer.

(6). The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the
 35 *Secretary-treasurer of the Public School Board*, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

Duty of re-
turning officer
after close of
election.

(7). The *Secretary-treasurer* shall add up the number of votes for each candidate for any office, as appears from the poll
 40 book so returned, and shall declare elected, the candidate or candidates having the highest number of votes, and shall, at noon on the day following the return of the poll books, put up in some conspicuous place in the municipality, and at one or more of the school-houses therein, a statement shewing the
 45 number of votes for each candidate; and a majority in number of the trustees remaining in office shall be a quorum for the foregoing purposes.

Duty of Public
School Board.

(8). In case two or more candidates have an equal number of votes, the member of the Board present who is assessed
 50 highest as a ratepayer on the last revised assessment roll shall, at the time of declaring the result of the poll, give a vote for one or more such candidates, so as to decide the election.

Casting vote.

(9). The Judge of the County Court, in case any complaint respecting the validity or mode of conducting the election of any trustee of a Public School Board in any Municipality

Judge of
County Court
to receive and
investigate
complaints.

within his county, is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon, within a reasonable time, in a summary manner, hear and determine the same; and may by order cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him as he may deem expedient, and may confirm the said election or set it aside, or order that some other candidate was duly elected; and the Judge may order the person found by him not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge may order him 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, and shall report such decision to the Secretary-treasurer of the Public School Board. 42 V. c. 34, s. 7, (9); 44 V. c. 30, s. 9, (2).

Vacancy in office of trustees.

(10). In case of any vacancy in the office of trustee of any Public School Board arising from any cause, the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is filled.

Proceedings at new election.

(11). The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and the Public School Board shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of said nomination. 42 V. c. 34, s. 7 (1) to (11).

Voting to be open.

99. Except as hereinafter provided the voting shall be by open vote, and the provisions of the Act respecting voting by ballot shall not apply to such election. R. S. O. c. 204, s. 59; 42 V. c. 34 s. 7.

In cities and towns divided into wards, clerk of municipality to furnish Voters' List to Public School Boards.

100. In Cities and Towns divided into wards, and in Townships where Public School Boards exist, the Clerk of the Municipality shall furnish to the Public School Board, within three days after request in writing, 'The Voters' List' for each ward of such Municipality, annexing thereto a list of the names of persons being supporters of Separate Schools, and also a list of the names, alphabetically arranged of all ratepayers, and persons entitled to vote in respect of income, rated upon the then last revised assessment roll, and not being already upon 'The Voters' List.' 42 V. c. 34, s. 4.

In towns not divided into wards, Clerk to furnish Voters' List to Public School Trustees.

101. In Towns not divided into wards and Villages, the Clerk of the Municipality shall furnish to the Public School Board of within three days after request in writing, 'The Voters' List' for each polling sub-division in the case of such Town or Village, as provided by the last preceding section. 42 V. c. 34, s. 5.

Certified copy of list and a poll book to be provided for

102. The Public School Board shall provide each polling place with the list aforesaid, and also a poll book; and, at every election at which a poll is demanded, the returning officer or person

presiding, or his sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name, with the residence of the voter, and in case of a poll demanded upon any Public School question, the name of each voter shall be similarly placed in separate columns, marked 'for' or 'against.' 42 V. c. 34. s. 6.

each polling-place.
Entries in poll book.

103. It shall be the duty of the Board to call and give notice of annual and special school meetings of the ratepayers of the City, Town or Village, or of any Ward therein, for filling vacancies in the school trustee corporation, or for any other purpose, in the manner prescribed by this Act. R. S. O. c. 204, s. 104 (26).

Trustees to give notice of annual and special meetings.

104. The Board of Public School Trustees in any City, Town, Incorporated Village or Township in which a Township Board has been established may, by resolution, of which notice shall be given to the Clerk of the Municipality on or before the first day of October in any year, require the election for the School Trustees in such City, Town, Incorporated Village, or Township, to be held on the same day, and in the same manner as Municipal Councillors, or Aldermen are elected, as the case may be.

Elections of trustees on same day as municipal elections.

105. In every case in which notice is given as aforesaid the nomination and election of Public School Trustees shall thereafter be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, as the case may be, and the provisions of *The Municipal Act* respecting the time for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies, and declarations of office shall *mutatis mutandis* apply to the election of Public School Trustees.

Nominations and elections same as for councillors.

106. There shall be elected annually by the assessed ratepayers thereof in each city, town, incorporated village, or township in which a township board is established, one school trustee for each ward, and in the case of incorporated villages not divided into wards three trustees.

107. A separate set of ballot-papers shall be prepared by the clerk of the municipality for all the wards or polling subdivisions, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors, except the substitution of the words "school trustee" for councillors or aldermen, as the case may be, on said ballot papers.

Ballot papers.

108. In the said list of qualified voters required to be delivered to the returning officer by the clerk of the municipality before the opening of the poll, the clerk shall place opposite the names of any voters on the said list who have been returned to him as supporters of separate schools, the letters S. S. S. (signifying supporters of separate schools), and the

Supporters of separate schools not to vote.

returning officers shall not deliver to any such a ballot paper for public school trustees.

When voter is objected to.

109. In case any objection is made to the right of any person to vote at any election of school trustees the deputy returning officer shall require the person whose right of voting is objected to, to make the following oath or affirmation:— 5

Oath.

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list (or supplementary list) of voters now shown to you (*showing the list to voter*); 10

That you are a ratepayer;

That you are of the full age of twenty-one years;

That you are a public school supporter;

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place, 15 for school trustee.

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward for School Trustee;

That you have not directly or indirectly received any reward or gift, 20 nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service 25 connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election: So help you God.

Who may be elected trustee.

110. Any resident ratepayer of the full age of twenty-one years not disqualified under this Act shall be eligible to be elected a Public School Trustee in any city, town or incorporated village. 30

President at first meeting of school boards, etc., for election of chairman.

111. The members of every board of public school trustees shall hold their first meeting in the City, Town or Council room 35 of the municipality at one o'clock p.m., on the third Monday of the same January in which they were elected, or on some day thereafter, and no business shall be proceeded with at the first meeting until the declarations of office and qualifications required of Municipal Councillors, so far as the same are applicable, have been administered to the members who have themselves to take the same. 40

Equality of votes on the election of chairman.

112. At the first meeting in each year of every Public School Board in cities, towns, and villages, and of every Board of Education, the secretary of such board shall preside, or, if there 45 be no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member. 41 V. c. 15, s. 2.

Casting vote.

113. In case of an equality of votes at the election of chairman of any such board, the member who is assessed as a ratepayer 50 for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member. 41 V. c. 15, s. 3.

Meetings of board.

114. Subsequent meetings of the board shall be held at such times and places as may from time to time be fixed by resolution of the board. R. S. O. c. 204, s. 104 (2). 55

§ 115. The Chairman of the Board shall preside, or in his absence any other person appointed to act as chairman by the majority of those present, and such chairman or person so acting may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. Presiding officer of board.

116. A majority of the members of such Board, when present at any meeting, shall constitute a quorum, and the vote of the majority of such quorum shall be valid to bind the corporation. Quorum of School Boards, etc.
10 R. S. O., c. 204, s. 98, *part*.

117. It shall be the duty of the Board—

(1). To appoint a secretary *and treasurer or secretary-treasurer* and one or more collectors, if requisite, of such school fees or rate-bills as the board may have authority to charge. Appointment of collector and secretary
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(a) The collector or collectors, and secretary, ~~and~~ treasurer, or secretary-treasurer (who may be of their own number), shall discharge similar duties, and be subject to similar obligations and penalties and have similar powers as the like officers in the municipality. R. S. O., c. 204, s. 104 (3), (a), (b) (13 a, b, c):
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(2). To provide adequate accommodation, according to the regulations of the Education Department, for all the children between the ages of five and twenty-one, resident in the municipality, as ascertained by the census taken by the Municipal Council for the next preceding year; provided always, such residents are not to include the children of persons on whose behalf a Separate School or Schools have been established under the provisions of the Separate Schools Act. R. S. O. c. 204, s. 104 (18). To provide adequate accommodation.
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(3). To purchase or rent school sites and premises, and to build, repair, furnish, and keep in order the school-houses and appendages, lands, enclosures, and movable property, and procure registers in the prescribed form, suitable maps, apparatus, and prize books, and, if they deem it expedient, establish and maintain school libraries. R. S. O., 204, s. 104 (8, a, b, c), (25). To provide school premises, apparatus, text books and library.
35

(4). To determine the number, kind, grade and description of schools (such as male, female, infant, central or ward schools) to be established and maintained; the teachers to be employed; the terms on which they are to be employed; the amount of their remuneration, and the duties which they are to perform. R. S. O., c. 204, s. 104, (9), (a), (b). Kind of schools.
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(5). To prepare from time to time, and lay before the Municipal Council of the City, Town or Village, on or before the first day of August an estimate of the sums which they think requisite for all necessary expenses of the schools under their charge. R. S. O., c. 204, s. 104 (10). To lay before Municipal Councils estimate for moneys.
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(6). To appoint of their number annually, or oftener if they judge it expedient, and under such regulations as they think To appoint a committee for each school.
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proper, a committee of not more than three persons for the special charge, oversight and management of each school within the City, Town or Village, and to see that all the schools under their charge are conducted according to the authorized regulations. R. S. O., c. 204, s. 104 (24), 105 (1). 5

Trustees may collect a fee from parents.

(7). To collect, at their discretion, from the parents or guardians of children attending any Public School under their charge, a sum not exceeding twenty cents per calendar month, per pupil, to defray the cost of text-books, stationery and other contingencies, and to see that all the pupils in the schools are duly supplied with a uniform series of authorized text-books. R. S. O., c. 204, s. 104 (19); s. 105 (2). 10

To see that authorized books are used.

(8)  To submit all accounts, books, and vouchers to be audited by the municipal auditors, and it shall be the duty of such auditors to audit the same.  20

Trustees' and Inspector's orders to teachers.

(9). To give orders on the Treasurer of the *Public School Board* for all moneys expended for school purposes. R. S. O. c. 204, s. 104 (15).

Model Schools for teachers.

(10) To constitute *at their discretion* one or more of the Public Schools of such City to be a Model School for the preliminary training of Public School teachers therein, subject to the Regulations of the Education Department. 42 V., c. 34, s. 1. 25

Annual report for city, etc.

(11.) To publish at the end of every year, in one or more of the public newspapers, or otherwise, *the* annual report of the auditors, and to prepare and transmit annually, before the fifteenth of January, to the Minister of Education, in the form prescribed by him, a report signed by *the chairman* containing all information required by the Regulations of the Education Department. R. S. O., c. 204, s. 104 (27) and (28). 30

To prepare annual report for Minister.

School sites.

(12). Every Public School Board in a City, Town or Incorporated Village, shall have the same power *to take and acquire* land for a school site or for enlarging school premises already held, as the trustees of rural schools; provided always that vacant land only shall be taken in such City, Town or Village for a school site without the consent of the owner or owners, and in the event of disputes between the owner of the land selected and the trustees, sections sixty-four to seventy-two of this Act shall apply, save and except that in the case of Cities and Towns, the City or Town Inspector shall replace the County Inspector as arbitrator. R. S. O., c. 104, s. 126, (2) to (7), 42 V., c. 34, s. 5. 40 45

Exceptions.

School Census.

Census.

118. The Municipal Council of every Township, City, Town and Incorporated Village, shall cause the assessor or assessors in preparing his or their annual assessment roll, to set down therein in separate columns, the number of children between the ages of five and twenty-one, and also the number between the ages of seven and thirteen, opposite the name of each person on the assessment *roll* who are resident with him, and the clerk of the municipality shall furnish the Secretary-Treasurer of each 55

section, or the Secretary of the Board of Trustees for the city, town or incorporated village (*as the case may be*), and the Public School Inspector, a statement of the total number of children aforesaid in each school section, or in the city, town or incorporated village (*as the case may be*). R. S. O., c. 204, s. 5 78 (5); 43 V. c. 32, s. 4; 44 V. c. 30, s. 8.

119. In the case of Cities, Towns and Incorporated Villages, it shall also be the duty of the assessor or assessors, when required by resolution of the Board of Trustees, notice of which shall be given to the clerk of the municipality on or before the first day of January to enter in a book, to be provided for the purpose by the trustees in form C, the names of all children in the municipality between the ages of seven and thirteen, and to return the same to the secretary of the Board of Trustees at the time fixed for the return of the 15 assessment roll.

List of names of children.

120. The Clerk of every municipality shall also, upon request, and free of any charge, furnish the Public School Inspector with a true statement of the assessed value of each school section as shewn by the revised assessment roll for that year, and also of the several requisitions of the trustees for school moneys. Such clerk shall be entitled to reasonable payment from the council for the above mentioned services. 43 V. c. 32, s. 4.

Clerk to give copy of assessment to school inspector.


School Assessment.

121. The Municipal Council of every Township may levy and collect by assessment, upon the taxable property of the *Public school supporters of the township*, in the manner provided by this Act, and by the Municipal and Assessment Acts and amendments, the sum of one hundred dollars for every public school section therein in which a public school has been kept open the whole year exclusive of vacations (a proportionate sum being levied for a shorter term, and an additional sum of fifty dollars for each additional teacher employed the whole year), and also shall collect on the taxable property in each section such other sums as may be required by the Trustees thereof for school purposes. Provided that where the township municipality is composed of a union of townships, the said sum of one hundred dollars shall be levied on the taxable property of the township wherein such school is situated, and so much of the remaining township as is embraced in the said school section. See R. S. O., c. 204, s. 78, (7), (8), (11); 42 V. c. 34, s. 11.

Township council to levy sums required for school purposes.

(2) In the case of union school sections the municipal council of each municipality of which the union school section is composed shall levy and collect upon the taxable property of the township the said sum in the proportion which the assessment of the part of such union school within the municipality bears to the whole assessment of such union school section, as equalized under section 91 of this Act.

(3) Provided that where all the municipalities, out of which a union school section is formed, do not avail themselves of the provisions herein contained, then any sum levied for any union school section shall be considered a part of the annual

requisition of the trustees for that portion of the union school section situated in the municipality or municipalities acting under the provisions of this section. 

City, town or village council to levy sums required for school purposes.

122. The Municipal Council of every City, Town and Incorporated Village shall levy and collect upon the taxable property within the municipality, in the manner provided in this Act, and in the Municipal and Assessment Acts and amendments thereto, such sums as may be required by the Public School Trustees for school purposes, subject to section one hundred and thirty-eight of this Act. See R. S. O., c. 204, ss. 90, 91.

Assessors to value lands situated in each section.

123. Wherever the land or property of any individual or company is situated within the limits of two or more school sections, each Assessor appointed by any Municipality shall assess and return on his roll, separately, the parts of such land or property, according to the divisions of the school sections within the limits of which such land or property is situate. R. S. O., c. 204, s. 106.

Duty of assessors.

124. The assessor or assessors of every Municipality shall set down the religion of the person taxable, distinguishing between Protestant and Roman Catholic, and whether supporters of public or separate schools; but nothing herein contained shall be deemed to interfere with the rights of Separate School Trustees under the *Separate Schools Act*. R. S. O., c. 204, s. 78 (5), (7a).

Statement as to religion.

(1) The assessor shall accept the statement of, or made on behalf of, any ratepayer, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column. R. S. O., c. 204, s. 78 (5 part); 42 V. c. 34, s. 26 (3).

Court of Revision to decide.

(2) The Court of Revision shall try and determine all complaints in regard to persons in these particulars alleged to be wrongfully placed upon or omitted from the roll (*as the case may be*), and any person so complaining, or any elector of the municipality, may give notice in writing to the Clerk of the Municipality of such complaint, and the provisions of "*The Assessment Act*," in reference to giving notice of complaints against the assessment roll, and proceedings for the trial thereof, shall likewise apply to all complaints under this section of this Act. R. S. O., c. 204, s. 78 (5 latter part).

Collector's roll—further columns,

125. The Clerk of every Municipality, in annually making out the Collector's roll, shall place columns therein, so that under the head of "*School Rate*," the Public School rate may be distinguished from the Separate School rate, and also under "*Special Rate for School Debts*," shall distinguish between Public and Separate School purposes, and the proceeds of any such rate shall be kept distinguished by the Collector, and accounted for accordingly. R. S. O., c. 204, s. 78 (6).

Municipal clerk to furnish statement of county rate.

126. The clerk of any Municipality in which any separate school section or part of a section is situate, shall, not later than the first day of December in each year, make out and

transmit to the County School Inspector a statement showing whether or not any county rate for Public School purposes has been placed upon the collector's roll against supporters of Separate Schools, and if such has been rated against supporters of Separate Schools, giving a list of such and the amount so rated against each and the total amount so rated. 43 V. c. 32, s. 9.

127. In any case when under the eighteenth section of the Assessment Act land is assessed against both the owner and occupant, or owner and tenant, then such occupant or tenant shall be deemed and taken to be the person primarily liable for the payment of school rates and for determining whether such rates shall be applied to Public or Separate School purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall be allowed to alter or affect this provision otherwise, and in any case where as between the owner and tenant or occupant, the owner is not to pay taxes, if by default of the tenant or occupant to pay the same, the owner is compelled to pay any such school rate, he may direct the same to be applied to either Public or Separate School purposes. 44 V., c. 30, s. 10.

Occupant primarily liable for school rates.

128. Any person residing in one school section or division, and sending his child or children to the school of a neighbouring one, shall, nevertheless, be liable for the payment of all rates assessed on his taxable property for the school purposes of the section or division in which he resides, as if he sent his child or children to the school of such section or division. R. S. O., c. 204, s. 160.

A resident in one section sending his children to another section.

129. All sums levied and collected by the Municipal Council of any Township for school purposes shall be paid over to the secretary-treasurer of the Board of Trustees, without any deduction whatever, on or before the fifteenth day of December in each year. 43 V. c. 32, s. 4.

School moneys — when to be paid over.

130. Such Secretary-treasurer shall pay on the order of the Board of Trustees all sums of money due and payable for teachers' salaries, and all other school purposes.

131. The Clerk of every Township shall within one week after the first day of May in each year, under a penalty of twenty dollars in case of default, make a return to the Clerk of his county of the total expenditure of the township on account of schools and education. R. S. O., c. 204, s. 108 (5).

To County Clerk.

132. It shall be the duty of every County Clerk to furnish the Minister with a copy of the minutes of the Council relating to school assessments and other educational matters and to transmit to the Minister, on or before the first day of March in each year, a certified copy in the form provided, of the abstract of the report of the auditors. R. S. O., c. 204, s. 112 (2) (3).

Clerk to transmit audited accounts to Minister.

School Debentures.

133. On the application of any Board of Rural School Trustees for the issue of debentures for the purchase of

Township school debentures.

a school site or sites, for the erection of a school-house or school-houses, or for the purchase or erection of a teacher's residence, the Municipal Council of the Township shall pass a By-law for the said purpose, and shall forthwith issue a debenture or debentures to be repayable out of the taxable property of the school section concerned, and subject to the limitations contained in this Act. R. S. O., c. 204, s. 78 (11), 42 V., c. 34, s. 29. 5

134. The municipal council of *any township* shall not borrow, or levy, or collect any rate for any sum of money for any of the purposes mentioned in this section, unless the proposal for the same has been submitted by the trustees to and approved of at a *special meeting* of the duly qualified school electors of the section, called for the purpose. 42 V. c. 34, s. 29 (3). 10

135. Where the said application is made by a Township Board, and where the Municipal Council by a two-thirds vote refuse to raise or borrow the sum required, then such question shall be submitted by the Municipal Council, if requested by the School Board, to the vote of the electors of the municipality in the manner provided by the Municipal Act for the creating of debts, and in the event of the assent of the electors being thereby obtained, then it shall be the duty of such Council to raise or borrow such sum. 42 V., c. 34, s. 29 (2). 15 20

136. Notwithstanding any alteration which may be made in the boundaries of *any school* section, the taxable property situated in the school section at the time when such loan was effected, shall continue to be liable for the rate which may be levied by the Township Council for the repayment of the loan. R. S. O., c. 204, s. 78, (11a). 25

137. No township council shall levy or collect in any school section during any one year more than one school section rate except for the purchase of a school site, or for the erection of a school-house. 30

138. Where a Public School Board requires the Municipal Council of a city, town, or incorporated village to raise or borrow a sum of money for the purchase of a school site, or the erection or purchase of any school-house or addition thereto, or for the purchase or erection of a teacher's residence, and where the Municipal Council, by a two-thirds vote, refuse to raise or borrow the sum proposed, then such question shall be submitted by the Municipal Council, if requested by the School Board, to the vote of the electors of the Municipality *who are supporters of Public Schools* in the manner provided by the Municipal Act for the creating of debts, and in the event of the assent of the municipal electors being thereby obtained, then it shall be the duty of such Council to raise or borrow such sum. R. S. O., c. 204, s. 91; 42 V., c. 34, ss. 29 and 29(2). 35 40 45

139. Any *rural* School Corporation may, with the consent of the ratepayers of their school section first had and obtained at a special meeting duly called for that purpose, by resolution authorize the borrowing from any Municipal Corporation of any surplus moneys derived from the Ontario Municipalities Fund, or from any other source, for such term and 50

at such rate of interest as may be set forth in such resolution, for the purpose of purchasing a school site or school sites, or erecting a school house or school houses; and any sum or sums so borrowed shall be applied to that purpose, and to that only.
5 R. S. O., c. 204, s. 96.

140. Any debenture issued by any Municipality for school purposes shall be in the form given by this Act, for such term of years as the Council may see fit, not exceeding twenty years, and the Municipal Council may also in its discretion make the
10 principal and interest of such debt repayable by annual or other instalments, in the manner provided in the three hundred and forty-fourth section of the *Consolidated Municipal Act*.
42 V., c. 34, s. 29 (4). Form and term of debenture.

Legislative Grant.



141. All sums of money voted by the Legislative Assembly for the support of Public and Separate Schools shall be apportioned annually on or before the first day of May by the Minister of Education to the several counties, townships, cities, towns, and incorporated villages according to the population in each as compared with the whole population of Ontario, as shown by the last annual returns received from the clerks of the respective counties, cities and towns separated from a county, of which apportionment due notice shall be given to the clerks of the municipalities concerned. *See* 42 V., c. 34,
20 s. 20. Apportionment of Legislative Grant.

142. The sum of money annually apportioned by the Minister of Education to every County, Township, City, Town or Village in aid of Public Schools therein respectively, shall be payable by the Provincial Treasurer on or before the first day
30 of July in every year to the Treasurer of every County, City, Town and Village in such way as the Lieutenant-Governor from time to time directs. R. S. O., c. 204, s. 217. Grant payable on the first of July in each year.

143. No County, City, Town or Village shall be entitled to a share of the legislative school grant without raising by assessment a sum at least equal (clear of all charges for collection) to the share of the said school grant apportioned to it. R. S. O.,
35 c. 204, s. 215. Conditions of receiving share of grant.

144. Should the Municipal Corporation of any County, City, Town or Village, raise in any one year a less sum than that
40 apportioned to it out of the Legislative School Grant, the Minister of Education shall deduct a sum equal to the deficiency from the apportionment to such County, City, Town or Village in the following year. R. S. O., c. 204, s. 216. Deduction if equivalent not raised by the municipality.

145. The clerk of every county shall make a return to the
45 Minister of Education showing the population of each minor municipality within the county, and the clerk of every city and town separated from a county shall make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous
50 year, said returns to be made on or before the first day of April in each year. 42 V., c. 34, ss. 21 and 22. Clerks to make returns of population.

- 146.** The County Council shall cause to be levied yearly upon the several townships of the county, such sums of money for *Public School purposes* as shall be at least equal (clear of all charges of collection) to the amount of school money apportioned by the Minister of Education to the several townships of the said county for the year, such sums to be payable to the Township Treasurer on or before the fourteenth day of December in each year, and the County Treasurer shall, on or before the twentieth day of December in each year, pay out of the school assessment of the county into the hands of the treasurers of the respective townships within the county, the proportionate assessment levied in their respective municipalities; and for all school purposes in Townships the Township Treasurers shall be considered sub-treasurers of the County Treasurer;  Provided always that the County Council may by by-law constitute the County Treasurer, the Sub-Treasurer for such municipalities within the county as may be deemed expedient. R. S. O., c. 204, s. 87 (1), 109, 110 (1). 
- 147.** The County Council may increase the sums of money levied yearly upon the several Townships for the payment of teachers' salaries, or on the recommendation of one or more County Inspectors, to give special or additional aid to new or poor school sections. R.S. O., c. 204, s. 89 (6).
- 148.** The County Inspector shall, half yearly, unless otherwise instructed by the Minister of Education, distribute among the school sections and divisions under his jurisdiction their respective portions of the public grant voted by the Legislative Assembly or raised by county *rate* within the townships under his charge according to the ratio of the average attendance of pupils at each Public School as compared with the whole average number of pupils attending the Public Schools of every such township, and all such sums shall be payable by the Township Treasurer to the order of the Trustees on the Inspector's order. See 44 V. c. 30, s. 9. See R. S. O., c. 204, s. 35 194 (13).
- 149.** The County Inspector shall, before distributing the county rate among the Public School sections, deduct the amount certified to him by the clerk of any municipality in which any Separate School section or part of a section is situate, according to the list given by such clerk, of the supporters of Separate Schools against whom the county rate for Public School purposes has been placed, and the amount so rated against each and the total amount so rated, and shall give the trustees of the Separate School section an order on the County Treasurer or Sub-Treasurer for the amount thereof, and it shall be the duty of such Treasurer or Sub-Treasurer to pay over the same. 44 V., c. 30, s. 9, sub-s. 3.
- (a) Notwithstanding the non-payment to the County-Treasurer by the fourteenth day of December, of the school assessment levied in the County, no teacher shall be refused the payment by the County Treasurer or Sub-Treasurer of the sum to which on the Inspector's order he may be entitled from such year's County School assessment. R. S. O., c. 204, s. 110 (1 a).

To raise equivalent to Legislative school grant.

County Treasurer's duties.

Pay school assessment to township, etc., Treasurer.

Increase of sums levied on townships.

Distribution to sections and divisions.

Separate School amounts to be deducted.

Teachers' salaries to be paid, though assessment not paid to County Treasurer.

Liability on Investments.

150. The Council of every County, City and Town shall be responsible to Her Majesty, and to all other persons interested, that all moneys coming into the hands of the Treasurer of the County, City or Town, in virtue of his office, shall be by him duly paid over and accounted for, according to law. R. S. O., c. 204, s. 219.

Municipality responsible on default of Treasurer, etc.

151. The Treasurer and his sureties shall be responsible and accountable for such moneys in like manner to the County, City or Town, and any bond or security given by them for the duty accounting for and paying over moneys coming into his hands, belonging to the County, City or Town, shall be taken to apply to all Public School moneys, and may be enforced against the Treasurer or his sureties, in case of default on his part. R. S. O., c. 204, s. 220.

Treasurer, etc., responsible to county, etc.

152. The bond of the Treasurer and his sureties shall apply to school moneys, and all public moneys of the Province, and, in case of any default, Her Majesty may enforce the responsibility of the County, City or Town, either by stopping a like amount out of any public moneys payable to the County, City or Town, or to the Treasurer thereof, or by suit or action against the corporation. R. S. O., 204, s. 221.

Bonds to apply to school moneys, etc.

153. Any person aggrieved by the default of the Municipal Treasurer may recover from the corporation of any City, County or Town, the amount due or payable to such person as money had and received to his use. R. S. O., c. 204, s. 222.

City, etc., responsible for default of Treasurer, etc.

154. Trustees shall not be liable to any prosecution, or the payment of any damages, for acting under any by-law of a Municipal Council before it has been quashed.

Trustees acting under by-laws not liable.

(2). In case a by-law, order or resolution of a Municipal Council is illegal, in whole or in part, and in case anything has been done under it, which by reason of the 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 such action has been given to the Corporation.

(3). Every such action shall be brought against the Municipal Corporation alone, and not against any person acting under the by-law, order or resolution. R. S. O., c. 204, s. 223 (1) (2) (3).

(5.) Sub-Treasurers.

155. Every Sub-Treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys, and the payment of lawful orders for such moneys given by any County Inspector as are imposed by this Act upon every County Treasurer, in respect to the paying and accounting for school moneys. R. S. O., c. 204, s. 111.

Sub-Treasurer's duties, etc.

Teachers.

- Valid agreements with teacher. **156.** All agreements between trustees and teachers, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees, and such agreements may lawfully include any stipulation to provide the teacher with board and lodging. R. S. O., c. 204, s. 161 and (2). 5
- Qualified teacher defined. **157.** No teacher of a Public School shall be deemed legally qualified, who does not at the time of his engaging with the trustees, and during the period of such engagement, hold a legal certificate of qualification. R. S. O., c. 204, s. 162. 10
- Duties of Public School teacher. **158.** It shall be the duty of every teacher of a Public School—
- To teach according to law and regulations. (1). To teach diligently and faithfully all the branches required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act and the regulations of the Education Department; 15
- To keep the register of the school. (2). To keep in the prescribed form the general, entrance, and the daily class, or other Registers of the school, and to record therein the admission, promotion, removal, or otherwise of the pupils of the school; 20
- To maintain proper order and discipline. (3). To maintain proper order and discipline in his school, according to the prescribed regulations; 20
- To keep a visitors' book. (4). To keep a Visitors' Book (which the trustees shall provide) and enter therein the visits made to his school, and to present said book to every visitor, and request him to make therein any remarks suggested by his visit; 25
- To give access to register and visitors' book. (5). To give the trustees and visitors access at all times, when desired by them, to the Registers and Visitors' Book appertaining to the school; 30
- Deliver up registers and key. (6). To deliver up any school Registers, Visitors' Book, school-house key, or other school property in his possession, on the demand or order of the majority of the corporation employing him; 30
- In case of refusal. (7). In case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees; 35
- To hold public quarterly examinations. (8). To hold during each term a public examination of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in or adjacent to the school, and through the pupils to their parents or guardians; 40
- To furnish information to the Minister and Inspector. (9). To furnish to the Minister of Education, or to the School Inspector, from the trustees' report or otherwise, any information which it may be in his power to give respecting anything con- 45

nected with the operations of his school, or in any wise affecting its interests or character. R. S. O., c. 204, s. 163; subsecs. 1 to 8.

(10). To prepare, so far as the school Registers supply the information, such reports of the corporation employing him as are required by the regulations of the Education Department. Reports to be prepared.

159. Every qualified teacher of a Public School employed for any period not less than three months shall be entitled to be paid his salary in the proportion which the *number of teaching days* during which he has taught, bears to the whole number of teaching days in the year. Proportion of salary to which teacher entitled.

160. All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought and decided in the Division Court by the Judge of the County Court in each County, subject to an appeal, as provided by this Act. R. S. O., c. 204, s. 165, and (2). Provision in case of difference between teacher and trustees.

161. In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this section, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. R. S. O., c. 204, s. 165 (3). Issue of execution.

162. In case of sickness, certified by a medical man, every teacher shall be entitled to his salary during such sickness, for a period not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. Case of sickness. Four weeks allowed.

163. Every teacher shall be entitled to be paid at the rate mentioned in his agreement with the trustees, even after the expiration of the period of his agreement, until the trustees pay him the whole of his salary as teacher of the school, according to their engagement with him, provided always that an action must be commenced within three months after such salary is due and payable by the trustees. R. S. O., c. 204, s. 164 and (2). Protection of teachers in regard to salary.

Certificates.

164. Every certificate to teach a Public School shall be ranked as of the first, second, or third class, and shall be issued under the regulations of the Education Department, only to such persons as (a) furnish satisfactory proof of good moral character, (b) and, if males, are at least eighteen years of age, or if females, seventeen years of age, (c) and are *natural* born or naturalized subjects of Her Majesty, and (d) pass the examinations prescribed by the Education Department. R. S. O., c. 204, s. 200. Three classes of certificates.

165. Every certificate issued under this Act shall entitle the holder thereof to teach a public school in any municipality in the province, ~~but~~ but only those of the first and second class shall be valid during good behaviour. R. S. O. c. 204, 201 (5), 204. First and second class certificates.

First and second class Provincial certificates.

166. First and second class certificates of qualification shall be granted to teachers by the Minister of Education on the report of the Central Committee of Examiners, and third class certificates shall be granted by the County Board of Examiners according to the regulations of the Department. R. S. O., c. 204, s. 201 (1) and (3). 5

Third class district certificates

167. Third class District Certificates may be granted, subject to the regulations of the Education Department, to be valid only in the territorial and remote districts following, namely: *Rainy River*, Thunder Bay, Nipissing, Algoma, Parry Sound, 10
 Muskoka, Haliburton, and the counties of Victoria, Peterborough and Hastings, and all counties lying east thereof. The Board of Examiners for any such district certificate shall consist of the judge (where one) and stipendiary magistrate, with the Inspector (if any) in the territorial and other districts; and 15
 in counties, of the Inspector and two members appointed by the Minister of Education. 45 V., c. 30, s. 3.

Certificates to students of any Normal School in British dominions.

168. Upon passing the requisite examination, special certificates of the first and second class may be issued by the Minister of Education to any person who has been trained 20
 at any Normal School or other training institution for teachers, or who has been duly certified or licensed by any recognized body as a school teacher in any part of the British Dominions, and such certificate shall be valid in any part of the Province until revoked. R. S. O., c. 204, s. 202. 25

Former certificates continued.

(2) All certificates of qualification of teachers granted before the fifteenth day of February, in the year one thousand eight hundred and seventy-one, shall remain in force in their respective municipalities on the terms and conditions of the Act under which they were granted; and upon their ceasing to 30
 be valid, as provided by law, other than by the confirmation of their suspension, they may be renewed from time to time under the regulations of the *Education Department*.

Same subject.

(3) Every public school teacher's first-class certificate issued under the school laws of this province by a county board, 35
 before the fifteenth day of February, one thousand eight hundred and seventy-one, and now legally valid in any city or county, shall be valid in any municipality in the province during the good behaviour of the holder thereof.

(4) Every public school teacher's second-class certificate issued 40
 before such time, and under like authority, and now legally valid, as aforesaid, shall (when such teacher has taught for a period of not less than ten years in Ontario) continue to be valid during good behaviour in such county or city.

Suspension of certificates.

169. The Inspector of Public Schools may suspend the certificate of any teacher under his jurisdiction for inefficiency, 45
 misconduct, or a violation of the regulations of the Education Department or of this Act. In every case of suspension, he shall notify in writing the trustees concerned, and the teacher, of the reasons for such suspension. See R. S. O., c. 204, s. 194, 50
 (26), (27a).

170. Any teacher who enters into an agreement at common law with a Board of Trustees, and who wilfully neglects or

refuses to carry out such agreement shall, on the complaint of any Board of School Trustees, be liable to the suspension of his certificate by the Inspector in whose jurisdiction he may be engaged for the time being.

5 **171.** When the teacher whose certificate is suspended holds a certificate issued by the Chief Superintendent or Council of Public Instruction, or by the Education Department or Minister of Education, the Inspector shall forthwith report to the Minister of Education, and such suspension shall continue until the case is decided by the Minister. See R. S. O., c. 204, s. 194, (26a). Same subject.

15 **172.** When the teacher holds a certificate granted by a County Board of Examiners, the Inspector shall forthwith call a meeting of such County Board of Examiners for the consideration of the suspension, of which due notice shall be given to the teacher concerned, and the decision of such Board shall be final. See R. S. O., c. 204, s. 194, (26b), 197 (2). Same subject.

County Boards.

20 **173.** The County Council of each county shall appoint a Board of Examiners, (a majority of whom shall form a quorum,) consisting of the Inspector or Inspectors having jurisdiction within the county or any part thereof, and not more than two other competent persons whose qualifications shall be prescribed from time to time by the Education Department, for the purpose of granting third class certificates of qualification to candidates as teachers of Public Schools, according to the regulations of the Education Department, and for such other purposes as may be prescribed by this Act. R. S. O., c. 204, ss. 87 (4), 194 (21), 196 (1) (3) (4), 197 (1). To examine teachers and give certificates.

30 **174.** Where deemed necessary from the general use of the French or German language, it shall be lawful for the County Council to appoint two additional Examiners for the purpose of conducting examinations in either of the languages aforesaid, of such candidates as may present themselves for certificates to teach a Public School, subject to the regulations of the Education Department. Additional examiners.

175. It shall be the duty of the County Council

(1). To provide, upon the application of the Inspector, suitable rooms for holding the examination of Public School teachers in the county. R. S. O., c. 204, s. 87 (6), 194 (20). Examination of teachers.

(2). To pay the examiners for their time, travelling, and other expenses such a sum as would be at least equal to the per diem allowance paid members of the County Council; (b) To pay all the incidental expenses of the examination and (c) such remuneration to the Secretary of the Board as the County Council may deem just and expedient. R. S. O., c. 204, s. 87 (5) a, b, c. Expenses of the Board.

50 **176.** One examination per annum shall be held in each County or union of counties for the granting of Public School teachers' third class certificates, and every certificate of qualification issued by any Board of Examiners shall have the Only one examination for third class certificates to be held yearly.

Signature on certificates. signature of at least one Inspector of Schools. R. S. O., c. 204, s. 198 *part*, and 197 (1a).

Examination in each division. **177.** Where there are two Inspectors in any county, the County Council may authorize and direct a separate examination to be held in each division of the county. R. S. O., c. 204, s. 198 (2). 5

County Model Schools.

One school in each county to be set apart as county model school. **178.** The Board of Examiners shall, under the regulations of the Education Department and subject to the approval of the Minister of Education, set apart at least one school in each county as a County Model School for the training of *candidates for third class teachers' certificate*, and the County Council shall provide and levy in each year, in aid of each County Model School, within the limits of the county, an amount at least equal to the amount apportioned or paid by the Education Department, in support of County Model Schools out of any grant annually voted by the Legislature for that purpose, but the amount to be provided by the County Council shall not be less than the sum of one hundred and fifty dollars in one year, unless the County Council should see fit to provide a larger amount of aid. **44 V., c. 30, s. 11.** 10 15 20

Teachers' Institutes.

Apportionment of funds to Teachers' Institutes. **179.** It shall be lawful for the Minister of Education to apportion out of any moneys voted by the Legislative Assembly for the training of teachers the sum of twenty-five dollars for every Teachers' Institute established under the regulations of the Education Department, and it shall be the duty of the County or City Council of each city or county to pay to the order of the President of each such Institute within the county or city a sum at least equal to the amount so apportioned by the Minister of Education. 25 30

Inspectors.

Qualifications for appointment as inspector. **180.** No person shall be eligible to be appointed an Inspector who does not hold a legal certificate of qualification as Inspector, granted according to the regulations of the Education Department, and no person who is a teacher or trustee of any Public, High or Separate School shall be eligible for an appointment as Inspector so long as he remains such teacher or trustee R. S. O., c. 204, secs. 176, 177, 226. 35

Number of inspectors. **181.** Each County Council shall appoint one or more persons, holding legal certificates of qualification, Inspector or Inspectors of the Public Schools of such County, providing always that one Inspector shall not have charge of more than one hundred and twenty schools or less than fifty. R. S. O., c. 204, s. 87 (2). 40 45

(a) It shall not be necessary to appoint more than one Inspector in each Riding of a County. R. S. O., c. 204, s. 87 (2a).

French or German.

(b) In Counties containing any Municipality wherein the French or German language is the common or prevailing language, an Inspector may have charge of any number of schools not less than forty. R. S. O., c. 204, s. 87 (2b). 50

(c) In Counties where there are more than fifty Public Schools, the County Council may appoint two or more Inspectors, and prescribe and number the territorial limits of each, and change or remove the Inspectors from one circuit or riding of the county to another. R. S. O., c. 204, s. 87 (2c., d.).

Counties may appoint additional Inspectors and change Inspectors.

182. The County Clerk shall notify the Minister of Education of the appointment and address of every County Inspector. R. S. O., c. 204, s. 112 (1).

The Clerk to notify appointment.

183. In the event of a vacancy occurring in the office of the County Inspector, the Warden of the County within which such Inspector held office may appoint, from the list of those legally qualified, a fit and proper person to the office vacated, until the next ensuing meeting of the County Council. R. S. O., c. 204, ss. 87 (3), 193.

Warden may supply vacancies in the office of the Inspector.

184. The Lieutenant-Governor in Council may constitute any number of Municipalities or other portions of territory, in the rear or remote parts of Counties, and in Judicial or Territorial Districts, to be a district or districts for the purposes of school inspection under this Act, upon such terms, and subject to such regulations as the Lieutenant-Governor in Council may from time to time determine, and the County or Provisional Council concerned, shall provide their proportionate share of the salary of the Inspector, and also of his travelling expenses. R. S. O., c. 204, s. 179.

Lieut.-Governor to form remote districts for inspection.

185. Every County Inspector shall in case of misconduct or inefficiency, be subject to dismissal by the Lieutenant-Governor, or by a majority of the members of the Council appointing him, or *without such cause* by a vote of two-thirds of such Council, and no such Inspector shall be re-appointed without the concurrence of the party who dismissed him. R. S. O., c. 204, ss. 180, 181, 182.

Conditions of dismissal of Inspector.

186. It shall be lawful for the Lieutenant-Governor to direct the payment, out of the Consolidated Revenue Fund, of a sum, not exceeding five dollars per school per annum, to each County Inspector, and the County Council shall pay quarterly *at the rate of* not less than an equal amount per school, and in addition thereto the reasonable travelling expenses of such County Inspector, the amount to be determined by the County Council. R. S. O., c. 204, ss. 185, 186 and 187.

Additional allowance by Lieutenant-Governor.

187. Any Inspector, or other duly qualified person, appointed to inspect schools in new and remote townships, or to take charge of a special examination for teachers, or to advise and encourage settlers to establish schools, under the regulations and with the aid provided by law, or to report on any school matter, shall be entitled to such additional or other remuneration out of any moneys appropriated by the Legislature or County Council for that purpose, as may be deemed just and equitable, considering the nature and extent of the duties to be performed. R. S. O., c. 204, ss. 188, 189.

Additional remuneration to Inspectors in new Districts.

188. It shall be the duty of every County Inspector—

(1). To visit every Public School within his jurisdiction once in each term, unless required to do so oftener by the County

Make two visits a year to each school.

Council which appointed him, or for the adjustment of disputes or other purpose, and to see that every school is conducted according to law and the regulations of the Department. R. S. O., c. 204, s. 194 (2) (3.)

- Examine the state of the school. (2). To examine at his visits of inspection, into the condition of the school, as respects the progress of the pupils in learning; the order and discipline observed; the system of instruction pursued; the mode of keeping the school registers; the average attendance of pupils; the character and condition of the building and premises; and to give such advice to the teachers, pupils and officers of the school as he may judge proper. R. S. O., c. 204, s. 194 (4). 5 10
- Deliver annual lecture. (3). To deliver from time to time, under regulations prescribed by the Minister of Education, a public lecture or lectures in his county or division, on some subject connected with the objects, principles, and means of practical education. R. S. O., c. 204, s. 194 (7). 15
- When order to be withheld. (4). To withhold his order for the amount apportioned from the Legislative or Municipal Grant to any school section :
 (a) When the school was kept open for less than six months in the year ; 20
 (b) When the trustees failed to transmit the annual or semi-annual school returns properly filled up ;
 (c) When the trustees fail to comply with the School Act, or the Regulations of the Education Department ; 25
 (d) When the teacher uses, or permits to be used, as a text book any book not authorized by the Education Department.
- (5). In every case where, from any cause, the School Grant is withheld the inspector shall forthwith report to the Trustees and to the Education Department. 30
- Giving information to Minister. Transmit annual report to the Minister. (6). To give any information in his power, when desired, to the Minister of Education, respecting any Public School matter within his jurisdiction, and to prepare and transmit to the Minister of Education on or before the first day of March, an annual report in the form provided by the Education Department. 35
- Aid to poor schools. (7). To recommend to the County or Township Council such special or additional aid as he may deem advisable to be given to new or needy school sections in the County. R. S. O., c. 204, s. 194 (36). 40
- Hand over papers on retiring from office. (8). To deliver over to his successor, on retiring from office copies of his official correspondence, and all school papers in his custody, on the order of the County Council or Public School Board, as the case may be. R. S. O., c. 204, s. 194, (37).
- Call special meeting. (9). To appoint, in his discretion, the time and place for a special school meeting, at any time, for any lawful purpose. R. S. O. c. 204, s. 194 (33). 45
- May give temporary (10). To give *at his discretion* any candidate, on due examination, according to the programme authorized for the examina-

tion of teachers, and subject to the regulations of the Education Department, a certificate of qualification to teach a school within the limits of the charge of such Inspector until (but no longer than) the next *regular* meeting of the Board of Examiners of which such school Inspector is a member. R. S. O., c. 204, s. 194 (22). certificates to teachers.

189. The Public School Board of every city or town shall from time to time appoint an Inspector from those possessing the requisite qualification, who shall receive such remuneration as the Board may determine, and be subject to dismissal by a majority of the members of the Board, in case of inefficiency or misconduct, or by a vote of two-thirds of the Board without cause, or where it is resolved to place the Town schools under the County Inspector. R. S. O. c. 209, ss. 104 (9c) (21 a, b), 15 178, 180, and 184. Appointment. Remuneration Dismissal.

190. When the Public School Board of any town not separated from the County appoints an Inspector, other than the County Inspector, to take charge of their school, the County Treasurer on demand shall pay to the order of such Board a sum of money equal to any amount collected within such town for the payment of salary of the County Inspector. R. S. O., c. 204, s. 110 (3). Pay Inspector's salary raised in towns not separated.

191. *In case* the Public School Board of any town not separated from the County with the approval of the Education Department and subject to the prescribed regulations, places the schools of such town under the jurisdiction of a County Inspector, the Inspector shall be entitled to the like salary and remuneration as he receives for rural schools. R. S. O., c. 204, s. 183. Towns may place schools under County Inspector.

192. It shall be the duty of every City or Town Inspector to visit the schools under his charge from time to time, and as often as he may be required by the Board, and to discharge such other duties as the Board may require, or are required of County Inspectors under section 188 of this Act. R. S. O. c. 204, s. 194 (3) (40).

193. No Inspector of schools shall, during his tenure of office, engage in or hold any other employment, office, or calling which would interfere with the full discharge of his duties as Inspector as required by law. R. S. O. c. 204, s. 191. Inspector not to hold other offices.

194. In cases where an Inspector requires the testimony of witnesses to the truth of any facts alleged in any complaint or appeal made to him or to the Minister of Education or the Education Department, it shall be lawful for such Inspector to administer an oath to such witnesses, or to require their solemn affirmation before receiving their testimony. R. S. O. c. 204, s. 192. Inspector to swear witnesses in certain cases.

Allowance to Arbitrators.

195. All persons engaged as arbitrators on any matter arising under this Act, and Inspectors who are acting as arbitrators, while engaged in investigating and deciding upon school complaints and disputes, shall be entitled to the same remuneration Allowance to Arbitrators, and Inspectors.

per diem *and travelling expenses* as are members of the County Council of their county for their time and attendance at Council meetings. R. S. O., c. 204, s. 127, 190 (2).

Superannuation.

Superannuation Fund.

196. From and after the date of this Act, every teacher or Inspector whose name is entered as having paid into the fund for the support of superannuated teachers, may contribute to such fund in such manner as may be prescribed by the Education Department, the sum of at least *four* dollars annually. *New.*

Repayment to wife, etc., of deceased teacher.

197. On the decease of any teacher or Inspector, his wife, her husband, or other legal representative, shall be entitled to receive back the full amount paid into the Superannuation Fund by such teacher or Inspector with interest at the rate of seven per cent. per annum. R. S. O., c. 204, s. 169.

Right of teacher to retire.

198. Every teacher or Inspector who, while engaged in his profession, contributes to the Superannuated Teachers' Fund as provided by this Act, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of six dollars per annum, for every year of such service in Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as teacher or Inspector. R. S. O., c. 204, s. 170.

Pension on reaching sixty years of age.

Condition of pension.

Supplementary pension.

(2) Every pension payable under this Act may be supplemented out of local funds by any Municipal Council, Public School Board or Board of Education, at its pleasure. R. S. O., c. 204, ss. 89 (2), 105 (4), 170 (2).

(3) To remove doubts, nothing in this section contained shall be held as applying to any person who, prior to 1871, had ceased to be engaged in his profession as a teacher, and has not heretofore contributed to the said fund, and no payment for arrears shall be received after the first day of July, 1886.

Teachers under sixty.

199. Every teacher or Inspector under sixty years of age who has contributed as aforesaid and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and upon furnishing to the Education Department from time to time, in addition thereto, satisfactory evidence of his being disabled. R. S. O., c. 204, s. 171.

\$1 per annum extra to certain teachers.

200. Every teacher entitled to receive an allowance from the Superannuated Teachers' Fund, who holds a first or second class Provincial Certificate, or a *first-class County Board Certificate*, or who is an authorized Head Master of a High School or Collegiate Institute, shall, in addition to said allowance or pension, be entitled to receive a further allowance at the rate of one dollar per annum for every year of service while he held such certificate, or while he acted as Head Master of a High School or Collegiate Institute. R.S.O., c. 204, s. 172.

Proviso in regard to good moral character.

201. The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at 50

any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when requested) to the satisfaction of the Education Department. R.S.O., c. 204, s. 173

5 **202.** If any pensioned teacher or Inspector shall, with the consent of the Education Department, resume the profession of teaching or inspecting, the payment of his allowance shall be suspended from the time of his being so engaged. R. S. O., c. 204, s. 174. Teacher resuming profession.

10 **203.** In case of his again being placed by the Education Department on the superannuation list a pension for the additional time of teaching shall be allowed him, on his compliance with this Act, and the regulations of the Education Department. R. S. O., c. 204, s. 175. Again retiring

15 **204.** Any teacher or Inspector who, having resumed his profession, draws or continues to draw upon the Superannuation Fund for any part of his allowance as a superannuated teacher, shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers. Drawing for allowance.

20 **205.** In the case of those teachers or Inspectors who may not avail themselves of the provisions of section 197 or 207 of this Act, the provisions of sections 198 to 207 inclusive shall apply so far as relates to all sums of money already paid into the fund for the support of superannuated teachers. Teachers not availing themselves of Act.

25 **206.** Any teacher who retires from the profession, or any teacher or Inspector who desires to remove his name from the list of contributors to the Superannuated Teachers Fund, shall be entitled to receive back from the Minister of Education one-half of any sums paid in by him or her to the fund, through the Public School Inspector, or otherwise. R. S. O., c. 204, s. 168. 30

Non-Resident Pupils.

207. It shall be the duty of the trustees of every rural school section and of every Public School Board to admit, on payment in advance of fees not exceeding fifty cents per pupil for every 35 calendar month, any non-resident pupils who reside nearer to such school than the school in their own section; and in case of dispute as to the distance from the school, the Inspector shall decide. R. S. O., c. 204, s. 102 (20), 103 (4 and 4a), 104 (17), 105 (3), 194 (12). Fees. Admit non-resident pupils

40 (2) **208.** Non-resident pupils attending a public school in any City, Town or Incorporated Village shall for all matters affecting the division of the Legislative or Municipal grants, be reported as attending the public school of the school section in which they are actual residents. 45

208. In case a County Council establishes a House of Refuge in any County any person of school age maintained in such House of Refuge shall for the purposes of this Act be deemed a non-resident, and the County Council shall be liable for such fees as are lawful under this Act.

Holidays.

erms.

209. The Public School Year shall consist of two terms: the first shall begin on the third day of January, and end on the first Friday of July; the second shall begin on the third Monday of August, and end on the twenty-third day of December. 5 Every Saturday, every statutory holiday, and every day proclaimed a holiday by the municipal authorities in which the school section or division is situated, shall be a holiday in the Public Schools. R. S. O., c. 204, ss. 13, 14; 43 V. c. 32, s. 1.

(2) In the case of Cities, Towns and Incorporated Villages 10 the school terms shall be the same as the terms prescribed for High Schools.

*Authorised Books.*Only author-
ized text-
books to be
used.

210. No teacher shall use or permit to be used as text books any books in a Model or Public School, except such as are 15 authorized by the Education Department, and no portion of the Legislative or Municipal grant shall be paid by the Inspector to any school in which unauthorized books are used. R. S. O., c. 204, s. 12; 44 V., c. 30, s. 12.

Change of
text-book.

211. Any authorized text book in actual use in any Public or 20 Model School may be changed by the teacher of such school for any other authorized text book in the same subject on the written approval of the trustees and the Inspector, provided always such change is made at the beginning of a school term, and at least six months after such approval has been 25 given. 44 V., c. 30, s. 12.

Substitution
of unauthor-
ized text-
books.

212. In case any teacher or other person shall negligently or *wilfully* substitute any unauthorized text book in place of any authorized text book in actual use upon the same subject in his school, he shall for each such offence, on conviction 30 thereof before a police magistrate or justice of the peace, as the case may be, be liable to a penalty not exceeding ten dollars, payable to the municipality for public school purposes, together with costs, as the police magistrate or justice may think fit. 44 V., c. 30, s. 12. 35

Libraries.

213. The Council of every Municipality may raise by assessment such sums as it may judge expedient for the establishment and maintenance of a Public School Library, subject to the regulations of the Education Department. R. S. O., c. 204, 40 s. 80 (2), 89 (3), 102 (24).

*Compulsory Education.*Children from
7 to 13 to
attend school.

214. The parent or guardian of every child not less than seven years nor more than thirteen years of age is required to cause such child to attend a public school, or any other school in 45 which elementary instruction is given, for the period of *one hundred days in each* Public School year, unless there be some reasonable excuse for non-attendance. 44 V. c. 30, ss. 1, 2.

Time of
attendance.

215. A child shall not be required to attend a Public School if such child is under efficient elementary instruction in some other manner, or if such child has been prevented attending school by sickness or other unavoidable cause, or if there is no Public School which such child can attend within two miles, measured according to the nearest road from the residence of such child, if under the age of nine, and within three miles if over that age. 44 V. c. 30, s. 4. Exceptions.

216. Any person who receives into his house a child of any other person, under the age of thirteen years, and who is resident with him or in his care or employment, shall be deemed thereby to be subject to the same duty with respect to the elementary education of such child during such residence, and shall be liable to be proceeded against as in the case of a parent, if he should fail to perform his duty of causing such child to be educated to the extent required of a parent; but the duty of the parent under this Act shall not thereby be affected or diminished and shall continue in full force. 44 V. c. 30, s. 3. Duty of persons with whom any child under 13 resides.

(2) In the case of each such child who is employed in any manufactory, one-half of the whole time required by this Act for instruction shall be deemed to be sufficient instruction in such case, provided such child is certified by a Public School Inspector as having passed the examination for promotion from the Third Reader to the Fourth Reader, according to the curriculum of studies prescribed by the Education Department. 44 V. c. 30, ss. 3 (2). Children employed in manufactories.

217. The trustees may appoint an officer, who shall be furnished with the list, *provided for by section 119 of this Act*, containing the names of all children between the ages of seven and thirteen, to ascertain and report, for their information, any parent or other person who has failed and omitted, and is failing and omitting, to perform the duty of providing that each child of his, or in his care or employment, between the ages aforesaid, is attending some school or otherwise being under efficient elementary instruction, and it shall be the duty of such officer to notify, personally or by letter, or otherwise, such parent or other person of his neglect or violation of duty and the consequences thereof. 44 V. c. 30, s. 5. Officer to enforce law may be appointed by Board.

218. No proceeding against any parent or other person for any neglect or violation on his part of the requirements of this Act shall be taken until after the expiration of fourteen days from the time in which he has been so notified, nor until such parent or other person has had an opportunity of attending a meeting of the trustees, to state his or her reasons for not complying with such notice; but if such parent or other person should, on being notified, either fail to appear or to satisfy the trustees that his neglect or violation of duty has arisen from any of the grounds on which he would be excused, it shall be the duty of the trustees, through their said officer, to make complaint of such neglect or violation of duty to the Police Magistrate or a Justice of the Peace having jurisdiction under the Act respecting summary convictions before Justices of the Peace, and such Police Magistrate and Justice shall possess and exercise all the powers conferred by the 273rd section of this Act. 44 V. c. 30, s. 6. Notice to be given before taking proceedings for neglect.

Proof of age. **219.** With respect to proceedings for any offence or penalty under the provisions of this Act, where a child is apparently of the age alleged, for the purpose of such proceeding it shall lie with the defendant to prove that the child is not of such age. 44 V. c. 30, s. 7. 5

220. Nothing herein shall be held to require any Roman Catholic to attend a Public School, or to require a Protestant to attend a Roman Catholic School. R. S. O., c. 204, s. 8 (2)

**Duties
Public School
Board.**

221. It shall be the duty of the trustees of every Rural School section and of every City, Town, and Incorporated Village respectively, and they are hereby authorized to impose upon said parents or guardians who, after having been so notified, continue to neglect or violate the *next preceding* seven sections of this Act or any of them, a rate bill not exceeding one dollar per month for each of their children not attending school, or to make complaint of such neglect or violation to a Justice of the Peace having jurisdiction in such cases, as provided by this Act, and to deliver to said Justice a statement of the names and residences of the parents or guardians of such children, unless from the circumstances of the case the trustees are satisfied that such neglect or violation has not been wilful, or has been caused by extreme poverty, ill-health, or too great a distance from any school. R. S. O., c. 204, s. 210 (3). 10
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**Impose a rate
bill, or make
complaint to
magistrate.**

**Penalty for
non-attend-
ance at same
school.**

222. It shall be competent for the Police Magistrate of any City or Town, or for any Justice of the Peace in any Village, Township or Town where there is no Police Magistrate, to investigate and decide upon any complaint made by the trustees, or by any person authorized by them, against any parent or guardian for the violation of the provisions of this Act, in regard to compulsory education, and to impose a fine not exceeding five dollars for the first wilful offence, and double that penalty for every subsequent offence; which fine and penalty shall be enforced as provided in the 273rd section of this Act. R. S. O., c. 204, s. 211. 25
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(2) The Police Magistrate or Justice shall not be bound to, but may, in his discretion, forego the issue of the warrant for the imprisonment of the offender, as in said section is provided. R. S. O., c. 204, s. 211 (2). 35

**Further dis-
cretion of
magistrate to
enforce
penalty.**

223. It shall be the duty of the Police Magistrate, or any Justice of the Peace where there is no Police Magistrate, to ascertain, as far as may be, the circumstances of any person complained of for not sending his children to some school, or otherwise educating him or them, and whether the alleged violation has been wilful, or has been caused by extreme poverty, or ill-health, or too great a distance from any school; and in any of the latter cases, the Magistrate shall not award punishment, but shall report the circumstances to the trustees of the school section in which the offence has occurred. R. S. O., c. 204, s. 212. 40

Unions of High and Public Schools.

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224. All existing unions of High Schools (or Collegiate Institutes) and Public School Trustee Corporations are hereby continued, and all the members of both corporations shall

constitute a joint Board, and shall, as long as the union exists, be a corporation under the name of "*The Board of Education for the City (Town, or Incorporated Village of* _____ *or School Section No. _____ in the Township of _____*," as the case may be). R. S. O., c. 204, s. 153.

225. A majority of the members of the Board shall form a quorum; and such Board shall have the powers of the trustees of both the Public and High Schools. R. S. O., c. 204, s. 154

226. The union may be dissolved at the end of the year by resolution of a majority present at any lawful meeting of the said Board of Education called for that purpose. R. S. O., c. 204, s. 155.

227. On the dissolution of such union, the school property held or possessed by the Board of Education at the time shall be divided or applied to school purposes, as may be agreed upon by a majority of the Public School trustees, and of the High School (or Collegiate Institute) trustees respectively, present at meetings called for that purpose. R. S. O., c. 204, s. 156.

228. If the trustees fail so to agree within the space of six months after such dissolution, then the division shall be made by the Municipal Council of the City, Town, or Incorporated Village within the limits of which such Public and High Schools (or Collegiate Institute) are situated. R. S. O., c. 204, s. 157.

229. If the High School is situated in a school section or unincorporated Village, the division (in case of failure to agree as aforesaid) shall be made by the County Council. R. S. O., c. 204, s. 158.

230. No union of a Public School, or department thereof, with a High School or Collegiate Institute, shall hereafter be made. R. S. O., c. 204, s. 159.

Special Enquiries.

231. The Minister of Education shall have power to appoint one or more persons, as he from time to time deems necessary to inquire into and report to him upon any school matter; such Inspector or other person or persons shall be entitled to such remuneration out of any moneys appropriated by the Legislature for that purpose as may be deemed just and equitable, considering the nature and extent of the duties to be performed. Such person or persons, or any of them, shall have power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon. R. S. O., c. 203, s. 5 (23).

232. In any matter of inquiry which the Minister is by law authorized to institute, make or direct, a writ or writs of subpoena *ad testificandum* and also *duces tecum* may issue from the High Court of Justice for Ontario by the proper officer in that behalf upon the *precipe* of the Minister of Education therefor, containing the names of the witnesses intended to be summoned thereby, to be directed to such person or persons for him or

them to attend and give evidence under oath, at such times and places, and before such person or persons as the Minister shall appoint, and any default of any such person in obeying any such subpoena shall be punishable as in the like case in any action or cause in any of the said courts. 43 V. c. 32, s. 5 12; 45 V. c. 30, s. 6.

Appeals from Division Court Decisions.

Appeals from
Division
Courts.

233. The Judge of any Division Court wherein any action between teachers, inspectors, trustees, or others acting under this Act, or the *High School Act*, is tried may, at the request of 10 either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister of Education to appeal the case. R. S. O., c. 203, s. 7.

Minister may
appeal from
such Court to
one of the
Superior
Courts of Law.

234. The Minister may, within one month after the rendering of judgment in any such case, appeal from the decision of the 15 Division Court Judge to either of the Superior Courts of Law at Toronto, by serving notice in writing of such appeal upon the Clerk of the Division Court appealed from, which appeal shall be entitled "The Minister of Education for Ontario, Appellant, in the matter between (A. B. and C. D.)" But 20 nothing herein contained shall be held to interfere with the right of any of the parties to the suit exercising the ordinary right of appeal. R. S. O. c. 203, s. 8.

Judges to send
papers to
Superior
Court.

235. The Judge, whose decision is thus appealed from, shall thereupon certify under his hand, to the Superior Court ap- 25 pealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto. R. S. O., c. 203, s. 9.

No further
proceeding
to be taken
after notice
of appeal.

236. After notice of appeal has been served as hereinafter 30 provided no further proceeding shall be had in such case until the matter of appeal has been decided by the Superior Court. R. S. O., c. 203, s. 10.

Judge to
certify pro-
ceedings to
the Minister.

237. On the Judge receiving an intimation of appeal from his decision (under the authority of this Act), he shall there- 35 upon certify under his hand, to the Minister of Education, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections thereto. R. S. O., c. 203, s. 11.

Setting down
cases in Su-
perior Court.

238. The matter shall be set down for argument at the next 40 Term of the Superior Court. R. S. O., c. 203, s. 12.

Order thereon.

239. Such Court shall give such order or direction to the Court below, touching the judgment to be given in the matter, as law and equity require. R. S. O., c. 203, s. 13.

Costs.

240. The Court may also in its discretion award costs against 45 the appellant, which costs shall be certified to and form part of the judgment of the Court below. R. S. O., c. 203, s. 14.

Costs of appel-
lant to be paid
by Minister.

241. All costs awarded against an appellant, and all costs 50 incurred by him, shall be paid by the Minister, and charged as contingent expenses of his office. R. S. O., c. 203, s. 15.

242. Upon receipt of such order, direction, and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith. R. S. O., c. 203, s. 16.

Proceedings in Division Court when appeal decided.

5 **243.** The Minister of Education shall have power to submit a case on any question arising under "*The Public Schools Act*," or "*The High Schools Act*," to any Judge of either of the Superior Courts, for his opinion and decision, or, with the consent of such Judge, to either of the Superior Courts, for
10 their opinion and decision. R. S. O., c. 203, s. 17.

Submit case to Judges of Superior Court for decision.

School Visitors.

244. All clergymen, judges, members of the Legislature members of county councils, and aldermen shall be school visitors in the townships, cities, towns and villages where they
15 respectively reside.

Public School visitors defined.

(2) Every clergyman shall be a school visitor only in the township, town or city where he has pastoral charge. R. S. O., c. 204, s. 206 (1) (2) (3).

245. Each of the school visitors may visit the public schools
20 in the township, city, town or village. They may also attend the quarterly examination of schools, and at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as they think
25 advisable, in accordance with the regulations and instructions provided in regard to school visitors. R. S. O., c. 204, s. 207.

Their authority to visit Public Schools

246. A general meeting of the visitors may be held at any time or place appointed by any two visitors, on sufficient notice being given to the other visitors in the township, city, town
30 or village. R. S. O., c. 204, s. 208.

General meeting of school visitors.

247. The visitors thus assembled may devise such means as they deem expedient for the efficient visitation of the schools, and for promoting the establishment of libraries and the diffusion of useful knowledge. R. S. O., c. 204, s. 209.

Authority at such meetings.

35 *Penalties and Prohibitions.*

248. If any Township Clerk neglects or refuses to prepare and furnish the map of the school sections or other divisions of his municipality, as required by section 11, he shall be liable to a penalty not exceeding ten dollars, to be recovered before a
40 Justice of the Peace, for the school purposes of his municipality, at the instance of any ratepayer thereof. R. S. O., c. 204, s. 224.

Information to County Clerk.

249. No person shall wilfully make a false declaration of his right to vote at any school meeting or election of school trustees; and any person convicted of a contravention of this
45 section, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the Court of General Sessions, or by a penalty of not less than five dollars, or more than ten dollars, to be sued for and recovered with costs before a Justice of the Peace, by the Public School trustees of the City, Town, Village, school section, or other division,
50 for its use. R. S. O. c. 204, s. 244.

Penalty for making a false declaration.

Fine for default or in case of neglect to make declaration.

250. If any person elected as trustee of a rural school section does not make the declaration of office within two weeks after notice of his election, his neglect to do so shall be sufficient evidence of his refusing to serve, and of his liability to pay the fine of five dollars, as provided for in the 256th section of this Act. R. S. O. c. 204, s. 247.

Trustees not to hold certain offices.

251. No trustee of a school section shall hold the office of Public School Inspector, or be a master or teacher within the section of which he is a trustee: nor shall the master or teacher of any Public, High, or Separate School hold the office of trustee, nor shall an Inspector be a teacher or trustee of any Public, High or Separate School while he holds the office of Inspector. R. S. O. c. 205, s. 212.

Vacancy in office of trustee, when caused.

252. Any trustee who is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the Board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the school municipality for which he is a trustee, shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant and forthwith order a new election. R. S. O., c. 204, s. 38.

Vacancy for contracts, agreements, etc.

253. Any trustee who has any pecuniary interest, profit or promise or expected benefit in, or from any contract, agreement or engagement, either in his own name, or in the name of another with the Corporation of which he is a member, or who receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and the remaining trustees, or a majority of them, shall declare the seat vacant, and forthwith order a new election. R. S. O. c. 204, s. 225, 44 V. c. 30, s. 13.

Penalty for not calling school meetings.

254. In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit the sum of five dollars, to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the rural school section, for the use thereof. R. S. O. c. 204, s. 248.

Penalty for disturbing a school or school meeting.

255. Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disquiets any Public School established and conducted under its authority, or other school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for Public School purposes to the school section, City, Town, or Village within which the offence was committed, a sum not exceeding twenty dollars, together with the costs of the conviction, as the said Justices may think fit. R. S. O. c. 204, s. 249.

Penalty for refusing to serve as trustee.

256. If any person chosen as trustee refuses to serve he shall forfeit the sum of five dollars. R. S. O. c. 204, s. 236.

Penalty for refusing to perform duties.

257. Every person so chosen who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of twenty dollars, to be sued for and recovered before a Justice of the Peace, by the trustees of the school section or division, or by any *person whatsoever* for its use, as authorized by this Act. R. S. O. c. 204, s. 237.

258. If the trustees of any Public School wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such power shall be held to be personally responsible for the fulfilment of such contract or agreement. R. S. O. c. 204, s. 238. Penalty for refusing to exercise corporate powers.

259. Any chairman who neglects to transmit to the County Inspector a *minute* of the proceedings of an annual or other rural school section meeting over which he has presided, within ten days after the holding of such meeting shall be liable, on the complaint of any ratepayer, to a fine of not more than five dollars, to be recovered by this Act. R. S. O. c. 204, s. 246. Penalty on chairman for neglect.

260. If any trustees of any school section refuse or neglect to take proper security from the secretary-treasurer, or other *person* to whom they entrust school moneys, they shall be held personally responsible for the moneys. R. S. O., c. 204, s. 229.

261. If any part of the Public School Fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them by the *person* entitled to receive the same, by action at law in any court having jurisdiction to the amount, or by information at the suit of the Crown. R. S. O., c. 204, s. 230. Certain parties personally responsible in case of lost school moneys.

262. No secretary-treasurer appointed by the school trustees of any school section, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect or refuse to deliver up, or, account for, and pay over the same or any part thereof to the person, and in the manner directed by a majority of the school trustees for the school section then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the three following sections of this Act. R. S. O., c. 204, s. 231. Penalty on secretary-treasurer, trustee or other refusing to account.

263. Upon application to the Judge of the County Court, by a majority of the trustees, or any two ratepayers in a school section supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or Mode of proceeding in the case.

trustee, or other person, do appear before him at a time and place to be appointed in the order. R. S. O., c. 204, s. 232.

(2) Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the *person* complained against, or leave the same with a grown-up person at his residence. R. S. O., c. 204, s. 232 (2).

Judge to issue order.

264. At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the *person* complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded, the Judge shall order the *person* complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax. R. S. O., c. 204, s. 233.

Effect of non-compliance with Judge's order.

265. In the event of a non-compliance with the terms specified in such order, or any or either of them, the Judge shall order the said *person* to be forthwith arrested by the Sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the Judge be satisfied that the *person* has delivered up, accounted for, or paid over the books, papers, chattels or moneys in question, in the manner directed by the majority of the trustees, or other competent authority as aforesaid; upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly. R. S. O., c. 204 s. 234.

Other remedy not affected.

266. No such proceeding shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. R. S. O., c. 204, s. 235.

Penalty on trustees refusing information, etc., to auditor.

267. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of a Rural School section or either of them, with any papers or information in their power, and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any ratepayer, shall be punished by fine or imprisonment, as provided by this Act. R. S. O., c. 204, s. 239.

Penalty for neglect to send half-yearly returns.

268. In case the trustees of any Rural School section neglect to transmit to the County Inspector, on or before the thirtieth day of June, and the thirty-first day of December in every year a correct and verified statement of the average attendance of a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months.

(2) The trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. R. S. O., c. 204, s. 240 and (2).

269. In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their County Inspector by the fifteenth day of January in every year, each of them shall, for every week after such fifteenth day of January, and until such report has been prepared and presented, forfeit the sum of five dollars, to be sued for by the County Inspector, and collected and applied in the manner provided for by this Act. R. S. O., c. 204, s. 241. Penalty for delaying yearly report.

270. If any trustee of a Public School knowingly signs a false report, or if any teacher of a Public School keeps a school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the Public School Fund of the Township the sum of twenty dollars, for which any person whatever may prosecute him before a Justice of the Peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor. Penalty for false school reports and registers.

(2) If, upon conviction, the penalty is not forth paid, the same shall, under the warrant of the Justice, be levied with costs by distress and sale of the goods and chattels of the offender. Recovery by distress.

(3) The penalty, when so paid or collected, shall by the Justice be paid over to the said Public School Fund. R. S. O., c. 204, s. 242 (2), (3). Application of penalty.

271. The trustees of every school section shall be personally responsible for the amount of any school moneys forfeited by or lost to the school section in consequence of the neglect or duty of the trustees during their continuance in office. Trustees personally responsible for moneys lost.

(2) The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. R. S. O., c. 204, s. 228 and (2).

General Prohibitions.

272. No teacher, trustee, Inspector, or other person officially connected with the Education Department, the Normal, Model, Public, or High Schools or Collegiate Institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever. R. S. O., c. 204, ss. 26, 227. No inspector, trustee, teacher, etc., shall act as agent for the sale of books, maps, etc.

How Fines and Penalties may be Recovered.

273. Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced, with costs, by and before any *Police Magistrate* or Justice of the Peace having jurisdiction within the school section, City, Town, or Village in which such fine or penalty has been incurred. How penalties under this Act shall be recoverable.

(2) If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting

Justice, be enforced, levied and collected with costs, by distress and sale of the goods and chattels of the offender, and shall be by the *Police Magistrate or Justice* paid over to the school treasurer of the school section, City, Town, or Village, or other party entitled thereto. 5

(3) In default of such distress, the *Police Magistrate or Justice* shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same, are sooner paid. R. S. O., c. 204, s. 250. 10



Confirming and Saving Clauses.

School lands granted before 1850 vested in trustees for school purposes. 274. All lands which, previous to the twenty-fourth day of July, one thousand eight hundred and fifty, were granted devised or otherwise conveyed to any person or persons in trust for common school purposes, and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the Public School trustees of the school section or division in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by said trustees and their successors upon the like trusts and subject to the same conditions and estates upon or subject to which the said lands are now respectively held. 15 20

Unions existing 2nd March, 1877, confirmed. 275. All school sections existing on the second day of March, one thousand eight hundred and seventy-seven, and all unions of school sections comprised of parts of the same or different municipalities which on that date existed in fact, and whether formed in accordance with the provisions of the law in that behalf or not, are to be deemed as having been legally formed, and such unions shall continue to exist, subject, however, to the provisions of this Act so far as applicable, as if they had been formed thereunder; and in cases where any union has heretofore been adjudged by any court or judge to have been illegally formed, or where any proceedings were pending at said date on that ground, further proceedings may be stayed, upon payment of such costs or expenses, if any, as the court or judge may award. 25 30 35

Elections of trustees. Inspection and taxation in union school sections and divisions existing on 2nd March, 1877. 276. In the case of union school sections existing on the second day of March, one thousand eight hundred and seventy-seven, and composed of portions of adjoining townships or portions of a township or townships, and a town or incorporated village, every such union school section shall, for the purposes of the election of trustees, be deemed one school section or division, and shall be considered in respect to inspection and taxation for school purposes as belonging to the township, town or village in which the school-house is situated. 40 45

Inconsistent enactments repealed. Exception. 277. The Acts and parts of Acts set out in schedule "B" to this Act are hereby repealed; but the repeal thereof shall not revive any Act or provisions of law by them repealed, or prevent the effect of any saving clause therein, or the application of any such parts or Acts, or of any Act or provision of law formerly in force to any transaction, matter or thing prior to the said repeal to which they would otherwise apply. *New.* 50

278.  Notwithstanding anything in this Act contained, the law and all Acts relating to or affecting Roman Catholic Separate Schools, shall for all purposes and in all respects remain, continue and be as if this Act had not been passed. 

SCHEDULE.

FORM OF SCHOOL DEBENTURE.

PROVINCE OF ONTARIO.

§ *Debenture of the* _____ *of* _____ *County of* _____ *No.* _____
School Loan. _____, *for* _____

The corporation of the _____ of _____ hereby promise to pay to Bearer at the Bank of _____, at _____, the sum of _____ dollars, lawful money of Canada, _____ year from the date hereof; and to pay interest at the rate of _____ per cent. per annum, half-yearly, to the Bearer of the annexed coupons respectively, upon the presentation thereof at the said Bank.

Issued at _____, this _____ day of _____, 18____, by virtue and under the authority of the *Public School Act* of Ontario, _____ Vict., chap. _____, and pursuant to By-law No. _____ of said _____ of _____, passed on the _____ day of _____, A. D. 18____, intituled "A By-law to raise by way of loan the sum of _____ dollars for the purposes therein mentioned" (or as the case may be).

A. B., *Reeve.*

C. D., *Treasurer.*

COUPON, No.

The Corporation of the _____ of _____ will pay the Bearer at the Bank of _____, at _____, on the _____ day of _____, the sum of _____ dollars, interest due on that day on Debenture No. _____ C. D., *Treasurer.*

SCHEDULE "B."

ACTS REPEALED BY THIS ACT :

- Rev. Stat. Ont.. c. 203, An Act respecting the Education Department.
 " " " 204, An Act respecting Public Schools.
 " " " 205, An Act respecting High Schools.
 41 Vic. c. 8, ss. 20, 21 and 22, amendments to the Revised Statutes.
 42 Vic. c. 34, An Act respecting Public, Separate and High Schools.
 43 Vic. c. 32, An Act respecting certain amendments to the Public Schools Act.
 44 Vic. c. 30, An Act for further improving the School Law.
 45 Vic. c. 30, An Act respecting certain amendments in the School Law.
 47 Vic. c. 45, An Act to amend the Act respecting Public, Separate, and High Schools.

 FORM "C."

Census of all children between the age of seven and thirteen in the (city, town, or incorporated village) (as the case may be) of _____

Name.	Age.	Parent or Guardian.	Residence.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to Consolidate and Amend the
Public School Act.

First Reading, 5th February, 1885.
Second " 24th " 1885.

*(Reprinted as amended by Committee of
Whole House.)*

Mr. ROSS
(Middlesex).

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

No. 72.]

BILL

[1885.

An Act to amend The Consolidated Municipal Act,
1883.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Section 538 of *The Consolidated Municipal Act, 1883*, is ^{46 V., c. 18, s.} 538, amended.
5 hereby amended by inserting after the word “them” in the
seventh line the following words, “and any bridge or bridges
over rivers, streams or other bodies of water required to be
bridged, crossing such boundary road or line of road deviating
or used in lieu of such boundary, shall be erected and main-
01 tained jointly by the counties separated by such road, or such
road so deviating as is herein referred to.”

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend "The Consolidated Municipal Act, 1883."

First Reading, February 6th, 1885.

MR. MCINTYRE.

TORONTO:
PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

No. 73.]

BILL.

[1885.

An Act to amend the Municipal Act.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Section 73 of the *Consolidated Municipal Act, 1883*, is hereby ^{46 V., c. 18, s.} amended by inserting the words "or incorporated Village" ^{73, amended.} after the word "Township" where the said word occurs in the first, third and fifth lines of the last paragraph of the said section.

No. 78.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Municipal Act.

First Reading, February 6th, 1885.

Mr. DILL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Consolidated Municipal Act,
1883.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 621 of *The Consolidated Municipal Act, 1883*, is 46 V., c. 18, s. 621 amended.
 5 hereby amended by inserting immediately after the words
 “place of worship,” in the first line of said section, the words
 “university college, high school, public school, town or city
 hall, court house, gaol, house of correction, lock-up house, pri-
 vate lunatic asylum, poor house, alms house, orphan asylum,
 10 house of industry, public library, mechanics’ institute and other
 public, literary, or scientific institution,” and by inserting
 immediately after the word “therewith” in the second line
 of said section the words “or attached thereto and with respect
 to every church yard, burying ground or cemetery,” and all en-
 15 actments inconsistent with the said section as hereby amended
 are hereby repealed in so far as they are inconsistent there-
 with.
2. Section 624 of the said Act is hereby amended by insert- Sec. 624 amended.
 ing immediately before the word “sweeping” where it first
 20 occurs in said section the words “repairing, cleaning,” by in-
 serting before the word “watered” where it occurs in sub-
 section (2) to said section the words “repaired, cleaned,” and
 by inserting immediately before the word “watering” where
 it occurs in said sub-section the words “repairing, cleaning.”
- 25 3. The treasurer of every municipality shall make out in Annual state-
ment of re-
ceipts and ex-
penditures.
 each year a statement of the receipts and expenditure of the
 municipality for the current year up to the first day of Decem-
 ber in such year, setting down also therein as estimated receipts
 the balance on the collector’s roll not paid in at said date,
 30 together with all items of revenue to fall due within the year
 up to the first day of January following, and setting down as
 estimated expenditure for the balance of the year all sums to
 fall due from the municipality before the first day of January
 following, and all sums payable out of the taxes collected and
 35 to be collected for the year and including an appropriation
 which it shall be the duty of the council to vote before the
 said first day of December to cover all expenditure to be made
 by or under the authority of such council subsequently to said
 first day of December, and striking a correct balance between
 40 the said receipts and estimated receipts and the said expendi-
 ture, estimated expenditure and appropriation.

- Statement to be made under oath.** **4.** The treasurer shall make oath to the correctness of such statement before a notary public or justice of the peace, whose certificate of such oath having been taken shall be appended thereto, together with a certificate from the auditors of the municipality that they have examined the said statement and compared the same with the books, rolls and vouchers of the municipality, and of the result of such examination. 5
- Publication of statement.** **5.** A correct copy of such statement, with the certificates appended thereto, shall be published by the treasurer on or before the fifteenth day of December in every year, at the expense of the municipality in some newspaper or newspapers published within the municipality, 10
- Council to make appropriation to meet expenses.** **6.** The appropriation mentioned in the first section of this Act shall be such as is sufficient in the opinion of the council to meet all expenditure to be made by or under the authority of the council during the remainder of their term of office, and shall be voted at a meeting of the council held some time during the month of November. 15
- Excess of appropriation to be re-voted by the new Council.** **7.** No payment in excess of such appropriation shall be made by the treasurer unless and until the amount of such excess be formally re-voted by the council of the succeeding year, providing however, that the treasurer shall be required to meet all payments on account of debentures, coupons or sinking fund to meet the same, of the municipality payable out of the year's taxes, and shall retain in his hands, if necessary, sufficient of such appropriation to meet such payments when they shall become due. 20 25
- Actions to recover on debentures or coupons.** **8.** No action shall be brought by or on behalf of any creditor of such municipality, except in respect of debentures or coupons thereof before the first day of December, until after the first meeting of the council elected for the succeeding year. 30
- Members of Councils not to bind the municipality for expenditure of money.** **9.** No member or officer of the municipality shall, after the first December in any year, have power to bind the municipality for the expenditure of any money upon any public works, except those of the nature of ordinary repair and maintenance without the special vote of the council first had and obtained. 35
- Application of this Act.** **10.** Sections 3 to 10 inclusive of this Act shall apply to cities and towns only.



No. 74.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Consolidated Municipal Act, 1883.

First Reading, 9th February, 1885.

Mr. ERMATINGER.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act for the Expropriating of Lands for Public Cemeteries.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The council of any city, town, township or incorporated village may pass a by-law for the acquiring and expropriation of lands to be used as a Public Cemetery or Burying Ground, or for the enlarging thereof, said lands to be within the limits of a township municipality. Councils may pass by-laws for the taking of lands
- (1.) The council of a city, town, or incorporated village may, with the consent of the Board of Health of any city, town or village, acquire and expropriate the lands necessary for such Cemetery or Burying Ground within each of their respective limits. Cemeteries may be within a city, town or village, if Board of Health consents.
2. In case the owner of the land refuses to sell the same, or refuses to take the price the council of the municipality is willing to pay, then in either of such cases the matter in dispute shall be referred to arbitration, and shall be proceeded with under the provisions of the Municipal Act respecting arbitrations, as to compensation for lands taken. If parties fail to agree, Arbitrators to decide.
- (1.) The arbitrators shall decide if the public necessity requires that the lands should be expropriated for the aforesaid purposes or any of them, and if so decided upon, they shall award as to the price to be paid to the owner of said lands, but the municipality shall in every case pay all costs of the arbitration. Municipality to pay costs of arbitration.
- (2.) If the arbitrators award that the lands shall be taken for such Cemetery, or Burying Ground, one copy of said award shall be deposited with the Registrar of the county or city, as the case may be, in which the lands are situate, and shall be a valid title to the said lands. Award to be the title to the land taken.
3. No lands used as an orchard, pleasure ground or garden, nor any lands within one hundred yards of any dwelling house, shall be acquired or expropriated without the consent of the owner or owners thereof. Certain lands not to be taken except with consent of owner.
4. The award shall be in writing and the boundaries of the lands or premises taken shall be fully described therein. Boundaries to be described in award.
5. All the provisions of sub-sections 8, 9 and 10 of section 490 of the *Municipal Institutions Act of 1883* shall, as far as applicable, apply to the lands acquired under this Act. Sub-sec. 8, 9, and 10 of Sec. 490 of Municipal Act to apply.

No. 75.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act for the taking of lands for Public
Cemeteries.

First Reading, 9th February, 1885.



MR. WATERS.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act Respecting Expropriation of Land for Public Cemeteries.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The council of any city, town, township or incorporated village may pass a by-law for the acquiring and expropriation of lands to be used for *enlarging any existing Public Cemetery or Burying Ground, such lands to be situate* within the limits of a township municipality. Councils may pass by-laws for the taking of lands.
2. (1) In case the owner of the land *required* refuses to sell the same, or refuses to take the price the council of the municipality is willing to pay, then in either of such cases the matter in dispute shall be referred to arbitration, and shall be proceeded with under the provisions of *The Municipal Act* respecting arbitrations, as to compensation for lands taken. If parties fail to agree Arbitrators to decide.
- 15 (2) The arbitrators shall decide *whether it is necessary in the public interests* that the lands should be expropriated for the aforesaid purposes or any of them, and if so decided they shall award as to the price to be paid to the owner of said lands, but the  costs shall be in the discretion of the arbitrators. Municipality to pay costs of arbitration.
- 20 (3) If the arbitrators award that the lands shall be taken for such Cemetery, or Burying Ground, one copy of said award shall be deposited with the Registrar of the county or city, as the case may be, in which the lands are situate, and shall be a valid title to the said lands. Award to be the title to the land taken.
3. No lands used as an orchard, pleasure ground or garden, nor any lands within *two hundred yards* of any dwelling-house, shall be expropriated without the consent of the owner or owners of *such dwelling-house*. Certain lands not to be taken except with consent of owner.
- 30 4. The award shall be in writing and the boundaries of the lands or premises taken shall be fully described therein. Boundaries to be described in award.
5. All the provisions of sub-sections 8, 9 and 10 of section 490 of *The Consolidated Municipal Act, 1883*, shall, as far as applicable, apply to the lands acquired under this Act. Sub-secs. 8, 9, and 10 of Sec. 490 of Municipal Act to apply.
- 35 6. (1)  Incorporated Cemetery Companies and Trustees of Cemeteries or Burying Grounds shall have all the rights and powers by this Act conferred upon the councils of cities, P-wers of Companies and Trustees.

towns and incorporated villages, subject to the following provisions:—

In case additional land is required for the enlargement of a burial ground if the council of the municipality in which the land is situated shall, by by-law, declare that in the opinion of the council the company or trustees aforesaid should, for the purpose aforesaid, have power to expropriate the adjacent land in the by-law set forth, and if the Judge of the County Court of the county shall certify that in his opinion the proposed enlargement is for the public advantage and convenience, the company or trustees aforesaid, upon registering the by-law and certificate in the proper registry office, shall in respect of the land in the by-law set forth, possess the powers conferred by this Act upon the councils of cities, towns and incorporated villages.

(2) Where trustees desire to take proceedings under this Act their proceedings may be initiated by resolution instead of by by-law as provided in the case of municipalities.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the Expropriation of
Land for Public Cemeteries.

First Reading, 9th February, 1885.
Second " 20th " 1885.

*(Reprinted as Amended by Select
Committee.)*

MR. WATERS.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend Chapter 155 of the Revised Statutes of Ontario, relating to Joint Stock Companies for the erection of Exhibition Buildings.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. Section number two of Chapter one hundred and fifty-five of the Revised Statutes of Ontario be and the same is hereby amended by striking out the words "such instrument at full length" in the twelfth line from the top, and inserting the following words in lieu thereof:—"A copy of such instrument with names of stockholders and amount of stock, and number of shares of each stockholder at full length, duly authenticated by a statutory declaration of any person not being a marksman who may have compared the said copy with the original stockbook."

R. S. O., c.
155, s. 2
amended.

2. Any company heretofore formed under the said Statute, and who may have filed with the Registrar a duly authenticated copy of such instrument and stock-book as aforesaid, instead of filing the original stock-book, shall be and is hereby declared to be a company duly formed under the said Statute in the same manner as if the original instrument had been filed thereunder.

Companies
neglecting
to file original
stock-books.

3. The following words shall be added to Section number four of said Statute:—

Sec. 4
amended.

"In case no election of directors shall take place or meeting for that purpose be held on the said second Monday, the directors then last chosen shall hold office until new directors are elected, and in case of such non-election the President, shall on the written request of any three of the stockholders upon whose stock all the calls have been paid, call a special meeting for the election of directors by posting to each stockholder a written or printed notice of such meeting to be held not sooner than ten days or later than fifteen days from the posting of such notices, and in case of the default or refusal of the President to call said meeting, for five days after such written demand on him, then the said stockholders so demanding shall have the power to call such meeting in the same manner as the same would have been called by the President and the election of directors thereat shall be as valid as if made at the said annual meeting."

Election of
directors.

No. 76.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend Chapter 155 of the Revised Statutes of Ontario relating to Joint Stock Companies for the erection of Exhibition Buildings.

First Reading, 9th February, 1885.

Mr. MCKAY.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Revised Statute respecting
Joint Stock Companies for the erection of Exhibition
Buildings.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :

- 1 Section 2 of chapter 155 of The Revised Statutes of R. S. O., c.
5 Ontario is hereby amended by inserting immediately before the 155, s. 2
words "at full length," where they occur in said section, the amended.
words "or an original duplicate thereof."
- 2 It is hereby declared that any instrument within the Registration
meaning of said section 2 of said Act shall be deemed to have of instruments
10 been registered in accordance with and as required by the provisions under s. 2.
of said section if instead of the original instrument there
has prior to the passing of this Act, been filed and registered
with the proper Registrar designated by said section, a true
copy of said instrument, verified and authenticated as such by
15 a statutory declaration of any person who may have compared
said copy with the original.
3. The following shall be added to section 4 of said Act, as Sec. 4
sub-section 2 of said section :— amended.
- 20 (2) "In case no election of directors shall have taken place as
provided for in the preceding sub-section, the directors then Election of
last chosen shall hold office until new directors are elected ; and directors.
and in such case the President, shall on the written request of any
three or the stockholders upon whose stock all the calls have
25 been paid, call a special meeting for the election of directors by
mailing with the postage thereon prepaid to each stock-
holder, a written or printed notice of such meeting to be held
not sooner than ten days or later than fifteen days from the
mailing of such notices ; and in case of the default or refusal
30 of the President to call said meeting, for five days after such
written demand on him, then the said stockholders so demand-
ing shall have the power to call such meeting in the same man-
ner as the same would have been called by the President and
the election of directors thereat shall be as valid as if the
35 same had been made pursuant to the provisions of the preced-
ing sub-section."

BILL.

An Act to amend the Revised Statute respecting Joint Stock Companies for the erection of Exhibition Buildings.

First Reading, 9th February, 1885.
Second " 23rd " 1885.

*(Reprinted as Amended by Select
Committee.)*

Mr. MCKAY.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

No. 77.]

BILL.

[1885.

An Act to further amend the Assessment Act.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section Nineteen of the Assessment Act, as amended by ^{42 V., c. 32,}
5 Section 3 of the Act passed in the forty-second year of Her ^{s. 3, amended.}
Majesty's reign, chaptered 32, is hereby amended by adding
the words "or corporation" after the word "partnership,"
wherever it appears in the said section.

No. 77.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to further amend the Assessment
Act.

First Reading, 9th February, 1885.

Mr. MONK.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to Amend the Act respecting Investments in
Tile Drainage Debentures.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Section five of the Act passed in the forty-first year of the 41 Vic. Cap. 9,
5 reign of Her Majesty, and chaptered nine, is hereby amended by s. 5, amended.
striking out all the words after the word "Act" in the second
line thereof.

2. Section six is hereby amended by striking out all the words Cap. 9, 41 Vic.
between the word "Act" in the second line, and the word s. 6, amended.
10 "deposit" in the sixth line, and substituting the word "shall" in
lieu thereof.

3. Section nine is hereby amended by striking out the word Sec. 9 of cap.
"may" in the first line thereof, and substituting the word 9, 41 Vic.
"shall" in lieu thereof. amended.

No. 78.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL

An Act to amend the Act respecting Title
Drainage Debentures, Cap. 9, 41 Vic.

First Reading, 9th February, 1885.

Mr. WATERS.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act in respect of certain sums of money ordered by the Legislative Assembly to be impounded in the hands of The Speaker.

WHEREAS it appears from the journals of the Legislative Assembly of this Province, and the report of certain commissioners appointed to take evidence in this behalf, and from the evidence so taken, that certain sums of money
 5 were delivered during the session of said Legislative Assembly held in the forty-seventh year of Her Majesty's reign by a certain person therein named, to two members of said Legislative Assembly for the purpose and under the hope of thereby influencing their votes as members of said Legislative Assembly, to wit, the sum of one thousand dollars to the one member,
 10 and the sum of eight hundred dollars to the other;

And whereas the said members at once disclosed to the Government of the Province the attempt so made to influence their votes, and delivered the said sums of money to the Speaker of
 15 said Legislative Assembly to be by him produced to said Legislative Assembly;

And whereas, afterwards and during the said session the said Legislative Assembly ordered the said Speaker to impound and keep the said sums of money on behalf of the said Legislative
 20 Assembly, to be dealt with as the said Legislative Assembly should thereafter decide;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

25

1. The said sums of \$1,000 and \$800 are hereby declared to be forfeited to Her Majesty for the public use of the Province, and to have been so forfeited from the time of being so delivered to said Speaker.

Forfeiture
of moneys to
the Crown.

30

2. This Act shall be a bar and discharge to, of and against any action, suit or proceeding which has been, or may be hereafter brought, or taken, against the said Speaker, the Honourable Charles Clarke, by any person or persons whomsoever in
 35 respect of the said moneys, or any part thereof or in respect of any indebtedness that may be alleged to have arisen in consequence of either of the said sums having been given to the said Charles Clarke as aforesaid, and no costs shall be awarded against the said Charles Clarke in any such suit, action, or
 40 proceeding, and if any action, suit or proceeding is brought or instituted after the passing of this Act, or if any proceeding in respect of any of the said moneys is taken against the said Charles Clarke in any action, suit or matter now pending, the said Charles Clarke shall be entitled, against
 45 the person or persons instituting or taking such action, suit or proceeding, to his full costs, as between solicitor and client, incurred in resisting the said action, suit or proceeding.

Speaker
indemnified.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act in respect of certain sums of money ordered by the Legislative Assembly to be impounded in the hands of The Speaker.

First Reading, 9th February, 1885.

Mr. FRASER.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act in respect of certain sums of money ordered by the Legislative Assembly to be impounded in the hands of The Speaker.

WHEREAS it appears from the journals of the Legislative Assembly of this Province, and the report of certain commissioners appointed to take evidence in this behalf, and from the evidence so taken, that certain sums of money were delivered during the session of said Legislative Assembly held in the forty-seventh year of Her Majesty's reign by a certain person therein named, to two members of said Legislative Assembly for the purpose and under the hope of thereby influencing their votes as members of said Legislative Assembly, to wit, the sum of \$1,000 to the one member, and the sum of \$800 to the other;

And whereas the said members at once delivered the said sums of money to the Speaker of said Legislative Assembly to be by him produced to said Legislative Assembly;

15 And whereas, afterwards and during the said session the said Speaker produced the said sums of money to said Legislative Assembly, and thereupon and during the said session the said Legislative Assembly ordered the said Speaker to impound and keep the said sums of money on behalf of the said Legislative Assembly, to be dealt with as the said Legislative Assembly should thereafter decide;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

25 1. The said sums of \$1,000 and \$800 are hereby declared to be forfeited to Her Majesty for the public use of the Province, and to have been so forfeited from the time of being so delivered to said Speaker.

2. This Act shall be a bar and discharge to, of and against any action, suit or proceeding which has been, or may be hereafter brought, or taken, against the said Speaker, the Honourable Charles Clarke, by any person or persons whomsoever for or in respect of the said moneys, or any part thereof, or for or in respect of any indebtedness that may be alleged to have arisen in consequence of either of the said sums having been delivered or given to the said Charles Clarke as aforesaid, or for or in respect of any matter, cause or thing mentioned in this Act, and no costs shall be awarded against the said Charles Clarke in any such suit, action, or proceeding, and if in respect of the said moneys or any part thereof, or of any such cause, matter or thing, any action, suit or proceeding is brought or instituted after the passing of this Act, or if any

Preamble.

Forfeiture of moneys to the Crown.

Speaker indemnified.

proceeding in respect of the said moneys, or any part thereof, or of any such cause, matter or thing, is taken against the said Charles Clarke in any action, suit or matter now pending, the said Charles Clarke shall be entitled, against the person or persons instituting or taking such action, suit or proceeding, to his full costs, as between solicitor and client, incurred in resisting the said action, suit or proceeding. 5

(2) The word "proceeding" in this section shall be held to include any attachment or garnishment, and any attaching or garnishee or other order, and also any issue, or the trial of any issue directed or ordered by any court or judge in respect either of said moneys or any part thereof or of any alleged liability, indebtedness, claim or demand arising, or claimed to have arisen from or out of the delivery of said moneys or any part thereof to the said Speaker as aforesaid, or from or because of any attaching or garnishee order directed to or served upon said Charles Clarke, or because of any other matter, cause or thing mentioned in this Act; but nothing in this sub-section contained shall be read or construed as restricting or excluding a more extended meaning of the said word "proceeding." 15 20

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act in respect of certain sums of money ordered by the Legislative Assembly to be impounded in the hands of The Speaker.

First Reading, 23rd February, 1885.
Second " 12th March, 1885.

(Reprinted as amended by Committee of whole House.)

MR. FRASER.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to regulate the Public Fisheries of this Province.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Ontario Fisheries Act*, Short title.
5 1885."

2. This Act and its respective provisions apply to all public fisheries and rights of fishing in respect of which the Legislature of Ontario has authority to legislate. Application of Act.

3. Unless otherwise declared or indicated by the context Interpretation. wherever any of the following words or expressions occur in this Act, they shall have the meanings hereinafter expressed, that is to say:—

(1) The expression "Crown Lands" shall be held to mean and include such ungranted Crown or Public lands or Crown domain as are within and belong to the Province of Ontario, and whether or not any waters flow over or cover the same.

(2) The word "fish" shall mean and include every kind, variety and description of fish in respect of the catching or killing of which within the Province the Legislature of Ontario has authority to legislate.

(3) The word "waters" shall be held to mean and include such of the waters of any lake, river, stream or water-course wholly or partly within said Province, as flow over or cover any Crown Lands.

(4) The word "Commissioner" shall mean the Commissioner of Crown Lands.

(5) The expression "Fishery Lease" shall be held to include and mean a lease or instrument conferring for a term therein mentioned upon the lessee therein named the right to take and keep, for the purposes of fishing under and subject to the provisions of this Act and of all regulations made thereunder, the exclusive possession of any Crown Lands therein described, with the exclusive right to fish in any waters flowing over or covering the same at such time and in such manner and with such restrictions as may be permitted, regulated or prescribed by any lawful authority in that behalf.

(6) The expression "Fishing License," shall be held to mean and include a license granting for the time therein mentioned to the licensee therein named, upon payment of the license

fee therein stipulated, a right to fish in any waters flowing over or covering any ungranted Crown Lands therein described, at such time, in such manner and with such restrictions as may be permitted, regulated or prescribed by any lawful authority in that behalf, but no such fishing license shall be deemed to be, or be construed to operate as or in the nature of a lease or demise. 5

Issue of leases and licenses.

4. Subject to the other provisions of this Act, every fishery lease and every fishing license shall be granted and issued by the Commissioner but subject always to such conditions, regulations and restrictions as may from time to time be made, ordered or established in that behalf by the Lieutenant-Governor in Council, and published in the *Ontario Gazette*: 10

Proviso.

Provided, however, that no such lease or license shall be granted or issued in respect of or as including any lands or waters where an exclusive right of fishing already exists by law. 15

Leases to be made at annual rental.

5. A fishery lease shall not be granted for a longer period than five years from the date thereof, and shall only be made to the highest bidder of an annual rental therefor after the same shall have been put up to public competition, of which at least one month's notice shall be given in the *Ontario Gazette*, and in such other way as to the Commissioner may seem the most advantageous; provided always that the price offered be at least equal to the upset price fixed by the Commissioner, and 20

Proviso.

that if not sold, the Commissioner may afterwards, by private sale, dispose of the said lease at such upset price, or for a greater sum; and the signature of the Commissioner to such lease shall be evidence in all courts of a compliance with the provisions of this section. 25 30

Forfeiture for non-payment.

6. The rental shall be paid in advance, and any lessee who fails to pay such rental at the date fixed by his fishery lease shall forfeit all rights thereunder, and the same may be thereupon annulled by the Commissioner of Crown Lands, and may be again put up to sale, but notwithstanding the annulling of such lease, the lessee shall be liable at the suit of Her Majesty for the annual rental and the expenses incurred by said lease being again put up to sale. 35

Transfer of leases.

7. No lessee or licensee shall have the right to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act, without first receiving the written consent of the Commissioner, or some other person authorized to that effect. 40

Lessee not entitled to compensation in case of deficiency by reason of error.

8. If in consequence of any incorrectness of survey or other error or cause whatsoever, a fishery lease is found to comprise lands included in a fishery lease of a prior date, the fishery lease last granted shall be void in so far as it interferes with the one previously issued, and the holder or proprietor of the lease so rendered void shall have no claim for indemnity or compensation by reason of such avoidance. 45 50

Provision where fishery has been occupied

9. Whenever within two years from the time of the passing hereof, it shall be made to appear to the Commissioner in the exercise of the powers vested in him by this Act, that any

fishery or rights of fishing in or over any Crown Lands or waters has or have been occupied or claimed under any lease or license for an unexpired term, under some mistake or misconception of the rights of this Province thereto, it shall be lawful for the Commissioner to make any arrangements, under the circumstances, which may be deemed by him to be just and fair, and in such cases the granting or making of a fishery lease for or in respect of any such Crown Lands or waters shall not, in the first instance, be required to be by public competition.

10. If any person shall enter upon or pass over the land described in a fishery lease without permission of the lessee or his representative, he shall, on conviction thereof incur and pay a fine not of less than one nor more than ten dollars, with costs of prosecution, for each such offence, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county, within which the offence was committed, for a period not exceeding one month; provided, however, that this section shall not apply to any person entering upon or passing over such lands in discharge of any duty imposed by law, nor, when the lands are included in any timber license, to the holder thereof, who shall at all times have the right to cut and take away all trees, timber and lumber within the limits of his license; nor to prevent the owners or occupiers of lands bordering on any waters to a general right of passage to and from such waters; nor the public user of any waters, or the banks thereof, either for the conveyance of lumber of any kind, or for the free navigation thereof by vessels, boats, or other craft; nor to any user under license by the Crown of any such lands or waters for any purpose or occupation not inconsistent with the provisions of this Act.

11. (1) Every fishery lease shall be deemed and taken to have been made and granted subject to a right of passage to and from any waters in favour of the occupants, if any, under title from the Crown, of the lands immediately in rear of those included in such fishery lease.

(2) In the discharge of his duties every fishery overseer, and every person by him accompanied or authorized to such effect, may enter upon and pass through or over private property without being liable for trespass.

12. The Lieutenant-Governor in Council may, if he considers it expedient, appoint Fishery Overseers, whose duties shall be defined by the regulations made under this Act, and every overseer so appointed and having taken the oath of office prescribed by this Act, shall be, *ex-officio*, a Justice of the Peace for all the purposes of this Act and of any regulations made under authority thereof within the county or district for which he is appointed to act as such overseer.

13. Each fishery overseer shall, before acting as a Justice of the Peace under this Act, take and subscribe the following oath:—

“I, A. B., a Fishery Overseer in and for the district or territory described in my appointment, do solemnly swear that, to the best of my judgment, I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such officer according to the true intent and meaning of *The Ontario Fisheries Act*, and of all regulations made or to be made thereunder. So help me God.”

Regulations
may be made
by Lieutenant-
Governor in
Council.

14. (1) So far as the Legislature of Ontario has authority so to enact, the Lieutenant-Governor in Council may, from time to time, make regulations, and may from time to time vary, amend, and alter all and every such regulation as shall be found necessary or deemed expedient for the better management and regulation of Crown lands leased under the operation of this Act and the fishing rights thereto pertaining, or of any fishing license which may be made or granted under the operation of this Act; and to prevent the destruction of fish, and to forbid fishing except under authority of a fishery lease or fishing license; and all such regulations shall have the same force and effect as if herein contained and enacted, and every offence against any such regulation may be stated as having been made in contravention of this Act. 5 10

(2) The publication of any such regulation in the *Ontario Gazette*, shall be sufficient notice to give legal effect to the same; and the production of a copy of a paper purporting to be the *Ontario Gazette*, and containing any such regulation shall, so far as the Legislature of Ontario has authority so to enact or direct, be admitted as full and sufficient evidence of 20 the same, in all courts.

Remuneration
of Overseers,
etc.

15. The remuneration of the Fishery Overseers and of all other persons employed to perform any duty imposed by this Act or by the regulations made under it, shall be determined by the Lieutenant-Governor in Council, and shall be paid out 25 of any moneys derived under the provisions of this Act.

Appointment
of guardians
for protection
of fisheries.

16. (1) The Commissioner may, upon the request of any lessees of fishery leases, or without such request, appoint as many guardians as may be deemed necessary for the effectual protection of the fisheries, or rights of fishing in any waters; such guardians shall be sworn to the faithful discharge of their duties, and especially to prevent the taking or killing, or attempting to take or kill fish in the waters under their charge by illegal means, or at times when the taking or killing of fish is prohibited by lawful authority; they shall be employed for such 30 length of time as the Commissioner shall consider necessary, and their services shall be paid for by the lessees.

(2) If thereunto required by the Commissioner any such lessee shall keep and maintain, at his own expense, within the limits granted to or conferred upon him by any fishery lease, 40 and for such time or times as the Commissioner may in that behalf prescribe, one or more efficient guardians, whose duties shall in all respects be the same as those of the guardians in the preceding sub-section of this section mentioned.

Returns by
lessees.

17. It shall be a condition of every Fishery Lease that the 45 lessee shall, as soon as possible after the close of each fishing season, transmit to the Department of Crown Lands a statement of the number and weight of fish caught in the waters affected by such lease.

Control of fish-
ing rights per-
taining to
granted lands
may be
assumed by
Commis-

18. The Commissioner may, with the consent of the owners, 50 and for the purposes of management only, assume the control of fishing rights pertaining to granted lands fronting on any stream, river or lake, with a view of improving or leasing the same in connection with those pertaining to Crown

Lands fronting on the same stream, river or lake, and paying over to the private owners of such fishing rights a proportionate share of the rent received for the whole. sioner with consent of owner.

19. It shall be lawful for the Commissioner, or any officer thereto authorized by him, to grant permits to fish in any waters adjoining Crown Lands not under lease for a period not exceeding one month, upon such terms and subject to such restrictions and conditions as shall be provided by order of the Lieutenant-Governor in Council to that effect. Fishing permits.

20. Any fishery lease, or fishery license or permit held by any person, convicted of any contravention of this Act, or of any regulations made and published as aforesaid, may be annulled and cancelled by the Commissioner, and thereupon such person shall forfeit all his rights and privileges under such lease, license or permit, and shall not be entitled to or have any claim or right to any indemnity or compensation in respect thereof. Cancellation of leases, etc.

21. A fishery lease shall entitle the lessee to institute in his own name any civil action, suit or proceeding against any person unlawfully trespassing upon, damaging or invading the rights, property, premises or privileges granted by such lease, and also to sue for and recover any damages sustained by him as such lessee. Lessee to have right of action for trespass.

22. Every lessee to whom a fishery lease is granted, shall be answerable for damage done to the lands in such lease described, and the timber growing thereon, or on adjoining lands, either by himself or his agents, or persons under his control, either from waste or from want of sufficient precautions in lighting, watching over or extinguishing fires; and it shall be incumbent on every such lessee, in case of damage caused by fire, to prove that all such precautions have been taken. Liability of lessee for damage to lands included in lease.

23. It shall be lawful for the Lieutenant-Governor in Council, upon the recommendation of the Commissioner, to reserve from lease for one or more years, for purposes of improvement, any waters, the exclusive right of fishing in which is within the meaning of section two of this Act. Waters may in certain cases be reserved from lease.

24. The Commissioner may appropriate and license or lease certain waters in which certain Indians shall be allowed to catch fish for their own use in and at whatever manner and time, and subject to whatever terms and conditions are specified in the license or lease. Lease of waters in which Indians allowed to fish.

25. The Commissioner may authorize to be set apart, and to be leased, any waters for the natural or artificial propagation of fish, and any person who wilfully destroys or injures any place so set apart or used for the propagation of fish, or fishes therein without written permission from a Fishery Overseer, or from lessee or licensee thereof, or uses therein any fishing light or other like implement for fishing, during the period for which such waters are so set apart, shall for every such offence incur and pay a fine not exceeding one hundred dollars, with costs of prosecution, and in default of Provisions as setting apart waters for natural or artificial propagation of fish.

immediate payment of such fine and costs, shall be imprisoned in the common gaol of the county wherein the offence was committed, for a period not exceeding three months.

Commissioner may grant permission to obtain fish, etc., for certain purposes.

26. Nothing contained in this Act shall preclude the granting by the Commissioner of written permission to obtain fish and fish spawn, for purposes of stocking or artificial breeding, or for scientific purposes. 5

Penalty for fishing within limits of fishing lease without permission of lessee.

27. If any person without permission of the lessee or his representative, fishes, or employs or induces any other person to engage or assist in fishing within the limits included in any fishery lease, or removes or carries away, or employs or induces or assists any other person to remove or carry away any fish caught within any such limits, he shall not acquire any right to the fish so caught, but the same shall be forfeited and become the absolute property of the lessee, and any such person shall therefor, and upon conviction thereof incur and pay a penalty of not less than five or more than twenty dollars, with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed for a period not exceeding one month; and such lessee or any person by him authorized, and any Fishery Overseer, may upon his own view forthwith seize and remove any net, article or apparatus so used in fishing or to assist in fishing contrary to the provisions of this section, to be afterwards dealt with according to law; provided always, that the occupation of any fishing grounds or waters leased for the express purpose of net fishing, shall not interfere with nor prevent angling for other purposes than those of trade or commerce. 10 15 20 25

Penalty for contravention of Act where no special penalty.

28. If any of the provisions of this Act or of any regulations made under the authority thereof by the Lieutenant-Governor in Council, are contravened and no other penalty is herein provided for such contravention, the person guilty of such contravention shall on conviction thereof incur and pay a fine of not more than twenty dollars with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding one month. 30 35

Separate offences.

29. Contravention on any day of any of the provisions of this Act, or of any regulation made under the authority thereof by the Lieutenant-Governor in Council, shall constitute a separate offence, and may be punished accordingly. 40

Provisions with respect to summary proceedings.

30. The following provisions shall have effect with respect to summary proceedings for offences, fines and penalties under this Act; 45

(1.) The information shall be laid within two months after the commission of the offence.

(2.) The description of an offence in the words either of this Act or of any regulations made by authority thereof, or in any similar words, shall be sufficient in law; 50

(3.) Any exception, exemption, proviso, excuse or qualification, whether it does or not accompany the description of the

offence in this Act, or in any regulation made by authority thereof, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or complainant;

(4.) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person is authorized by this Act to appeal, shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into a Superior Court, except for the purpose of the hearing and determination of a special case.

(5.) Whenever it shall appear to the satisfaction of the convicting magistrate that an offence against this Act or any regulation made thereunder has been committed in ignorance of the law, and that because of the poverty of the offender, the fine or penalty imposed would be oppressive, a discretionary power may be exercised.

(6.) Any Fishery Overseer or magistrate may upon his own view convict for any offence against the provisions of this Act, or of any regulation made thereunder, and shall instantly remove or cause to be removed and detain all materials and articles illegally in use.

(7.) Any Fishery Overseer or magistrate may search, or grant a warrant to have searched, any vessel or place where there is cause to believe that any fish taken in contravention of this Act, or of any regulation made thereunder, or anything used in violation thereof, may be concealed.

(8.) Where any offence under this Act is committed in, upon, or near any waters forming the boundary between different counties or districts, such offence may be prosecuted before any magistrate or Fishery Overseer, for either of such contiguous counties or districts.

31. (1) One-half of every fine or penalty imposed by virtue of this Act shall belong to Her Majesty for the uses of the province, and the remaining half shall be paid to the prosecutor, together with any costs which he may have incurred; each fine, penalty or forfeiture imposed by this Act, or by the regulations made thereunder, may be recovered on parol complaint before any Fishery Overseer or before any one of Her Majesty's Justices of the Peace in and for the county where the fine or penalty was incurred or the offence was committed or wrong done, and in cities, towns and villages in which there is a Police Magistrate, before such Police Magistrate, on the oath of one credible witness.

Application
of fines and
penalties.

(2) All materials, implements or appliances used, and all fish had in contravention to this Act, or any regulation made thereunder, shall be confiscated to Her Majesty for the uses of the Province, and may be seized and confiscated on view by any Fishery Overseer, or taken and removed by any person for delivery to any magistrate or Fishery Overseer, and the proceeds of disposal thereof may be applied towards defraying expenses

incurred under the provisions of this Act ; but nothing in this sub-section contained shall apply to any forfeiture of fish under the provisions of section twenty-seven of this Act.

(3) The moiety of each fine or penalty belonging to Her Majesty for the uses of the Province, and all proceeds derived from the sale of articles confiscated to Her Majesty under this Act, shall be paid over to the Treasurer of the Province through the Department of Crown Lands, and shall be applied towards the expenses incurred in carrying out the provisions of this Act. 5

(4) Persons aggrieved by any such conviction or confiscation may appeal by petition to the Commissioner, who shall have power to remit fines and restore forfeitures under this Act. 10

Certain Acts to apply to prosecutions under this Act.

32. Save where otherwise provided by this Act, all the provisions of the Act entitled *The Act respecting summary convictions before Justices of the Peace*, and the Acts already passed, or which may be hereafter passed amending the same, shall apply to all prosecutions and proceedings under this Act, except in proceedings on appeal, and the practice and procedure upon and with respect to appeals and all proceedings thereon and thereafter, shall be governed by *The Act respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*, and any Act in amendment thereof, so far as the same is not inconsistent with this Act. 15 20

Reports to be laid before Legislative Assembly.

33. Such annual or other reports of the Fishery Overseers, as the Lieutenant-Governor from time to time directs, shall be laid before the Legislative Assembly. 25

BILL.

An Act to regulate the Public Fisheries of this Province.

First Reading, 13th February, 1885

Mr. FRASER.

TORONTO:

An Act to regulate the Public Fisheries of this Province.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Ontario Fisheries Act*," Short title.
5 1885."

2. This Act and its respective provisions apply to all fisheries and rights of fishing in respect of which the Legislature of Ontario has authority to legislate. Application of Act.

3. Unless otherwise declared or indicated by the context Interpretation.
10 wherever any of the following words or expressions occur in this Act, they shall have the meanings hereinafter expressed, that is to say:—

(1) The expression "Crown Lands" shall be held to mean and include such ungranted Crown or Public lands or Crown
15 domain as are within and belong to the Province of Ontario, and whether or not any waters flow over or cover the same.

(2) The word "fish" shall mean and include every kind, variety and description of fish in respect of the catching or
killing of which within the Province the Legislature of On-
20 tario has authority to legislate.

(3) The word "waters" shall be held to mean and include such of the waters of any lake, river, stream or water-course wholly or partly within said Province, as flow over or cover
any Crown Lands.

25 (4) The word "Commissioner" shall mean the Commissioner of Crown Lands.

(5) The expression "Fishery Lease" shall be held to include and mean a lease or instrument conferring for a term therein mentioned upon the lessee therein named the right to take and
30 keep, for the purposes of fishing, under and subject to the provisions of this Act and of all regulations made thereunder, the exclusive possession of any Crown Lands therein described, with the exclusive right to fish in any waters flowing over or covering the same at such time and in such manner and with
35 such restrictions *and subject to such regulations* as may be permitted, regulated or prescribed by any lawful authority in that behalf.

(6) The expression "Fishing License," shall be held to mean and include a license granting for the time therein mentioned

to the licensee therein named, upon payment of the license fee therein stipulated, a right to fish in any waters flowing over or covering any ungranted Crown Lands therein described, at such time, in such manner and with such restrictions *and subject to such regulations* as may be permitted, regulated or prescribed by any lawful authority in that behalf, but no such fishing license shall be deemed to be, or be construed to operate as or in the nature of a lease or demise. 5

Issue of leases and licenses.

4. Subject to the other provisions of this Act, every fishery lease and every fishing license shall be granted and issued by the Commissioner but subject always to such conditions, regulations and restrictions as may from time to time be made, ordered or established in that behalf by the Lieutenant-Governor in Council, and published in the *Ontario Gazette*: Provided, however, that no such lease or license shall be granted or issued in respect of or as including any lands or waters where an exclusive right of fishing already exists by law. 10 15

Proviso.

Leases to be made at annual rental.

5. A fishery lease shall not be granted for a longer period than five years from the date thereof, and shall only be made to the highest bidder of an annual rental therefor after the same shall have been put up to public competition, of which at least one month's notice shall be given in the *Ontario Gazette*, and in such other way as to the Commissioner may seem the most advantageous; provided always that the price offered be at least equal to the upset price fixed by the Commissioner, and that if not sold, the Commissioner may afterwards, by private sale, dispose of the said lease at such upset price, or for a greater sum; and the signature of the Commissioner to such lease shall be evidence in all courts of a compliance with the provisions of this section. 20 25 30

Proviso.

Forfeiture for non-payment.

6. The rental shall be paid in advance, and any lessee who fails to pay such rental at the date fixed by his fishery lease shall forfeit all rights thereunder, and the same may be thereupon annulled by the Commissioner of Crown Lands, and may be again put up to sale, but notwithstanding the annulling of such lease, the lessee shall be liable at the suit of Her Majesty for the annual rental and the expenses incurred by said lease being again put up to sale. 35

Transfer of leases.

7. No lessee or licensee shall have the right to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act, without first receiving the written consent of the Commissioner, or some other person authorized to that effect. 40

Lessee not entitled to compensation in case of deficiency by reason of error.

8. If in consequence of any incorrectness of survey or other error or cause whatsoever, a fishery lease is found to comprise lands included in a fishery lease of a prior date, the fishery lease last granted shall be void in so far as it interferes with the one previously issued, and the holder or proprietor of the lease so rendered void shall have no claim for indemnity or compensation by reason of such avoidance. 45 50

Provision where fishery has been occupied

9. Whenever within two years from the time of the passing hereof, it shall be made to appear to the Commissioner in the exercise of the powers vested in him by this Act, that any

fishery or rights of fishing in or over any Crown Lands or waters has or have been occupied or claimed under any lease or license for an unexpired term, under some mistake or misconception of the rights of this Province thereto, it shall be lawful for the Commissioner to make any arrangements, under the circumstances, which may be deemed by him to be just and fair, and in such cases the granting or making of a fishery lease for or in respect of any such Crown Lands or waters shall not, in the first instance, be required to be by public competition.

10. If any person shall enter upon or pass over the land described in a fishery lease without permission of the lessee or his representative, he shall, on conviction thereof incur and pay a fine of not less than one nor more than ten dollars, with costs of prosecution, for each such offence, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county, within which the offence was committed, for a period not exceeding one month; provided, however, that this section shall not apply to any person entering upon or passing over such lands in discharge of any duty imposed by law, nor, when the lands are included in any timber license, to the holder thereof, who shall at all times have the right to cut and take away all trees, timber and lumber within the limits of his license; nor to prevent the owners or occupiers of lands bordering on any waters to a general right of passage to and from such waters; nor the public user of any waters, or the banks thereof, either for the conveyance of lumber of any kind, or for the free navigation thereof by vessels, boats, or other craft; nor to any user under license by the Crown of any such lands or waters for any purpose or occupation not inconsistent with the provisions of this Act.

11. (1) Every fishery lease shall be deemed and taken to have been made and granted subject to a right of passage to and from any waters in favour of the occupants, if any, under title from the Crown, of the lands immediately in rear of those included in such fishery lease.

(2) In the discharge of his duties every fishery overseer, and every person by him accompanied or authorized to such effect, may enter upon and pass through or over private property without being liable for trespass.

12. The Lieutenant-Governor in Council may, if he considers it expedient, appoint Fishery Overseers, whose duties shall be defined by the regulations made under this Act, and every overseer so appointed and having taken the oath of office prescribed by this Act, shall be, *ex-officio*, a Justice of the Peace for all the purposes of this Act and of any regulations made under authority thereof within the county or district for which he is appointed to act as such overseer.

* 13. Each fishery overseer shall, before acting as a Justice of the Peace under this Act, take and subscribe the following oath:—

“I, A. B., a Fishery Overseer in and for the district or territory described in my appointment, do solemnly swear that, to the best of my judgment, I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such overseer according to the true intent and meaning of *The Ontario Fisheries Act*, and of all regulations made or to be made thereunder. So help me God.”

Regulations
may be made
by Lieutenant-
Governor in
Council.

14. (1) So far as the Legislature of Ontario has authority so to enact, the Lieutenant-Governor in Council may, from time to time, make regulations, and may from time to time vary, amend, and alter all and every such regulation as shall be found necessary or deemed expedient for the better management and regulation of Crown lands leased under the operation of this Act and the fishing rights thereto pertaining, or of any fishing license which may be made or granted under the operation of this Act; and to prevent the destruction of fish, and to forbid fishing in any waters except under authority of a fishery lease or fishing license; and all such regulations shall have the same force and effect as if herein contained and enacted, and every offence against any such regulation may be stated as having been made in contravention of this Act. 5 10

(2) The publication of any such regulation in the *Ontario Gazette*, shall be sufficient notice to give legal effect to the same; and the production of a copy of a paper purporting to be the *Ontario Gazette*, and containing any such regulation shall, so far as the Legislature of Ontario has authority so to enact or direct, be admitted as full and sufficient evidence of the same, in all courts. 15 20

Remuneration
of Overseers,
etc.

15. The remuneration of the Fishery Overseers and of all other persons employed to perform any duty imposed by this Act or by the regulations made under it, shall be determined by the Lieutenant-Governor in Council, and shall be paid out of any moneys derived under the provisions of this Act, and appropriated for that purpose by vote of the Legislative Assembly. 25

Appointment
of guardians
for protection
of fisheries.

16. (1) The Commissioner may, upon the request of any lessees of fishery leases, or without such request, appoint as many guardians as may be deemed necessary for the effectual protection of the fisheries, or rights of fishing in any waters; such guardians shall be sworn to the faithful discharge of their duties, and especially to prevent the taking or killing, or attempting to take or kill fish in the waters under their charge by illegal means, or at times when the taking or killing of fish is prohibited by lawful authority; they shall be employed for such length of time as the Commissioner shall consider necessary, and their services shall be paid for by the lessees. 30 35

(2) If thereunto required by the Commissioner any such lessee shall keep and maintain, at his own expense, within the limits granted to or conferred upon him by any fishery lease, and for such time or times as the Commissioner may in that behalf prescribe, one or more efficient guardians, whose duties shall in all respects be the same as those of the guardians in the preceding sub-section of this section mentioned. 40 45

Returns by
lessees.

17. It shall be a condition of every Fishery Lease that the lessee shall, as soon as possible after the close of each fishing season, transmit to the Department of Crown Lands a statement of the number and weight of fish caught in the waters affected by such lease. 50

Control of fish-
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18. The Commissioner may, with the consent of the owners, and for the purposes of management only, assume the control of fishing rights pertaining to granted lands fronting on any

stream, river or lake, with a view of improving or leasing the same in connection with those pertaining to Crown Lands fronting on the same stream, river or lake, and paying over to the private owners of such fishing rights a proportionate share of the rent received for the whole.

assumed by Commissioner with consent of owner.

19. It shall be lawful for the Commissioner, or any officer thereto authorized by him, to grant permits to fish in any waters adjoining Crown Lands not under lease for a period not exceeding one month, upon such terms and subject to such restrictions and conditions as shall be provided by order of the Lieutenant-Governor in Council to that effect.

Fishing permits.

20. Any fishery lease, or fishery license or permit held by any person, convicted of any contravention of this Act, or of any regulations made and published as aforesaid, may be annulled and cancelled by the Commissioner, and thereupon such person shall forfeit all his rights and privileges under such lease, license or permit, and shall not be entitled to or have any claim or right to any indemnity or compensation in respect thereof.

Cancellation of leases, etc.

21. A fishery lease shall entitle the lessee to institute in his own name any civil action, suit or proceeding against any person unlawfully trespassing upon, damaging or invading the rights, property, premises or privileges granted by such lease, and also to sue for and recover any damages sustained by him as such lessee.

Lessee to have right of action for trespass.

22. Every lessee to whom a fishery lease is granted, shall be answerable for damage done to the lands in such lease described, and the timber growing thereon, or on adjoining lands, either by himself or his agents, or persons under his control, either from waste or from want of sufficient precautions in lighting, watching over or extinguishing fires; and it shall be incumbent on every such lessee, in case of damage caused by fire, to prove that all such precautions have been taken.

Liability of lessee for damage to lands included in lease.

23. It shall be lawful for the Lieutenant-Governor in Council, upon the recommendation of the Commissioner, to reserve from lease for one or more years, for purposes of improvement, any waters, the exclusive right of fishing in which is within the meaning of section two of this Act.

Waters may in certain cases be reserved from lease.

24. The Commissioner may appropriate and license or lease certain waters in which certain Indians shall be allowed to catch fish for their own use in and at whatever manner and time, and subject to whatever terms and conditions are specified in the license or lease.

Lease of waters in which Indians allowed to fish.

25. The Commissioner may authorize to be set apart, and to be leased, any waters for the natural or artificial propagation of fish, and any person who wilfully destroys or injures any place so set apart or used for the propagation of fish, or fishes therein without written permission from a Fishery Overseer, or from lessee or licensee thereof, or uses therein any fishing light or other like implement for fishing, during the period for which such waters are so set apart, shall for every such offence incur and pay a fine not exceeding one

Provisions as setting apart waters for natural or artificial propagation of fish.

hundred dollars, with costs of prosecution, and in default of immediate payment of such fine and costs, shall be imprisoned in the common gaol of the county wherein the offence was committed, for a period not exceeding three months.

Commissioner may grant permission to obtain fish, etc., for certain purposes.

26. Nothing contained in this Act shall preclude the granting by the Commissioner of written permission to obtain fish and fish spawn, for purposes of stocking or artificial breeding, or for scientific purposes, subject always to any regulation or restriction made or prescribed by or under any lawful authority in that behalf. 5 10

Penalty for fishing within limits of fishing lease without permission of lessee.

27. If any person without permission of the lessee or his representative, fishes, or employs or induces any other person to engage or assist in fishing within the limits included in any fishery lease, or removes or carries away, or employs or induces or assists any other person to remove or carry away any fish caught within any such limits, he shall not acquire any right to the fish so caught, but the same shall be forfeited and become the absolute property of the lessee, and any such person shall therefor, and upon conviction thereof incur and pay a penalty of not less than five or more than twenty dollars, with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed for a period not exceeding one month; and such lessee or any person by him authorized, and any Fishery Overseer, may upon his own view forthwith seize and remove any net, article or apparatus so used in fishing or to assist in fishing contrary to the provisions of this section, to be afterwards dealt with according to law; provided always, that the occupation of any fishing grounds or waters leased for the express purpose of net fishing, shall not interfere with nor prevent angling for other purposes than those of trade or commerce. 15 20 25 30

Penalty for contravention of Act where no special penalty.

28. If any of the provisions of this Act or of any regulations made under the authority thereof by the Lieutenant-Governor in Council, are contravened and no other penalty is herein provided for such contravention, the person guilty of such contravention shall on conviction thereof incur and pay a fine of not more than twenty dollars with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding one month. 35 40

Separate offences.

29. Contravention on any day of any of the provisions of this Act, or of any regulation made under the authority thereof by the Lieutenant-Governor in Council, shall constitute a separate offence, and may be punished accordingly. 45

Provisions with respect to summary proceedings.

30. The following provisions shall have effect with respect to summary proceedings for offences, fines and penalties under this Act;

(1.) The information shall be laid within two months after the commission of the offence;

(2.) The description of an offence in the words either of this Act or of any regulations made by authority thereof, or in any similar words, shall be sufficient in law;

(5.) Any exception, exemption, proviso, excuse or qualification, whether it does or not accompany the description of the offence in this Act, or in any regulation made by authority thereof, may be proved by the defendant, but need not be specified 5 or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or complainant ;

(4.) A conviction or order made in any matter arising under 10 this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person is authorized by this Act to appeal, shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private 15 person, into a Superior Court, except for the purpose of the hearing and determination of a special case ;

(5.) Whenever it shall appear to the satisfaction of the convicting magistrate that an offence against this Act or any regulation made thereunder has been committed in ignorance 20 of the law, and that because of the poverty of the offender, the fine or penalty imposed would be oppressive, a discretionary power may be exercised ;

(6.) Any Fishery Overseer or magistrate may upon his own view convict for any offence against the provisions of this Act, 25 or of any regulation made thereunder, and shall instantly remove or cause to be removed and detain all materials and articles illegally in use :

(7.) Where any offence under this Act is committed in, upon, or near any waters forming the boundary between different 30 counties or districts, such offence may be prosecuted before any magistrate or Fishery Overseer, for either of such contiguous counties or districts.

31. (1) One-half of every fine or penalty imposed by virtue of this Act shall belong to Her Majesty for the uses of the 35 Province, and the remaining half shall be paid to the prosecutor, together with any costs which he may have incurred ; each fine, penalty or forfeiture imposed by this Act, or by the regulations made thereunder, may be recovered on parol complaint before any Fishery Overseer or before any 40 one of Her Majesty's Justices of the Peace in and for the county where the fine or penalty was incurred or the offence was committed or wrong done, and in cities, towns and villages in which there is a Police Magistrate, before such Police Magistrate, on the oath of one credible witness.

(2) All materials, implements or appliances used, and all fish 45 had in contravention to this Act, or any regulation made thereunder, shall be confiscated to Her Majesty for the uses of the Province, and may be seized and confiscated on view by any Fishery Overseer, or taken and removed by any person for 50 delivery to any magistrate or Fishery Overseer, and the proceeds of disposal thereof may be applied towards defraying expenses incurred under the provisions of this Act ; but nothing in this sub-section contained shall apply to any forfeiture of fish under the provisions of section twenty-seven of this Act.

Application
of fines and
penalties

(3) The moiety of each fine or penalty belonging to Her Majesty for the uses of the Province, and all proceeds derived from the sale of articles confiscated to Her Majesty under this Act, shall be paid over to the Treasurer of the Province through the Department of Crown Lands, and shall be applied towards the expenses incurred in carrying out the provisions of this Act. 5

(4) Persons aggrieved by any such conviction or confiscation may appeal by petition to the Commissioner, who shall have power to remit fines and restore forfeitures under this Act.

Certain Acts to apply to prosecutions under this Act.

32. Save where otherwise provided by this Act, all the provisions of the Act entitled *An Act respecting summary convictions before Justices of the Peace*, and the Acts already passed, or which may be hereafter passed amending the same, shall apply to all prosecutions and proceedings under this Act, except in proceedings on appeal, and the practice and procedure upon and with respect to appeals and all proceedings thereon and thereafter, shall be governed by *The Act respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*, and any Act in amendment thereof, so far as the same is not inconsistent with this Act. 10 15 20

Reports to be laid before Legislative Assembly.

33. Such annual or other reports of the Fishery Overseers, as the Lieutenant-Governor from time to time directs, shall be laid before the Legislative Assembly.

No. 80.
2nd Session, 5th Legislature, 48 Vic., 1885

BILL.

An Act to regulate the Public Fisheries of this Province.

First Reading, 13th February, 1885.
Second " 3rd March, 1885.

(Reprinted as amended by Committee of the Whole House.)

Mr. FRASER.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

No. 81.]

BILL.

[1885.

An Act to amend the Municipal Act of 1883.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

1. Sub-section one of section seventy-three is hereby Sub-sec. 1,
5 repealed and the following substituted therefor: s. 73, repealed.

(1) In incorporated villages freehold to four hundred Qualification
dollars, and leasehold to eight hundred dollars. of councillors.

2. Section eighty of the said Act is hereby amended by Voters'
striking out the sum two hundred dollars in the sixth line qualification
10 thereof and substituting therefor the sum one hundred dollars \$100 instead
in lieu thereof. of \$200.

No. 81.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Municipal Act of 1883.

First Reading, 10th February, 1885.

MR. CASCADEN.

TORONTO:
PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

Entitled an Act to Consolidate and Amend the High Schools Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The High Schools Act, 1885.*" Short title.
- 5 2. "High Schools" shall include Collegiate Institutes, unless a contrary meaning appears. Interpretation.
- 3 All High School and Collegiate Institute divisions and districts, together with all elections and appointments to office, and all agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to High Schools and Collegiate Institutes, existing at the passing of this Act, and all powers and duties connected therewith, shall continue in full force and effect, subject to the provisions of this Act. Existing High School organizations continued. R. S. O., c. 205, s. 2.
4. There shall be a High School or High Schools or Collegiate Institute in every County and Union of Counties, to be distinguished by prefixing to the words "High School" or "Collegiate Institute," the name of the City, Town or Village within the limits of which the High School or Collegiate Institute is situated. Name of each County High School. R. S. O., c. 205, s. 3 (*part*).
5. In the case of a Union of Counties, the County Council upon a written requisition of a majority of the reeves and deputy reeves of any one County of such union, shall constitute such County a separate County for High School purposes; in which case such County shall contribute only to the support of one or more High Schools which may be established therein, and in such amount separately from any other County within the jurisdiction of the County Council; and upon the like requisition the County Council shall pass the requisite by-law for abolishing existing High School Districts within such county, and deal with all matters relating to the High Schools therein. Separating a county from union for High School purposes. 41 V. c. 15, s. 1.
6. The County Council may constitute an Electoral District a separate District for High School purposes, in order that it may contribute to the support of one or more High Schools therein, as the Council may determine for such purpose, and in such amount separately from any other Electoral District under the jurisdiction of such County Council. Electoral Districts as High School Districts. R. S. O., c. 205, s. 3, *part*.

Discontinu-
ance of High
School.

7. Every County Council, at or before its June session in any year, but not later, may, with the approval of the Lieutenant-Governor, on the report and recommendation of the Minister of Education, change the location of or discontinue, at the end of the civil year, any existing High School in any part of the county within the jurisdiction of the said County Council. See R. S. O., c. 205, ss. 5 and 6. 5

Establishment
of New High
Schools—re-
striction.

8. Additional High Schools may, subject to the approval of the Lieutenant-Governor in Council, be established by a County Council in any County, on or before its June session in any year, providing the High School Fund is sufficient to allow of an apportionment at the rate of not less than five hundred dollars per annum to be made to such additional High School, without diminishing the fund which was available for High Schools during the next preceding year. R. S. O., c. 205, ss. 8 and 9. 10 15

Establishment
at end of the
year:

9. Within the restrictions prescribed in section , it shall be lawful for the Lieutenant-Governor, on the report and recommendation of the Minister of Education, to authorize the establishment of an additional High School in any County at the end of the then civil year. R. S. O., c. 205, s. 10. 20

Cities and
towns separ-
ated to be
counties for
High School
purposes.

10. For all High School purposes every City and Town separated for municipal purposes from the County in which it is situated, shall be a County; and its Municipal Council shall be invested with all the High School powers possessed by County, City, or Town Councils. R. S. O., c. 205, s. 11. 25

Power to
county and
city or town
separated to
agree as to
High School.

11. In case of High Schools situated in a City or Town separated from the jurisdiction of a County Council, it shall be lawful for the County Council and the Council of the City or Town to agree upon the terms and conditions of union under which such High School will be constituted the High School of the County as well as of the City or Town, and in such case the corporate name and appointment of trustees shall be governed by the provisions applicable to a High School situate in a Town not withdrawn from the County. R. S. O., c. 205, s. 12, *part*. 30 35

To give in-
struction in all
the higher
branches.

12. In every High School provision shall be made for instruction in all the higher branches of a practical English and commercial education; the natural sciences, with special reference to agriculture; the elements of mathematics; natural philosophy and mechanics, and the Latin, Greek, French, and German languages, so far as to prepare students for University College, or any college affiliated with the University of Toronto, according to such regulations, as shall be prescribed from time to time by the Department of Education, with the approval of the Lieutenant-Governor. See R. S. O., c. 205, s. 39 (13). 40 45

Collegiate In-
stitute, how
constituted.

13. On the Report of the Minister of Education, and subject to the regulations of the Education Department, any High School having— 50

(1) Suitable school buildings, out-buildings, grounds and appliances for physical training;

- (2) Library, containing standard books of reference bearing on the subjects of the programme ;
- (3) Laboratory, with all necessary chemicals, and apparatus for teaching the Elements of Sciences ;
- 5 (4) Four Masters at least, each of whom shall be specially qualified to give instruction in one of the following departments: Classics, Mathematics, Natural Science and Modern Languages, including English.
- 10 (5) Such other teachers as will secure thorough instruction in all the subjects on the curriculum of studies for the time being sanctioned by the Education Department for Collegiate Institutes ;
- (6) An average attendance of one hundred pupils and eighty pupils during the first and second terms respectively.
- 15 May be constituted a Collegiate Institute by order of the Lieutenant-Governor in Council. *New.*

Trustees.

14. In Counties and Towns not separated from the County for municipal purposes, every High School Board shall consist of six trustees, three of whom shall be appointed from time to time by the County Council, and three by the Municipal Council of the Town or Incorporated Village in which the High School is situated, one of whom in the order of his appointment in each case shall retire from office on the thirty-first day of January in every year. All trustees for the time being shall hold office until their successors are appointed. R. S. O., c. 205, s. 18, 18 (2), and 28.

High School Trustees, appointment of.

15. The County Council may, from time to time, appoint and determine the continuance and succession in office, in the manner hereinafter provided, of six duly qualified persons as members of the High School Board of any High School established in an unincorporated village, with the sanction of the Lieutenant-Governor. R. S. O., c. 205, s. 19.

County Council to appoint six trustees if school is in an unincorporated village.

16. The Council of every City and Town separated from the County for municipal purposes, at the last meeting to be held in the month of December in each year, shall appoint two trustees to fill the vacancies caused by the annual retirement of that number of trustees from the High School Board. R. S. O., c. 205, s. 26 ; 44 V., c. 30, s. 14.

City and town separated to appoint trustees.

40 (2) When and so long as the only High School of the County is situated within a City, the Council of such County shall appoint one-half of the trustees of such High School. R. S. O., c. 205, s. 21 (2).

Restriction.

17. Vacancies arising from the annual retirement of trustees shall be filled at the first meeting in January in each year, by the Councils empowered under this Act to make appointments; and vacancies arising from death, resignation or removal from the municipality, or otherwise, shall be filled up as they occur by the Municipal Council, having the right of appointment, and the person appointed to fill such vacancy shall hold office only for the unexpired part of the term for which

Vacancies, how filled.

the person whose place has become vacant was appointed to serve. R. S. O., c. 205, s. 25, and (2).

Appointment of High School Trustees in towns separated.

18. In case a County Council raises annually by assessment an amount equal to the grant from the Legislative appropriation which may be made to a High School or Collegiate Institute, situated in a Town separated from the municipal jurisdiction of such Council; or, in case the County Council and the Council of the City or Town separated agree upon the terms and conditions of union under which the High School of such City or Town is constituted the High School of the County as well as of the City or Town, one-half of the trustees shall be appointed by the County Council, and the other half by the Municipality of the City, Town, or Incorporated Village in which the High School is situated. R. S. O., c. 205, ss. 22, 23; 40 V., c. 16, s. 18 (4).

High School trustees to be a corporation. —Powers.

19. The Trustees of every High School shall be a corporation, by the name of "The ——— High School (or Collegiate Institute) Board," (prefixing to the term "High School," or "Collegiate Institute," the name of the City, Town or incorporated Village, within which such High School or Collegiate Institute is situated), and shall have and possess all the powers usually enjoyed by corporations, so far as the same are necessary for carrying out the purposes of this Act. R. S. O., c. 205, s. 37.

Powers of District Boards.

20. The High School Board of any district formed by the County Council shall have all the powers within the said District possessed under this Act by High School Boards generally in respect to the support and management of the High Schools under their care. R. S. O., c. 205, s. 38.

First meeting of Board.

21. The first annual meeting of the High School Board shall be held on the first Wednesday in February, at the place where the Municipal Council of the City, Town, or Incorporated Village in which the High School is situated, holds its meetings, and shall be organized by the election of a Chairman from amongst themselves and a Secretary, and three members shall form a quorum for the transaction of business at any meeting. R. S. O., c. 205, s. 39 (1), (2).

President at first meeting of School Boards, etc., for election of chairman.

22. Until a Chairman is elected, the Secretary for the previous year shall preside, or if there be no Secretary, the members present shall select one of themselves to preside at the election of Chairman, and the member so elected to preside may vote as a member. 41 V., c. 15, s. 2.

Equality of votes on the election of chairman.

(2) In case of an equality of votes at the election of Chairman of any such Board, the member who is assessed as a ratepayer for the largest sum on the last revised Assessment Roll shall have a second or casting vote, in addition to his vote as a member. 41 V., c. 15, s. 3; 42 V., c. 34, s. 34.

Chairman to vote.

23. The Chairman or presiding officer of the Board may vote with the other members of the Board on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. *New.*

(2) To suspend or expel, on the report of the Head Master, any pupil whose conduct may be deemed injurious to the welfare of the school. *New.*

24. It shall be the duty of every High School Board—

- 5 1. To fix the times and places of the Board meetings, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings. R. S. O., 205, s. 39 (3). To fix meetings of the Board.
- 10 2. To take charge of the High School for which they have been appointed trustees, and the buildings and land appertaining to it. R. S. O., c. 205, s. 39 (4). To take charge of County High School.
- 15 3. To do whatsoever they may deem expedient with regard to erecting, repairing, furnishing, and keeping in order the buildings of such High School and the appendages, lands, and enclosures belonging thereto, subject to the provisions of the section of this Act. R. S. O., c. 205, s. 39 (5). To erect, repair, and furnish schools, etc.
- 20 4. To settle the amount to be paid by parents and guardians for each pupil attending the High School, to fix the times of payment, and, when necessary, to sue for and recover such amounts, and to pay the same to the treasurer of the said High School Board. R. S. O., c. 205, s. 29 (9). To collect fees.
- 25 5. To give the necessary orders upon the Municipal Treasurer for the amount of public money to which the High School is entitled for the payment of the salaries of the masters, teachers, and other officers and servants of the High School, and of any other necessary expenses. R. S. O., c. 205, s. 39 (10). To give orders on treasurer for salaries and expenses.
- 30 6. To remove, if they see fit, and in case of vacancies, appoint a legally qualified master and other teachers in the High School, and to fix their salaries and prescribe their duties. R. S. O., c. 205, s. 39 (11). To appoint and remove masters, teachers,
- 35 7. To appoint such other officers and servants in the High School as they may judge expedient, and fix their remuneration. R. S. O., c. 205, s. 39 (12). officers and servants.
- 40 8. To see that the High School is conducted according to the provisions of this Act, and of the regulations prescribed by the Education Department; that the pupils of the High School are supplied with proper text-books; and that public half-yearly examinations of the pupils are held, and due notice given of them. R. S. O., c. 205, s. 39 (14). Conduct of School. Text-books. Examinations
- 45 9. To prepare and transmit, before the fifteenth day of January, to the Minister of Education, an annual report, certified by the head master and trustees in accordance with a form provided for that purpose. R. S. O., c. 205, s. 39 (15). To make an annual report to Minister.
- 50 **25.** No High School trustee shall enter into any contract, agreement, engagement or promise of any kind, either in his own name, or in the name of another, and either alone or jointly with another, or in which he has any pecuniary interest, profit, or promised or expected benefit, with the corporation of which he is a member, or have any pecuniary claim upon or receive compensation from such corporation for any work, engagement, employment, or duty on behalf of such corporation, and every such contract, agreement, engagement or Suspension or expulsion of Pupils. High School Trustees not to contract with Board.

promise shall be null and void, and such trustee shall also *ipso facto* vacate his seat, and a majority of the other trustees shall declare the same vacant, and notify the Clerk of the Municipality. 44 V., c. 30, s. 13.

Vacancy in office of trustee, when caused.

26. If a trustee of any High School is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the Board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the School Municipality for which he is a trustee, such trustee shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant, and notify the Clerk of the Municipality accordingly. R. S. O., c. 204, s. 38. 5 10

Provision if site be not suitable.

27. In case any lands in Ontario have been, or after the passing of this Act are surrendered, granted, devised, or otherwise conveyed to the Crown, or to the Trustees of any High School or Collegiate Institute, or to any trustees, in trust for the purposes of, or as a site for, any such High School or Collegiate Institute, or for any other educational institution established in any County or place therein for the benefit of the inhabitants thereof generally, and in case such lands are found not to afford the most advantageous site for such school or institution, or there being no school or institution bearing the precise designation mentioned in the deed of surrender, grant, devise, or other conveyance, or in case it may be for the benefit of such school or institution that such lands should be disposed of, and others acquired in their stead, for the same purpose, or the proceeds of the sale applied thereto, then such lands may be surrendered and conveyed as hereinafter provided. R. S. O. c. 205, s. 67. 20 25 30

Such lands may be surrendered to the Crown.

28. The Trustees in whom any lands mentioned in the next preceding section are vested in trust as aforesaid, may (with the consent of the Municipal Council, expressed at a legal meeting and certified under the hand of the head and corporate seal of the Municipality in which such school or institution has been or is to be established) surrender and convey such lands to the Crown unconditionally, and such conveyance shall vest the lands absolutely in the Crown, without formal acceptance by the Crown, the Lieutenant-Governor, or any other officer or person for the Crown. R. S. O. c. 205, p. 68. 35 40

Such lands to be sold for the benefit of such school, etc.

29. Any lands surrendered, granted, devised or otherwise conveyed to the Crown for any such purpose as aforesaid, may be sold by the order of the Lieutenant-Governor in Council, and the proceeds applied to the purchase of other lands to be vested in the Crown for the purpose of the same school or institution, or in the case of there being no school bearing the precise designation intended as aforesaid by the person who granted or devised the lands to the Trustees, from or through whom the lands so sold came to the Crown, then for the purposes of the High School or Collegiate Institute or other public educational institution established for the benefit of the inhabitants of the Municipality generally, which in the opinion of the Lieutenant Governor in Council comes nearest in its purposes and designs to that intended by such persons as aforesaid. R. S. O. c. 205, s. 69. 45 50

30. If such proceeds are applied to the purchase of lands for High School or Collegiate Institute purposes, the title to such lands may be vested in the Board of Trustees for any High School or Collegiate Institute, by their corporate name: and if there is any surplus of such proceeds after such purchase, or if it is found that no lands are required as a site for, or for other purposes of, such school or institution, then such surplus or proceeds (as the case may be) may be invested or applied for the purposes of such school or institution, in such manner as the Lieutenant-Governor in Council deems most for the advantage thereof. R. S. O. c. 205, s. 70.

Lands purchased with proceeds.

31. No purchaser of land from the Crown under this Act shall be in any way bound to see to the application of the purchase money. R. S. O. c. 205, s. 71.

Purchasers not to see to trusts.

32. Nothing in this Act shall impair the rights of any private party in or upon any lands, in so far as such rights would have existed and could be exercised without this Act. R. S. O. c. 205, s. 72.

Private rights protected.

33. In the case of every High School in a town not withdrawn from the County, or in an incorporated Village, or in a Township, or in the case of an Electoral District declared to be a High School District, an amount equal to the amount paid by the Government shall be paid by the Municipal Council of the County in which such High School is situated, upon the application of the High School Board: and such other sums as may be required for the maintenance of the said High School to the amount at least of the grant received from the Legislative appropriation, shall be raised by the Council of the Municipality in which the High School is situate, or by the Councils of the respective Municipalities of the High School District, upon the application of the High School Board. 42 V. c. 34, s. 32. *Part.*

34. In the case where two or more Municipalities or portions thereof, within the County have heretofore been formed into and continue to constitute one High School District, then such sums as may be required for the maintenance of the said High School (to the amount at least of the grant from the Legislative appropriation), shall be provided by the Municipalities of such High School District upon the application of the High School Board, and such sums shall be raised in the manner provided in this Act, and any by-law of the Council of a minor Municipality for uniting any portion of it to another Municipality within the same County for High School purposes, or for [dissolving] such union, shall be deemed the agreement of such portion, and shall be passed by such council if petitioned for by two-thirds in number of all the tax payers of such portion. 42 V. c. 34, s. 32. *Amended.*

35. In the case of cities and towns separated from the County for municipal purposes it shall be the duty of the Municipal Council to provide such sums as may be required for the accommodation and support of the High School, upon the application of the High School Board, subject to the provisions of sections of this Act.

Municipal Council in refuse to raise money for purchase of school site, etc.

36. In any case where a High School Board may require the Municipal Council to raise or borrow a sum of money for the purchase of a school site, or the erection or purchase of any school-house or addition thereto, or for the purchase or erection of a teacher's residence, such Municipal Council may refuse to raise or borrow any such sum when it is so resolved by a two-thirds vote of the members present at the meeting of the Council, for considering any by-law in that behalf. 5

School Board may require question to be submitted to electors.

(2) When the Municipal Council, by a two-thirds vote, refuse to raise or borrow the sum proposed, then such question shall be submitted by the Municipal Council, if requested by the High School Board, to the vote of the electors of the Municipality entitled to vote for Public School trustees, in the manner provided by the Municipal Act for the creating of debts, and in the event of the assent of the electors aforesaid being thereby obtained, then it shall be the duty of such Council to raise or borrow such sum. 10 15

Debentures.

(3) Any debenture for any loan of money for school purposes may be for such term of years, not exceeding twenty, as the Municipal Council may think fit, and the Municipal Council may also in its discretion make the principal of such debt repayable by annual or other instalments, in the manner provided by the three hundred and thirty-second section of the Municipal Act. 42 V. c. 34, s. 29. 20

Moneys to be paid to treasurer, on or before fourteenth December.

37. All moneys raised in any Municipality or High School District, by local assessment, subscription, fees or otherwise, under the authority of this Act, shall be paid over to the High School Treasurer in such Municipality or District on or before the fourteenth day of December in every year. R. S. O. c. 205, ss. 33 and 34. 25 30

Entrance Examinations.

38. There shall be a uniform Entrance Examination for the admission of pupils to the High Schools, at such times and places, on such subjects, and according to such regulations as may be prescribed from time to time by the Department of Education. *New.* 35

39. The Board of Examiners for the admission of pupils to each High School shall consist of the Public School Inspector for the city, town, or district in which the High School is situated, the Head Master of the High School, and the Chairmen of the High, Public, and Separate School Boards, respectively. R. S. O. c. 205, s. 55; 45 V. c. 30, s. 7. 40

40. The remuneration for presiding at such examinations shall be not less than four dollars per day, and a further sum of at least seventy-five cents for every pupil presenting himself for examination. *New.* 45

41. Any pupil passing the required examination may be admitted to a High School provisionally, but it shall be competent for the Minister of Education, on the report of the Central Committee to confirm, disallow, or cancel the admission of any pupil, or to require of any pupil further tests of 50

proficiency in any of the prescribed subjects of examination. R. S. O. c. 205, ss. 57 and 58 *amended*.

42. In cities and towns separated from the county the expenses of the Examination shall be borne respectively by the Public and High School Boards, after deducting any fees authorized by the Department of Education; and in all other cases the expenses shall be borne by the County Council, after deducting fees as aforesaid. 45 V. c. 30, s. 7. *Part*.

Residence of Pupils.

10 43. Pupils residing in any part of the County or Union of Counties, shall have the right to attend any of the High Schools in the County or Union of Counties, upon the same terms as to payment of fees, or otherwise, as pupils resident in the Town, Incorporated Village, or School Division, within 15 which the High School is situated. Admission of pupils from county.

2. This section shall not apply to High Schools in Cities and Towns separated from the county for municipal purposes, unless the County Council provides the required equivalent to the Legislative grant. R. S. O., c. 205, s. 65. Exception.

20 *High School Masters.*

44. No person shall be deemed to be legally qualified to be appointed head master of a High School or Collegiate Institute unless he is a graduate in Arts of some University within the British Dominions, and furnishes satisfactory evidence to the Education Department of his knowledge of the science and art of teaching, and of the management and discipline of schools; but any person legally qualified and employed as head master in any high School or Collegiate Institute before the twenty-fourth day of March, 1874, shall be deemed qualified notwithstanding this section. R. S. O. c. 205 s. 41. Head Masters to be University graduates.

45. All matters of difference between trustees, masters and teachers of High Schools in regard to salary or other remuneration, shall be brought and decided in the Division Court, by the Judge of the County Court, in each County. R. S. O., c. 205, s. 42. Settlement of disputes.

2. Provided always, that the decision of any County Judge in such cases may be appealed from, as provided for in *The Public Schools Act. 1885*. R. S. O., c. 205, s. 42 (3).

46. In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of the foregoing section, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. R. S. O., c. 205, s. 41. Division Court judgment may be enforced.

47. Every master or teacher of a High School or Collegiate Institute shall be entitled to be paid his salary for the authorized holidays occurring during the period of his engagement Teacher entitled to salary during holi-

days and
vacations.

with the trustees, and in case his engagement extends three months or over he shall then be paid in the proportion which the time during which he was engaged bears to the whole number of teaching days in the year. R. S. O., c. 205, s. 59. *Amended.*

Case of sick-
ness.
Four weeks
allowed.

48. In case of sickness, certified by a medical man, he shall be entitled to his salary during such sickness for a period not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. R. S. O., c. 205, s. 51. 5

Teachers'
general and
class register.

49. Every master of a High School shall, in the organization, discipline, management and classification of the pupils be subject to such regulations as may be prescribed by the Education Department. *New.* 10

Terms.

50. The High Schools shall open on the seventh day of January, and close on the Thursday before Easter; they shall re-open on the first Tuesday after Easter, and close on the first Friday of July; they shall re-open on the last Monday of August, and close on the twenty-second day of December. R. S. O., c. 205, s. 54. 15

Preparatory Classes or Schools.

20

Preparatory
classes.

51. It shall be competent for the Board of Trustees of any High School or Collegiate Institute to establish a preparatory school, class, or classes, for the preparation of pupils for admission to such High School or Collegiate Institute.

Proviso as to
teaching.

2. No master or teacher employed in the High School or Collegiate Institute shall teach in such preparatory school, class, or classes. 25

As to legisla-
tive grant.

3. No part of the Legislative grant or of the County assessment for High School or Collegiate Institute purposes shall be applied towards the expenses of the establishment, teaching or maintenance of such preparatory school, class, or classes. 30

As to assess-
ment.

4. No additional local assessment for High School or Collegiate Institute purposes shall be applied towards such expenses without the consent of the Council of the Municipality in which the High School or Collegiate Institute is situated. R. S. O. c. 205 s. 40 (2 to 4). 35

Legislative Grant.

High School
apportion-
ment payable
half-yearly.

52. Any sum of money appropriated by the Legislative Assembly for High School purposes shall be apportioned by the Minister of Education on the basis of salaries paid to masters and teachers, the character and equipment of school buildings, and appendages, and the average attendance of pupils, according to such regulations as may be passed from time to time by the Education Department, approved by the Lieutenant-Governor in Council; and all moneys so apportioned shall be payable half-yearly to the Treasurer of the High School Board entitled to receive it, in such manner as may be determined by the Lieutenant-Governor, and notice of such apportionment shall be sent to each county clerk. R. S. O., c. 205, ss. 74 and 78. *Amended.* 45

53. No High School or Collegiate Institute which is not conducted according to this Act, and to the regulations prescribed by the Education Department, shall be entitled to receive any part of the High School Fund; nor unless a sum 5 is provided from local sources, exclusive of fees, at least equal to the *minimum* sum apportioned to such High School or Collegiate Institute, and expended in the payment of teachers' salaries. R. S. O., c. 205, s. 80.

Condition of sharing in High School Fund.

54. It shall be lawful for the Lieutenant-Governor in Council 10 to prescribe a course of elementary military instruction for High School or Collegiate Institute pupils, and to appropriate out of any money granted for the purpose a sum not exceeding fifty dollars per annum to any school the head master of which has passed a prescribed examination in the 15 subjects of the military course, and in which school a class of not less than five pupils has been taught for a period of at least six months.

Allowance for elementary military instruction.

2. Such classes and instruction shall be subject to such inspection and oversight as the Lieutenant-Governor in Council 20 may direct. R. S. O., c. 205, s. 81 (2).

Meteorological Observations.

55. The master of every High School or Collegiate Institute at which a meteorological station is or may be authorized by the Education Department shall make the requisite observations 25 for keeping, and shall keep, a meteorological journal embracing such observations, and kept according to such form as may from time to time be directed by the Education Department, and all such journals or abstracts of them shall be sent monthly by such master to the Minister of Education. R. 30 S. O. c. 205, s. 82.

Masters of certain High Schools shall make and transmit meteorological observations.

56. Every High School and Collegiate Institute meteorological station at which the daily observations are made, as required by law, shall be entitled to an apportionment, additional to that made to the High School Fund, out of the High 35 School Fund, at a rate not exceeding fifteen dollars per month for each consecutive month during which such duty is performed, and satisfactory journals or monthly abstracts thereof are furnished to the Minister of Education (according to the form and regulations provided by the 40 Education Department), by the head master observer, who shall certify that the observations required have been made with due care and regularity. R. S. O. c. 205, s. 85.

Allowance for making meteorological report.

57. Any person who wilfully interrupts or disquiets any High School or Collegiate Institute established and conducted 45 under the authority of this Act, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the High School or Collegiate Institute, shall, for each offence, on conviction thereof before a Justice of the 50 Peace, on the affidavit of one credible witness, forfeit and pay for Public School purposes to the school section, City, Town or Village within which the offence was committed, such sum not exceeding twenty dollars, together with the costs of conviction, as the said Justice may think fit. R. S. O., c. 205, s. 87.

Penalty for disturbing High Schools.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

Entitled an Act to Consolidate and Amend
the High Schools Act.

First Reading, February 5th, 1885.

Mr. ROSS
(*Middlesex*).

TORONTO:

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An Act to Consolidate and Amend the High Schools Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The High Schools Act, 1885.*" Short title.
- 5 2. "High Schools" shall include Collegiate Institutes, unless Interpreta-
tion.
a contrary meaning appears.
3. All High School and Collegiate Institute divisions and Existing High
School organi-
zations con-
tinued.
districts, together with all elections and appointments to office, and all agreements, contracts, assessments, and rate-bills, here-
10 tofore duly made in relation to High Schools and Collegiate Institutes, existing at the passing of this Act, and all powers and duties connected therewith, shall continue in full force and effect, subject to the provisions of this Act. R. S. O., c. 205, s. 2.
4. There shall be a High School or High Schools or Colle- Name of each
County High
School.
15 giate Institute in every County and Union of Counties, to be distinguished by prefixing to the words "High School" or "Collegiate Institute," the name of the City, Town or Village within the limits of which the High School or Collegiate Institute is situated. R. S. O., c. 205, s. 3 (*part*).
- 20 5. In the case of a Union of Counties, the County Council Separating a
county from
union for
High School
purposes.
upon a written requisition of a majority of the reeves and deputy reeves of any one County of such union, shall constitute such County a separate County for High School purposes; in which case such County shall contribute the equivalent of the
25 Legislative grant to each of the High Schools which may be established therein, and in such amount separately from any other County within the jurisdiction of the County Council; and upon the like requisition the County Council shall pass the requisite by-law for abolishing existing High School Districts within such county, and deal with all matters relating
30 to the High Schools therein. 41 V. c. 15; s. 1.
6. The County Council may constitute an Electoral District Electoral
Districts as
High School
Districts.
a separate District for High School purposes, in order that it may contribute to the support of one or more High Schools therein, as the Council may determine for such purpose, and
35 in such amount separately from any other Electoral District under the jurisdiction of such County Council. R. S. O., c. 205, s. 3, *part*.

Discontinu-
ance of High
School.

7. Every County Council, at or before its June session in any year, but not later, may, with the approval of the Lieutenant-Governor, on the report and recommendation of the Minister of Education, change the location of or discontinue, at the end of the civil year, any existing High School in any part of the county within the jurisdiction of the said County Council. See R. S. O., c. 205, ss. 5 and 6. 5

Establishment
of New High
Schools—re-
striction.

8. Additional High Schools may, subject to the approval of the Lieutenant-Governor in Council, be established by a County Council in any County, on or before its June session in any year, providing the High School Fund is sufficient to allow of an apportionment at the rate of not less than five hundred dollars per annum to be made to such additional High School, without diminishing the fund which was available for High Schools during the next preceding year. R. S. O., c. 205, 15 ss. 8 and 9.

Establishment
at end of the
year.

9. Within the restrictions prescribed in section 8, it shall be lawful for the Lieutenant-Governor, on the report and recommendation of the Minister of Education, to authorize the establishment of an additional High School in any County at the end of the then civil year. R. S. O., c. 205, s. 10. 20

Cities and
towns separ-
ated to be
counties for
High School
purposes.

10. For all High School purposes every City and Town separated for municipal purposes from the County in which it is situated, shall be a County; and its Municipal Council shall be invested with all the High School powers possessed by County, City, or Town Councils. R. S. O., c. 205, s. 11. 25

Power to
county and
city or town
separated to
agree as to
High School.

11. In case of High Schools situated in a City or Town separated from the jurisdiction of a County Council, it shall be lawful for the County Council and the Council of the City or Town to agree upon the terms and conditions of union under which such High School will be constituted the High School of the County as well as of the City or Town, and in such case the corporate name and appointment of trustees shall be governed by the provisions applicable to a High School situate in a Town not withdrawn from the County. R. S. O., c. 205, s. 12, *part*. 30

Instruction to
be given in all
the higher
branches.

12. In every High School provision shall be made for instruction in all the higher branches of a practical English and commercial education; the natural sciences, with special reference to agriculture; the elements of mathematics; natural philosophy and mechanics, and the Latin, Greek, French, and German languages, so far as to prepare students for University College, or any college affiliated with the University of Toronto, according to such regulations, as shall be prescribed from time to time by the Department of Education, with the approval of the Lieutenant-Governor. See R. S. O., c. 205, s. 39 (13). 40 45

Collegiate In-
stitute, how
constituted.

13. On the Report of the Minister of Education, and subject to the regulations of the Education Department, any High School having— 50

(1) Suitable school buildings, out-buildings, grounds and appliances for physical training;

(2) Library, containing standard books of reference bearing on the subjects of the programme ;

(3) Laboratory, with all necessary chemicals, and apparatus for teaching the Elements of Sciences ;

5 (4) Four Masters at least, each of whom shall be specially qualified to give instruction in one of the following departments: Classics, Mathematics, Natural Science and Modern Languages, including English.

10 (5) Such other teachers as will secure thorough instruction in all the subjects on the curriculum of studies for the time being sanctioned by the Education Department for Collegiate Institutes ;

(6) An average attendance of one hundred pupils and eighty pupils during the first and second terms respectively.

15 May be constituted a Collegiate Institute by order of the Lieutenant-Governor in Council. *New.*

Trustees.

14. (1) Every High School Board shall, except as hereinafter provided, consist of six trustees, and every trustee for the time being shall hold office until his successor is appointed. Number and qualification of trustees.

(2) Any ratepayer of the full age of twenty-one years, and not disqualified under this Act, shall be eligible to be appointed a High School Trustee.

15. In Counties and Towns not separated from the County for municipal purposes, and in incorporated villages, three trustees shall be appointed from time to time by the County Council, and three by the Municipal Council of the Town or Incorporated Village in which the High School is situated, one of whom in the order of his appointment in each case shall retire from office on the thirty-first day of January in every year. R. S. O., c. 205, s. 18, (2), s. 20 and 28. Trustees, appointment of, in counties, towns and incorporated villages.

16. In unincorporated villages and townships the County Council shall appoint a Board of six Trustees, and shall by law determine their continuance and succession of office. Trustees, appointment of, in unincorporated villages and townships.

35 17. (1) In every City and Town separated from the County for municipal purposes, the Council shall at the last meeting to be held in the month of January in each year, appoint two trustees to fill the vacancies caused by the annual retirement of that number of trustees from the High School Board. R. S. O., c. 205, s. 26 ; 44 V., c. 30, s. 14. City and town separated to appoint trustees.

(2) When and so long as the only High School of the County is situated within a City, the Council of such County and city respectively, shall appoint three of the trustees of such High School. R. S. O., c. 205, s. 21 (2). Restriction.

45 18. Vacancies arising from the annual retirement of trustees shall be filled at the last meeting in January in each year, by the Councils or Board of Trustees empowered under this Act to make appointments ; and vacancies arising from death, resignation or removal from the municipality, or otherwise Vacancies, how filled.

shall be filled up as they occur by the Municipal Council or Board of Trustees having the right of appointment, and the person appointed to fill such vacancy shall hold office only for the unexpired part of the term for which the person whose place has become vacant was appointed to serve. R. S. O., c. 205, s. 25, and (2).

Appointment of High School Trustees in towns separated.

19. In case a County Council raises annually by assessment an amount equal to the grant from the Legislative appropriation which may be made to a High School or Collegiate Institute, situated in a Town separated from the municipal jurisdiction of such Council; or, in case the County Council and the Council of the City or Town separated agree upon the terms and conditions of union under which the High School of such City or Town is constituted the High School of the County as well as of the City or Town, three of the trustees shall be appointed by the County Council, and three by the Municipality of the City, Town, or Incorporated Village in which the High School is situated. R. S. O., c. 205, ss. 22, 23; 40 V., c. 16, s. 18 (4).

High School trustees to be a corporation.—Powers.

20. The Trustees of every High School shall be a corporation, by the name of "The _____ High School (or Collegiate Institute) Board," (prefixing to the term "High School," or "Collegiate Institute," the name of the City, Town or Incorporated Village, within which such High School or Collegiate Institute is situated), and shall have and possess all the powers usually enjoyed by corporations, so far as the same are necessary for carrying out the purposes of this Act. R. S. O., c. 205, s. 37.

Powers of District Boards.

21. The High School Board of any district formed by the County Council shall have all the powers within the said District possessed under this Act by High School Boards generally in respect to the support and management of the High Schools under their care. R. S. O., c. 205, s. 38.

First Meeting.

First meeting of Board.

22. The first annual meeting of the High School Board shall be held on the first Wednesday in February, at the place where the Municipal Council of the City, Town, or Incorporated Village in which the High School is situated, holds its meetings, and shall be organized by the election of a Chairman from amongst themselves and a Secretary, and a majority shall form a quorum for the transaction of business at any meeting. R. S. O., c. 205, s. 39 (1), (2).

President at first meeting of School Boards, etc., for election of chairman.

23. (1) Until a Chairman is elected, the Secretary for the previous year shall preside, or if there be no Secretary, the members present shall select one of themselves to preside at the election of Chairman, and the member so elected to preside may vote as a member. 41 V., c. 15, s. 2.

Equality of votes on the election of chairman.

(2) In case of an equality of votes at the election of Chairman of any such Board, the member who is assessed as a ratepayer for the largest sum on the last revised Assessment Roll shall have a second or casting vote, in addition to his vote as a member. 41 V., c. 15, s. 3; 42 V., c. 34, s. 34.

24. The Chairman or presiding officer of the Board may vote with the other members of the Board on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. *New.* Chairman to vote.

5

Duties of Trustees.

25. It shall be the duty of every High School Board— Duties of Board.
1. To fix the times and places of the Board meetings, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings. To fix meetings of the Board.
R. S. O., 205, s. 39 (3). 10
 2. To take charge of the High School for which they have been appointed trustees, and the buildings and land appertaining to it. To take charge of County High School.
R. S. O., c. 205, s. 39 (4).
 3. To do whatsoever they may deem expedient with regard to erecting, repairing, furnishing, and keeping in order the buildings of such High School and the appendages, lands, and enclosures belonging thereto. To erect, repair, and furnish schools, etc.
R. S. O., c. 205, s. 39 (5). 15
 4. To settle the amount to be paid by parents and guardians for each pupil attending the High School, to fix the times of payment, and, when necessary, to sue for and recover such amounts, and to pay the same to the treasurer of the said High School Board. To collect fees
R. S. O., c. 205, s. 29 (9). 20
 5. To give the necessary orders upon the Treasurer of the Board for the payment of the salaries of the masters, teachers, and other officers and servants of the High School, and of any other necessary expenses. To give orders on treasurer for salaries and expenses.
R. S. O., c. 205, s. 39 (10). 25
 6. To apply to the Council of the municipality, or Councils of the respective municipalities, liable under this Act, on or before the 1st day of August, for such sum or sums as said Board may require for the maintenance, accommodation, and other necessary expenses of their High School, and as said Council is required by this Act, to raise by local assessment for these purposes. To apply to Councils for sums for maintenance.
30
 7. To expel, on the report of the Head Master, any pupil whose conduct may be deemed injurious to the welfare of the school. Expulsion of pupils.
New. 35
 8. To remove, if they see fit, and in case of vacancies, appoint a legally qualified master and other teachers in the High School, and to fix their salaries and prescribe their duties. To appoint and remove masters, teachers,
R. S. O., c. 205, s. 39 (11). 40
 9. To appoint such other officers and servants in the High School as they may judge expedient, and fix their remuneration. officers and servants.
R. S. O., c. 205, s. 39 (12).
 10. To see that the High School is conducted according to the provisions of this Act, and of the regulations prescribed by the Education Department; that the pupils of the High School are supplied with proper text-books; and that public half-yearly examinations of the pupils are held, and due notice given of them. Conduct of School.
R. S. O., c. 205, s. 39 (14). 45
Text-books.
Examinations
 11. To prepare and transmit, before the fifteenth day of January, to the Minister of Education, an annual report, certified by the Head Master and Trustees in accordance with a form To make an annual report to Minister.
50

provided by the Education Department for that purpose. R. S. O., c. 205, s. 39 (15).

(1) *High School Property vested in Trustees.*

High School
property
vested in
Trustees.

All property heretofore given or acquired in any Municipality, and vested in any person or persons, or corporation, for High School or Collegiate Institute purposes, or which may hereafter be so given or acquired, shall vest absolutely in the corporation of High School or Collegiate Institute trustees having the care of the same, subject to such trusts as may be declared in the deed or instrument under which such property 10 is held.

Provision if
site be not
suitable.

26. In case any lands in Ontario have been, or after the passing of this Act are surrendered, granted, devised, or otherwise conveyed to the Crown, or to the Trustees of any High School or Collegiate Institute, or to any trustees, in trust for 15 the purposes of, or as a site for, any such High School or Collegiate Institute, or for any other educational institution established in any County or place therein for the benefit of the inhabitants thereof generally, and in case such lands are found not to afford the most advantageous site for such school or in- 20 stitution, or there being no school or institution bearing the precise designation mentioned in the deed of surrender, grant, devise, or other conveyance, or in case it may be for the benefit of such school or institution that such lands should be disposed of, and others acquired in their stead, for the same purpose, or 25 the proceeds of the sale applied thereto, then such lands may be surrendered and conveyed as hereinafter provided. R. S. O., c. 205, s. 67.

Such lands
may be sur-
rendered to
the Crown.

27. The Trustees in whom any lands mentioned in the next preceding section are vested in trust as aforesaid, may (with 30 the consent of the Municipal Council, expressed at a legal meeting and certified under the hand of the head and corporate seal of the Municipality in which such school or institution has been or is to be established) surrender and convey such lands to the Crown unconditionally, and such conveyance shall vest 35 the lands absolutely in the Crown, without formal acceptance by the Crown, the Lieutenant-Governor, or any other officer or person for the Crown. R. S. O., c. 205.

Such lands to
be sold for the
benefit of such
school, etc.

28. Any lands surrendered, granted, devised or otherwise conveyed to the Crown for any such purpose as aforesaid, may 40 be sold by the order of the Lieutenant-Governor in Council, and the proceeds applied to the purchase of other lands to be vested in the Crown for the purpose of the same school or institution, or in the case of there being no school bearing the precise designation intended as aforesaid by the person who 45 granted or devised the lands to the Trustees, from or through whom the lands so sold came to the Crown, then for the purposes of the High School or Collegiate Institute or other public educational institution established for the benefit of the inhabitants of the Municipality generally, which in the opinion of the 50 Lieutenant-Governor in Council comes nearest in its purposes and designs to that intended by such persons as aforesaid. R. S. O., c. 205, s. 69.

29. If such proceeds are applied to the purchase of lands for High School or Collegiate Institute purposes, the title to such lands may be vested in the Board of Trustees for any High School or Collegiate Institute, by their corporate name; and if there is any surplus of such proceeds after such purchase, or if it is found that no lands are required as a site for, or for other purposes of, such school or institution, then such surplus or proceeds (as the case may be) may be invested or applied for the purposes of such school or institution, in such manner as the Lieutenant-Governor in Council deems most for the advantage thereof. R. S. O. c. 205, s. 70.

Lands purchased with proceeds.

30. No purchaser of land from the Crown under this Act shall be in any way bound to see to the application of the purchase money. R. S. O. c. 205, s. 71.

Purchasers not to see to trusts.

31. Nothing in this Act shall impair the rights of any private party in or upon any lands, in so far as such rights would have existed and could be exercised without this Act. R. S. O. c. 205, s. 72.

Private rights protected.

County Grants.

32. In the case of every High School in a town not withdrawn from the County, or in an incorporated Village, or in a Township, an amount equal to the amount paid by the Government shall be paid by the Municipal Council of the County in which such High School is situated, upon the application of the High School Board; and such other sums as may be required for the maintenance and accommodation of the said High School to the amount at least of the grant received from the Legislative appropriation, shall be raised by the Council of the Municipality in which the High School is situate, upon the application of the High School Board. 42 V. c. 34, s. 32. *Part.*

Grants in towns, incorporated villages and townships.

33. In the case where two or more Municipalities or portions thereof within the County have heretofore been formed into and continue to constitute one High School District, or in cases where two or more such minor municipalities or portions thereof within the same County hereafter agree to form and constitute themselves into a High School District, then such sums as may be required for the maintenance and accommodation of the said High School (to the amount at least of the grant from the Legislative appropriation), shall be provided by the Municipalities of such High School District upon the application of the High School Board, and such sums shall be raised in the manner provided in this Act, and any by-law of the Council of a minor Municipality for uniting any portion of it to another Municipality within the same County for High School purposes, or for [dissolving] such union, shall be deemed the agreement of such portion, and shall be passed by such council if petitioned for by two-thirds in number of all the tax payers of such portion. 42 V. c. 34, s. 32. *Amended.*

Grant where several municipalities formed into one High School District.

34. In the case of cities and towns separated from the County for municipal purposes it shall be the duty of the Municipal Council to provide such sums as may be required for the maintenance and accommodation of the High School,

Councils to provide sums required for maintenance.

upon the application of the High School Board, subject to the provisions of section 35 of this Act.

Municipal Council may refuse to raise money for purchase of school site, etc.

35. (1) In any case where a High School Board may require the Municipal Council to raise or borrow a sum of money for the purchase of a school site, or the erection or purchase of any school-house or addition thereto, or for the purchase or erection of a teacher's residence, such Municipal Council may refuse to raise or borrow any such sum when it is so resolved by a two-thirds vote of the members present at the meeting of the Council, for considering any by-law in that behalf. 5 10

School Board may require question to be submitted to electors.

(2) When the Municipal Council, by a two-thirds vote, refuse to raise or borrow the sum proposed, then such question shall be submitted by the Municipal Council, if requested by the High School Board, to the vote of the electors of the Municipality in the manner provided by *The Municipal Act* for the creating of debts, and in the event of the assent of the electors aforesaid being thereby obtained, then it shall be the duty of such Council to raise or borrow such sum. 15

Debentures.

(3) Any debenture for any loan of money for school purposes may be for such term of years, not exceeding twenty, as the Municipal Council may think fit, and the Municipal Council may also in its discretion make the principal of such debt repayable by annual or other instalments, in the manner provided by the three hundred and thirty-second section of *The Municipal Act*. 42 V. c. 34, s. 29. 20 25

(2) *Discretionary.*

Aiding High Schools.

36. The Council of every County, City and Town separated from the County for municipal purposes, may pass by-laws for the following purposes:— 30

1. For making provision by local assessment in addition to that required to be made by this Act, for procuring sites for High Schools, for renting, building, repairing, furnishing, warming, and keeping in order High School houses and their appendages, grounds and enclosures. 35

Lands for High Schools.

2. For obtaining within the County, or in any City or Town separated from the County, as the wants of the people may most require, the real property requisite for erecting High School houses thereon, and for other High School purposes, and for preserving, improving, and repairing such High School houses, and for disposing of such property when no longer required. 40

Additional provision.

3. For making provision (additional to that required to be made by this Act) in aid of such High Schools, as may be deemed expedient by the Council. 45

Pupils competing for University prizes.

4. For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School there, of such of the pupils of the High Schools or Collegiate Institutes of the County as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such High Schools or Collegiate Institutes possess competent attainments for, competing for any scholarship, exhibition or other similar prize, offered by such University or College. 50

5. For making similar provision for the attendance at any High School or Collegiate Institutes for like purposes, of pupils of the Public Schools of the Municipality. (See also R. S. O., c. 174, sec. 465 (8). Attendance at High School.
6. For endowing such fellowships, scholarships, or exhibitions, and other similar prizes in the University of Toronto, and in the Upper Canada College and Royal Grammar School there, for competition among the pupils of the High Schools of the county, as the Council deems expedient for the encouragement of learning among the youth thereof. Endowing fellowships, etc.

37. (1) All moneys raised in any Municipality or High School District, by local assessment, subscription, fees or otherwise, under the authority of this Act, shall be paid over to the High School Treasurer in such Municipality or District on or before the fourteenth day of December in every year. R. S. O. c. 205, ss. 33 and 34. Moneys to be paid to treasurer, on or before fourteenth December.

- (2) The Treasurer of every High School Board shall give security to the Board appointing him for the due and faithful performance of his duties, and shall submit his accounts to the Municipal Auditors, whose duty it shall be to audit them in the same manner as the Municipal Treasurer's accounts are audited. Audit of High School Treasurer's accounts.

Entrance Examinations.

38. There shall be a uniform Entrance Examination for the admission of pupils to the High Schools, at such times and places, on such subjects, and according to such regulations as may be prescribed from time to time by the Department of Education. *New.* Examinations to be uniform.

39. The Board of Examiners for the admission of pupils to each High School shall consist of the Public School Inspector for the city, town, or district in which the High School is situated, the Head Master of the High School, and the Chairmen of the High, Public, and Separate School Boards, respectively. R. S. O. c. 205, s. 55; 45 V. c. 30, s. 7. Board of Examiners.

40. 40. The remuneration for presiding at such examinations shall be not less than four dollars per day, and a further sum at the rate of at least seventy-five cents for every pupil presenting himself for examination shall be divided among such members of the Board of Examiners as may be engaged in reading and valuing examination papers, in such proportions as the Board may by resolution from time to time determine. *New.* Remuneration of examiners.

41. Any pupil passing the required examination may be admitted to a High School provisionally, but it shall be competent for the Minister of Education, on the report of the Central Committee, to confirm, disallow, or cancel the admission of any pupil, or to require of any pupil further tests of proficiency in any of the prescribed subjects of examination. R. S. O. c. 205, ss. 57 and 58 *amended.* Admission of pupils provisionally.

42. In cities and towns separated from the county the expenses of the Examination shall be borne respectively by the Public and High School Boards, after deducting any fees Expenses of examination how defrayed.

authorized by the Department of Education; and in all other cases the expenses shall be borne by the County Council, after deducting fees as aforesaid. 45 V. c. 30, s. 7. *Part.*

Residence of Pupils.

Admission of pupils from county. **43.** (1) Pupils residing in any part of the County or Union of Counties, shall have the right to attend any of the High Schools in the County or Union of Counties, upon the same terms as to payment of fees, or otherwise, as pupils resident in the Town, Incorporated Village, or School Division, within which the High School is situated. 5
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Exception. (2) This section shall not apply to High Schools in Cities and Towns separated from the county for municipal purposes, unless the County Council provides the required equivalent to the Legislative grant. R. S. O., c. 205, s. 65.

High School Masters.

Head Masters to be University graduates. **44.** No person shall be deemed to be legally qualified to be appointed head master of a High School or Collegiate Institute unless he is a graduate in Arts of some University within the British Dominions, and furnishes satisfactory evidence to the Education Department of his knowledge of the science and art of teaching, and of the management and discipline of schools; but any person legally qualified and employed as head master in any high School or Collegiate Institute before the twenty-fourth day of March, 1874, shall be deemed qualified notwithstanding this section. R. S. O., c. 205 s. 41. 15
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Settlement of disputes. **45.** (1) All matters of difference between trustees, masters and teachers of High Schools in regard to salary or other remuneration, shall be brought and decided in the Division Court, by the Judge of the County Court, in each County. R. S. O., c. 205, s. 42. 30

(2) Provided always, that the decision of any County Judge in such cases may be appealed from, as provided for in *The Public Schools Act, 1885*. R. S. O., c. 205, s. 42 (3).

Division Court judgment may be enforced. **46.** In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of the foregoing section, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. R. S. O., c. 205, s. 41. 35
40

Teacher entitled to salary during holidays and vacations. **47.** Every master or teacher of a High School or Collegiate Institute shall be entitled to be paid his salary for the authorized holidays occurring during the period of his engagement with the trustees, and in case his engagement extends three months or over he shall then be paid in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year. R. S. O., c. 205, s. 59. *Amended.* 45

48. In case of sickness, certified by a medical man, he shall be entitled to his salary during such sickness for a period not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. R. S. O., c. 205, s. 51. Case of sickness. Four weeks allowed.

49. Every Master and assistant of a High School shall, in the organization, discipline, management and classification of the pupils be subject to such regulations as may be prescribed by the Education Department. *New.* Teachers' general and class register.

50. The provisions of *The Public School Act* respecting superannuation shall apply to masters and assistants of High Schools. Superannuation.

51. The High Schools shall open on the seventh day of January, and close on the Thursday before Easter; they shall re-open on the first Tuesday after Easter, and close on the first Friday of July; they shall re-open on the last Monday of August, and close on the twenty-second day of December. R. S. O., c. 205, s. 54. Terms.

Preparatory Classes or Schools.

52. (1) It shall be competent for the Board of Trustees of any High School or Collegiate Institute to establish a preparatory school, class, or classes, for the preparation of pupils for admission to such High School or Collegiate Institute. Preparatory classes.

(2) No master or teacher employed in the High School or Collegiate Institute shall teach in such preparatory school, class, or classes. Proviso as to teaching.

(3) No part of the Legislative grant or of the County assessment for High School or Collegiate Institute purposes shall be applied towards the expenses of the establishment, teaching or maintenance of such preparatory school, class, or classes. As to legislative grant.

(4) No additional local assessment for High School or Collegiate Institute purposes shall be applied towards such expenses without the consent of the Council of the Municipality in which the High School or Collegiate Institute is situated. R. S. O., c. 205 s. 40 (2 to 4.) As to assessment.

Legislative Grant.

53. Any sum of money appropriated by the Legislative Assembly for High School purposes shall be apportioned by the Minister of Education on the basis of salaries paid to masters and teachers, the character and equipment of school buildings, and appendages, and the average attendance of pupils, according to such regulations as may be passed from time to time by the Education Department, approved by the Lieutenant-Governor in Council; and all moneys so apportioned shall be payable half-yearly to the Treasurer of the High School Board entitled to receive it, in such manner as may be determined by the Lieutenant-Governor, and notice of such apportionment shall be sent to each county clerk. R. S. O., c. 205, ss. 74 and 78. *Amended.* High School apportionment payable half-yearly.

Condition of sharing in High School Fund.

54. No High School or Collegiate Institute which is not conducted according to this Act, and to the regulations prescribed by the Education Department, shall be entitled to receive any part of the High School Fund; nor unless a sum is provided from local sources, exclusive of fees, at least equal to the *minimum* sum apportioned to such High School or Collegiate Institute, and expended in the payment of teachers' salaries. R. S. O., c. 205, s. 80. 5

Allowance for elementary military instruction.

55. (1) It shall be lawful for the Lieutenant-Governor in Council to prescribe a course of elementary military instruction for High School or Collegiate Institute pupils, and to appropriate out of any money granted for the purpose a sum not exceeding fifty dollars per annum to any school the head master of which has passed a prescribed examination in the subjects of the military course, and in which school a class of not less than five pupils has been taught for a period of at least six months. 10 15

Inspection.

(2) Such classes and instruction shall be subject to such inspection and oversight as the Lieutenant-Governor in Council may direct. R. S. O., c. 205, s. 81 (2). 20

Meteorological Observations.

Masters of certain High Schools shall make and transmit meteorological observations.

56. The master of every High School or Collegiate Institute at which a meteorological station is or may be authorized by the Education Department shall make the requisite observations for keeping, and shall keep, a meteorological journal embracing such observations, and kept according to such form as may from time to time be directed by the Education Department, and all such journals or abstracts of them shall be sent monthly by such master to the Minister of Education. R. S. O., c. 205, s. 82. 25 30

Allowance for making meteorological report.

57. Every High School and Collegiate Institute meteorological station at which the daily observations are made, as required by law, shall be entitled to an apportionment, additional to that made to the High School Fund, out of the High School Fund, at a rate not exceeding fifteen dollars per month for each consecutive month during which such duty is performed, and satisfactory journals or monthly abstracts thereof are furnished to the Minister of Education (according to the form and regulations provided by the Education Department), by the head master observer, who shall certify that the observations required have been made with due care and regularity. R. S. O., c. 205, s. 85. 35 40

Suspension or expulsion of Pupils.

58. No High School trustee shall enter into any contract, agreement, engagement or promise of any kind, either in his own name, or in the name of another, and either, alone or jointly with another, or in which he has any pecuniary interest, profit, or promised or expected benefit, with the corporation of which he is a member, or have any pecuniary claim upon or receive compensation from such corporation for any work, engagement, employment, or duty on behalf of such corporation, and every such contract, agreement, engagement or promise shall be null and void, and such trustee shall also *ipso facto* vacate his seat, and a majority of the other trustees shall 45 50

High School Trustees not to contract with Board.

declare the same vacant, and notify the Clerk of the Municipality. 44 V., c. 30, s. 13.

59. If a trustee of any High School is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the Board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the School Municipality for which he is a trustee, such trustee shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant, and notify the Clerk of the Municipality accordingly. R. S. O., c. 204, s. 38.

Vacancy in office of trustee, when caused.

60. Any person who wilfully interrupts or disquiets any High School or Collegiate Institute established and conducted under the authority of this Act, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the High School or Collegiate Institute, shall, for each offence, on conviction thereof before a Justice of the Peace, on the affidavit of one credible witness, forfeit and pay for Public School purposes to the school section, City, Town or Village within which the offence was committed, such sum not exceeding twenty dollars, together with the costs of conviction, as the said Justice may think fit. R. S. O., c. 205, s. 87.

Penalty for disturbing High Schools.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to Consolidate and amend the High
Schools Act.

First Reading, 5th February, 1885.

(Revised Copy.)

Mr. ROSS
(Middlsex).

TORONTO:

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An Act to Consolidate and Amend the High Schools Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The High Schools Act, 1885.*" Short title.

2. "High Schools" shall include Collegiate Institutes, unless a contrary meaning appears. Interpretation.

3. All High School and Collegiate Institute divisions and districts, together with all elections and appointments to office, and all agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to High Schools and Collegiate Institutes, existing at the passing of this Act, and all powers and duties connected therewith, shall continue in full force and effect, subject to the provisions of this Act. R. S. O., c. 205, s. 2. Existing High School organizations continued.

4. There shall be a High School or High Schools or Collegiate Institute in every County and Union of Counties, to be distinguished by prefixing to the words "High School" or "Collegiate Institute," the name of the City, Town or Village within the limits of which the High School or Collegiate Institute is situated, but such High School or Collegiate Institute shall nevertheless be deemed to be one of the High Schools or Collegiate Institutes of the county, and within the municipal jurisdiction of the County Council. 37 V., c. 27, s. 35; 40 V., c. 16, s. 18 (1); R. S. O., c. 205, s. 3 (*part*). Name of each County High School.

5. In the case of a Union of Counties, the County Council upon a written requisition of a majority of the reeves and deputy reeves of any one County of such union, shall constitute such County a separate County for High School purposes; in which case such County shall contribute the equivalent of the Legislative grant to each of the High Schools which may be established therein, and in such amount separately from any other County within the jurisdiction of the County Council; and upon the like requisition the County Council shall pass the requisite by-law for abolishing existing High School Districts within such county, and deal with all matters relating to the High Schools therein. 41 V. c. 15, s. 1. Separating a county from union for High School purposes.

6. The County Council may constitute an Electoral District a separate District for High School purposes, in order that it Electoral Districts as High School Districts.

may contribute to the support of one or more High Schools therein, as the Council may determine for such purpose, and in such amount separately from any other Electoral District under the jurisdiction of such County Council. R. S. O., c. 205, s. 3, *part*. 5

Discontinu-
ance of High
School.

7. Every County Council, at or before its June session in any year, but not later, may, with the approval of the Lieutenant-Governor, on the report and recommendation of the Minister of Education, change the location of or discontinue, at the end of the civil year, any existing High School in any part of the county within the jurisdiction of the said County Council. See R. S. O., c. 205, ss. 5 and 6. 10

Establishment
of New High
Schools—re-
striction.

8. Additional High Schools may, subject to the approval of the Lieutenant-Governor in Council, be established by a County Council in any County, on or before its June session in any year, providing the High School Fund is sufficient to allow of an apportionment at the rate of not less than *four* hundred dollars per annum to be made to such additional High School, without diminishing the fund which was available for High Schools during the next preceding year. R. S. O., c. 205, ss. 8 and 9. 15 20

Establishment
at end of the
year.

9. Within the restrictions prescribed in section 8, it shall be lawful for the Lieutenant-Governor, on the report and recommendation of the Minister of Education, to authorize the establishment of an additional High School in any County at the end of the then civil year. R. S. O., c. 205, s. 10. 25

Cities and
towns sepa-
rated to be
counties for
High School
purposes.

10. For all High School purposes every City and Town separated for municipal purposes from the County in which it is situated, shall be a County; and its Municipal Council shall be invested with all the High School powers possessed by County, City, or Town Councils. R. S. O., c. 205, s. 11. 30

Power to
county and
city or town
separated to
agree as to
High School.

11. In case of High Schools situated in a City or Town separated from the jurisdiction of a County Council, it shall be lawful for the County Council and the Council of the City or Town to agree upon the terms and conditions of union under which such High School will be constituted the High School of the County as well as of the City or Town, and in such case the corporate name and appointment of trustees shall be governed by the provisions applicable to a High School situate in a Town not withdrawn from the County. R. S. O., c. 205, s. 12, *part*. 35 40

Instruction to
be given in all
the higher
branches.

12. In every High School provision shall be made for instruction in all the higher branches of a practical English and commercial education; the natural sciences, with special reference to agriculture; the elements of mathematics; natural philosophy and mechanics, and the Latin, Greek, French, and German languages, so far as to prepare students for University College, or any college affiliated with the University of Toronto, according to such regulations, as shall be prescribed from time to time by the Department of Education, with the approval of the Lieutenant-Governor. See R. S. O., c. 205, s. 39 (13). 45 50

13. On the Report of the Minister of Education, and subject to the regulations of the Education Department, any High School having— Collegiate Institute, how constituted.

5 (1) Suitable school buildings, out-buildings, grounds and appliances for physical training;

(2) Library, containing standard books of reference bearing on the subjects of the programme;

(3) Laboratory, with all necessary chemicals, and apparatus for teaching the Elements of Sciences;

10 (4) Four Masters at least, each of whom shall be specially qualified to give instruction in one of the following departments: Classics, Mathematics, Natural Science and Modern Languages, including English.

15 (5) Such other teachers as will secure thorough instruction in all the subjects on the curriculum of studies for the time being sanctioned by the Education Department for Collegiate Institutes;

May be constituted a Collegiate Institute by order of the Lieutenant-Governor in Council. *New.*

20

Trustees.

14. (1) Every High School Board shall, except as hereinafter provided, consist of six trustees, and every trustee for the time being shall hold office until his successor is appointed. Number and qualification of trustees.

25 (2) Any ratepayer of the full age of twenty-one years, and not disqualified under this Act, shall be eligible to be appointed a High School Trustee.

30 **15.** In Counties and Towns not separated from the County for municipal purposes, and in incorporated villages, three trustees shall be appointed from time to time by the County Council, and three by the Municipal Council of the Town or Incorporated Village in which the High School is situated, one of whom in the order of his appointment in each case shall retire from office on the thirty-first day of January in every year. R. S. O., c. 205, s. 18, (2), s. 20 and 28. Trustees, appointment of, in counties, towns and incorporated villages.

35 **16.** In unincorporated villages and townships the County Council shall appoint a Board of six Trustees, and shall by by-law determine their continuance and succession of office. Trustees, appointment of, in unincorporated villages and townships.

40 **17.** (1) In every City and Town separated from the County for municipal purposes, the Council shall at the *first meeting thereof* after being duly organized, held in the month of January in each year, appoint two trustees to fill the vacancies caused by the annual retirement of that number of trustees from the High School Board. R. S. O., c. 205, s. 26; 44 V., c. 30, s. 14. City and town separated to appoint trustees.

45 (2) When and so long as the only High School of the County is situated within a City, the Council of such County and city respectively, shall appoint three of the trustees of such High School. R. S. O., c. 205, s. 21 (2). Restriction.

Vacancies,
how filled.

18. Vacancies arising from the annual retirement of trustees shall be filled at the *first meeting thereof after being duly organized* in January in each year, by the Councils or Board of Trustees empowered under this Act to make appointments; and vacancies arising from death, resignation or removal from the municipality, or otherwise shall be filled up as they occur by the Municipal Council or Board of Trustees having the right of appointment, and the person appointed to fill such vacancy shall hold office only for the unexpired part of the term for which the person whose place has become vacant was appointed to serve. R. S. O., c. 205, s. 25, and (2). 5 10

Appointment
of High School
Trustees in
towns separated.

19. (1) In case a County Council raises annually by assessment an amount equal to the grant from the Legislative appropriation which may be made to a High School situated in a Town separated from the municipal jurisdiction of such Council; or, in case the County Council and the Council of the City or Town separated agree upon the terms and conditions of union under which the High School of such City or Town is constituted the High School of the County as well as of the City or Town, three of the trustees shall be appointed by the County Council, and three by the Municipality of the City, Town, or Incorporated Village in which the High School is situated. R. S. O., c. 205, ss. 22, 23; 40 V., c. 16, s. 18 (4). 15 20 25

(2) Where there is a Roman Catholic Separate School established under *The Separate Schools Act* in any city, town or incorporated village in which a High School is established, it shall be lawful for the trustees of said Separate School to appoint one trustee of and for such High School, provided always that in the case of a united High and Public School Board such trustee shall not take any part in the proceedings of such board in regard to any matter affecting the Public School.

(3) The selection and appointment of the said trustee under the provisions of this section shall be made annually in the month of January, except that as to the year 1885, such selection and appointment may be made at any time not later than the first day of July next after the passing of this Act.

High School
trustees to be
a corporation.
—Powers.

20. The Trustees of every High School shall be a corporation, by the name of "The —— High School Board," (prefixing to the term "High School," or "Collegiate Institute," the name of the City, Town or incorporated Village, within which such High School or Collegiate Institute is situated), and shall have and possess all the powers usually enjoyed by corporations, so far as the same are necessary for carrying out the purposes of this Act. R. S. O., c. 205, s. 37. 40 45

Powers of
District
Boards.

21. The High School Board of any district formed by the County Council shall have all the powers within the said District possessed under this Act by High School Boards generally in respect to the support and management of the High Schools under their care. R. S. O., c. 205, s. 38. 50

First Meeting.

- 22.** The first annual meeting of the High School Board shall be held on the first Wednesday in February, at the place where the Municipal Council of the City, Town, or Incorporated Village in which the High School is situated, holds its meetings, and shall be organized by the election of a Chairman from amongst themselves and a Secretary, and a majority shall form a quorum for the transaction of business at any meeting. R. S. O., c. 205, s. 39 (1), (2). First meeting of Board.
- 10 **23.** (1) Until a Chairman is elected, the Secretary for the previous year shall preside, or if there be no Secretary, the members present shall select one of themselves to preside at the election of Chairman, and the member so elected to preside may vote as a member. 41 V., c. 15, s. 2. President at first meeting of School Boards, etc., for election of chairman.
- 15 (2) In case of an equality of votes at the election of Chairman of any such Board, the member who is assessed as a rate-payer for the largest sum on the last revised Assessment Roll shall have a second or casting vote, in addition to his vote as a member. 41 V., c. 15, s. 3; 42 V., c. 34, s. 34. Equality of votes on the election of chairman.
- 20 **24.** The Chairman or presiding officer of the Board may vote with the other members of the Board on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. Chairman to vote.

Duties of Trustees.

- 25 **25.** It shall be the duty of every High School Board— Duties of Board.
1. To fix the times and places of the Board meetings, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings. R. S. O., 205, s. 39 (3). To fix meetings of the Board.
- 30 2. To take charge of the High School for which they have been appointed trustees, and the buildings and land appertaining to it. R. S. O., c. 205, s. 39 (4). To take charge of County High School.
3. To do whatsoever they may deem expedient with regard to erecting, repairing, furnishing, and keeping in order the buildings of such High School and the appendages, lands, and enclosures belonging thereto. R. S. O., c. 205, s. 39 (5). To erect, repair, and furnish schools, etc.
- 35 4. To settle the amount to be paid by parents and guardians for each pupil attending the High School, to fix the times of payment, and, when necessary, to sue for and recover such amounts, and to pay the same to the treasurer of the said High School Board. R. S. O., c. 205, s. 29 (9). To collect fees
- 40 5. To give the necessary orders upon the Treasurer of the Board for the payment of the salaries of the masters, teachers, and other officers and servants of the High School, and of any other necessary expenses. R. S. O., c. 205, s. 39 (10). To give orders on treasurer for salaries and expenses.
- 45 6. To apply to the Council of the municipality, or Councils of the respective municipalities, liable under this Act, on or before the 1st day of August, for such sum or sums as said Board may require for the maintenance, accommodation, and To apply to Councils for sums for maintenance.

other necessary expenses of their High School, and as said Council is required by this Act, to raise by local assessment for these purposes.

- Expulsion of pupils. 7. To expel, on the report of the Head Master, any pupil whose conduct may be deemed injurious to the welfare of the school. 5
- To appoint and remove masters, teachers, officers and servants. 8. To remove, if they see fit, and in case of vacancies, appoint a legally qualified master and other teachers in the High School, and to fix their salaries and prescribe their duties. R. S. O., c. 205, s. 39 (11). 10
- Conduct of School. 9. To appoint such other officers and servants in the High School as they may judge expedient, and fix their remuneration. R. S. O., c. 205, s. 39 (12).
- Text-books. 10. To see that the High School is conducted according to the provisions of this Act, and of the regulations prescribed by the Education Department; that the pupils of the High School are supplied with proper text-books; and that public half-yearly examinations of the pupils are held, and due notice given of them. R. S. O., c. 205, s. 39 (14). 15
- Examinations
- To make an annual report to Minister. 11. To prepare and transmit, before the fifteenth day of January, to the Minister of Education, an annual report, certified by the Head Master and Trustees in accordance with a form provided by the Education Department for that purpose. R. S. O., c. 205, s. 39 (15). 20

(1) *High School Property vested in Trustees.* 25

- High School property vested in Trustees. 26. All property heretofore given or acquired in any Municipality, and vested in any person or persons, or corporation, for High School purposes, or which may hereafter be so given or acquired, shall vest absolutely in the corporation of High School trustees having the care of the same, subject to such trusts as may be declared in the deed or instrument under which such property is held. 30
- Provision if lands granted for a site are not suitable. 27. In case any lands in Ontario have been, or after the passing of this Act are surrendered, granted, devised, or otherwise conveyed to the Crown, or to the Trustees of any High School or to any trustees, in trust for the purposes of, or as a site for, any such High School or for any other educational institution established in any County or place therein for the benefit of the inhabitants thereof generally, and in case such lands are found not to afford the most advantageous site for such school or institution, or there being no school or institution bearing the precise designation mentioned in the deed of surrender, grant, devise, or other conveyance, or in case it may be for the benefit of such school or institution that such lands should be disposed of, and others acquired in their stead, for the same purpose, or the proceeds of the sale applied thereto, then such lands may be surrendered and conveyed as hereinafter provided. R. S. O., c. 205, s. 67. 35 40 45

- Such lands may be surrendered to the Crown. 28. The Trustees in whom any lands mentioned in the next preceding section are vested in trust as aforesaid, may (with the consent of the Municipal Council, expressed at a legal meeting and certified under the hand of the head and corporate seal of the Municipality in which such school or institution has

been or is to be established) surrender and convey such lands to the Crown unconditionally, and such conveyance shall vest the lands absolutely in the Crown, without formal acceptance by the Crown, the Lieutenant-Governor, or any other officer or person for the Crown. R. S. O., c. 205.

29. Any lands surrendered, granted, devised or otherwise conveyed to the Crown for any such purpose as aforesaid, may be sold by the order of the Lieutenant-Governor in Council, and the proceeds applied to the purchase of other lands to be vested in the Crown for the purpose of the same school or institution, or in the case of there being no school bearing the precise designation intended as aforesaid by the person who granted or devised the lands to the Trustees, from or through whom the lands so sold came to the Crown, then for the purposes of the High School or other public educational institution established for the benefit of the inhabitants of the Municipality generally, which in the opinion of the Lieutenant Governor in Council comes nearest in its purposes and designs to that intended by such persons as aforesaid. R. S. O., c. 205, s. 69.

Such lands to be sold for the benefit of school, etc.

30. 30. If such proceeds are applied to the purchase of lands for High School purposes, the title to such lands may be vested in the Board of Trustees for any High School, by their corporate name; and if there is any surplus of such proceeds after such purchase, or if it is found that no lands are required as a site for, or for other purposes of, such school or institution, then such surplus or proceeds (as the case may be) may be invested or applied for the purposes of such school or institution, in such manner as the Lieutenant-Governor in Council deems most for the advantage thereof. R. S. O. c. 205, s. 70.

Lands purchased vested in Board. Investment of surplus and proceeds.

30 (2) No purchaser of land from the Crown under this Act shall be in any way bound to see to the application of the purchase money. R. S. O. c. 205, s. 71.

Purchasers not to see to trusts.

31. Nothing in this Act shall impair the rights of any person in or upon any lands, in so far as such rights would have existed and could be exercised without this Act. R. S. O. c. 205, s. 72.

Private rights protected.

County Grants.

32. In the case of every High School in a town not withdrawn from the County, or in an incorporated Village, or in a Township, an amount equal to the amount paid by the Government shall be paid by the Municipal Council of the County in which such High School is situated, upon the application of the High School Board; and such other sums as may be required for the maintenance and accommodation of the said High School to the amount at least of the grant received from the Legislative appropriation, shall be raised by the Council of the Municipality in which the High School is situated, upon the application of the High School Board. 42 V. c. 34, s. 32.

Grants in towns, incorporated villages and townships.

33. In the case where two or more Municipalities or portions thereof within the County have heretofore been formed into and continue to constitute one High School District, or in cases where two or more such minor municipalities or portions

Grant where several municipalities formed into one High School District.

thereof within the same County hereafter agree to form and constitute themselves into a High School District, then such sums as may be required for the maintenance and accommodation of the said High School (to the amount at least of the grant from the Legislative appropriation), shall be provided by the Municipalities of such High School District upon the application of the High School Board, and such sums shall be raised in the manner provided in this Act, and any by-law of the Council of a minor Municipality for uniting any portion of it to another Municipality within the same County for High School purposes, or for dissolving such union, shall be deemed the agreement of such portion, and shall be passed by such council if petitioned for by two-thirds in number of all the tax payers of such portion. 42 V. c. 34, s. 32.

Councils to provide sums required for maintenance.

34. In the case of cities and towns separated from the County for municipal purposes it shall be the duty of the Municipal Council to provide such sums as may be required for the maintenance and accommodation of the High School, upon the application of the High School Board, subject to the provisions of this Act.

Council may refuse to raise money for purchase of school site, etc.

35. (1) In any case where a High School Board may require the Municipal Council to raise or borrow a sum of money for the purchase of a school site, or the erection or purchase of any school-house or addition thereto, or for the purchase or erection of a teacher's residence, such Municipal Council may refuse to raise or borrow any such sum when it is so resolved by a two-thirds vote of the members present at the meeting of the Council, for considering any by-law in that behalf.

School Board may require question to be submitted to electors.

(2) When the Municipal Council, by a two-thirds vote, refuse to raise or borrow the sum proposed, then such question shall be submitted by the Municipal Council, if requested by the High School Board, to the vote of the electors of the Municipality in the manner provided by *The Consolidated Municipal Act* for the creating of debts, and in the event of the assent of the electors aforesaid being thereby obtained, then it shall be the duty of such Council to raise or borrow such sum.

Debentures.

(3) Any debenture for any loan of money for school purposes may be for such term of years, not exceeding twenty, as the Municipal Council may think fit, and the Municipal Council may also in its discretion make the principal of such debt repayable by annual or other instalments, in the manner provided by the three hundred and forty-fourth section of *The Consolidated Municipal Act*. 42 V. c. 34, s. 29.

(2) *Discretionary.*

Aiding High Schools.

36. The Council of every County and City and of every Town separated from the County for municipal purposes, may pass by-laws for the following purposes:—

1. For making provision by assessment in addition to that required to be made by this Act, for procuring sites for High Schools, for renting, building, repairing, furnishing, and keeping in order High School houses and their appendages, grounds and enclosures.

2. For obtaining within the County, or in any City or Town separated from the County, as the wants of the people may require, the real property requisite for erecting High School houses thereon, and for other High School purposes, and for preserving, improving, and repairing such High School houses, and for disposing of such property when no longer required. Lands for High Schools.
3. For making provision (additional to that required to be made by this Act) in aid of such High Schools, as may be deemed expedient by the Council. Additional provision.
4. For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School there, of such of the pupils of the High Schools or of the County as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such High Schools possess competent attainments for competing for any scholarship, exhibition or other similar prize, offered by such University or College. Pupils competing for University prizes.
5. For making similar provision for the attendance at any High School or for like purposes, of pupils of the Public Schools of the Municipality. (*See also* R. S. O., c. 174, sec. 465 (8). Attendance at High School.
6. For endowing such fellowships, scholarships, or exhibitions, and other similar prizes in the University of Toronto, and in the Upper Canada College and Royal Grammar School there, for competition among the pupils of the High Schools of the county, as the Council deems expedient for the encouragement of learning among the youth thereof. Endowing fellowships, etc.
- 37.** (1) All moneys raised in any Municipality or High School District, by local assessment, subscription, fees or otherwise, under the authority of this Act, shall be paid over to the High School Treasurer in such Municipality or District on or before the fourteenth day of December in every year. R. S. O. c. 205, ss. 33 and 34. Moneys to be paid to treasurer, on or before fourteenth December.
- (2) The Treasurer of every High School Board shall give security to the Board appointing him for the due and faithful performance of his duties, and shall submit his accounts to the Municipal Auditors, whose duty it shall be to audit them in the same manner as the Municipal Treasurer's accounts are audited. Audit of High School Treasurer's accounts.

Entrance Examinations.

- 38.** There shall be a uniform Entrance Examination for the admission of pupils to the High Schools, at such times and places, on such subjects, and according to such regulations as may be prescribed from time to time by the Department of Education. Examinations to be uniform.
- 39.** The Board of Examiners for the admission of pupils to each High School shall consist of the Public School Inspector for the county, city, town, or district in which the High School is situated, the Head Master of the High School, and the Chairmen of the High, Public, and Separate School Boards, respectively. R. S. O. c. 205, s. 55; 45 V. c. 30, s. 7. Board of Examiners.

Remuneration of examiners. 40. The remuneration for presiding at such examinations shall be not less than four dollars per day, and a further sum at the rate of at least seventy-five cents for every pupil presenting himself for examination shall be divided among such members of the Board of Examiners as may be engaged in reading and valuing examination papers, in such proportions as the Board may by resolution from time to time determine. *New.* 5

Admission of pupils provisionally. 41. Any pupil passing the required examination may be admitted to a High School provisionally, but it shall be competent for the Minister of Education, on the report of the Central Committee, to confirm, disallow, or cancel the admission of any pupil, or to require of any pupil further tests of proficiency in any of the prescribed subjects of examination. R. S. O. c. 205, ss. 57 and 58. 10 15

Expenses of examination how defrayed. 42. In cities and towns separated from the county the expenses of the Examination shall be borne in equal proportions by the Public and High School Boards, after deducting any fees authorized by the Department of Education; and in all other cases the expenses shall be borne by the County Council, after deducting fees as aforesaid. 45 V. c. 30, s. 7. 20

Residence of Pupils.

Admission of pupils from county. 43. (1) Pupils residing in any part of the County or Union of Counties, shall have the right to attend any of the High Schools in the County or Union of Counties, upon the same terms as to payment of fees, or otherwise, as pupils resident in the Town, Incorporated Village, or School Division, within which the High School is situated. 25

Exception. (2.) This section shall not apply to High Schools in Cities and Towns separated from the county for municipal purposes, 30 unless the County Council provides the required equivalent to the Legislative grant. R. S. O., c. 205, s. 65.

High School Masters.

Head Masters to be University graduates. 44. No person shall be deemed to be legally qualified to be appointed head master of a High School unless he is a graduate in Arts of some University within the British Dominions, and furnishes satisfactory evidence to the Education Department of his knowledge of the science and art of teaching, and of the management and discipline of schools; but any person legally qualified and employed as head master in any High School before the twenty-fourth day of March, 1874, shall be deemed qualified notwithstanding this section. R. S. O., c. 205 s. 41. 35 40

Settlement of disputes. 45. All matters of difference between trustees, masters and teachers of High Schools in regard to salary or other remuneration, shall be brought and decided in the Division Court, by the Judge of the County Court, in each County: Provided always, that the decision of any County Judge in such cases may be appealed from, as provided for in *The Public Schools Act, 1885.* R. S. O., c. 205, s. 42 (3); R. S. O., c. 205, s. 42. 45

46. In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of the foregoing section, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recovered in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. R. S. O., c. 205, s. 41.

Division Court judgment may be enforced.

47. Every master or teacher of a High School shall be entitled to be paid his salary for the authorized holidays occurring during the period of his engagement with the trustees, and in case his engagement extends three months or over he shall then be paid in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year. R. S. O., c. 205, s. 59.

Teacher entitled to salary during holidays and vacations.

(2) In case of sickness, certified by a medical man, he shall be entitled to his salary during such sickness for a period not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. R. S. O., c. 205, s. 51.

Case of sickness. Four weeks allowed.

48. Every Master and assistant of a High School shall, in the organization, discipline, management and classification of the pupils be subject to such regulations as may be prescribed by the Education Department.

Teachers' general and class register.

49. The provisions of *The Public School Act, 1885*, respecting superannuation shall apply to masters and assistants of High Schools.

Superannuation.

50. The High Schools shall open on the seventh day of January, and close on the Thursday before Easter; they shall re-open on the first Tuesday after Easter, and close on the first Friday of July; they shall re-open on the last Monday of August, and close on the twenty-second day of December. R. S. O., c. 205, s. 54.

Terms.

Preparatory Classes or Schools.

51. (1) It shall be competent for the Board of Trustees of any High School to establish a preparatory school, class, or classes, for the preparation of pupils for admission to such High School.

Preparatory classes.

(2) No master or assistant employed in the High School shall teach in such preparatory school, class, or classes.

Provide as to teaching.

(3) No part of the Legislative grant or of the County assessment for High School purposes shall be applied towards the expenses of the establishment, teaching or maintenance of such preparatory school, class, or classes.

As to legislative grant.

(4) No additional local assessment for High School purposes shall be applied towards such expenses without the consent of the Council of the Municipality in which the High School is situated. R. S. O., c. 205 s. 40 (2 to 4.)

As to assessment.

Legislative Grant.

High School apportionment payable half-yearly.

52. Any sum of money appropriated by the Legislative Assembly for High School purposes shall be apportioned by the Minister of Education on the basis of salaries paid to masters and assistants, the character and equipment of school buildings, and appendages, and the average attendance of pupils, according to such regulations as may be passed from time to time by the Education Department, approved by the Lieutenant-Governor in Council; and all moneys so apportioned shall be payable half-yearly to the Treasurer of the High School Board entitled to receive it, in such manner as may be determined by the Lieutenant-Governor, and notice of such apportionment shall be sent to each county clerk. R. S. O., c. 205, ss. 74 and 78.

Condition of sharing in High School Fund.

53. No High School which is not conducted according to this Act, and to the regulations prescribed by the Education Department, shall be entitled to receive any part of the High School Fund; nor unless a sum is provided from local sources, exclusive of fees, at least equal to the *minimum* sum apportioned to such High School, and expended in the payment of teachers' salaries. R. S. O., c. 205, s. 80.

Allowance for elementary military instruction.

54. It shall be lawful for the Lieutenant-Governor in Council to prescribe a course of elementary military instruction for High School pupils, and to appropriate out of any money granted for the purpose a sum not exceeding fifty dollars per annum to any school employing a competent drill instructor, and in which school a class of not less than five pupils has been taught for a period of at least six months.

Inspection.

(2) Such classes and instruction shall be subject to such inspection and oversight as the Lieutenant-Governor in Council may direct. R. S. O., c. 205, s. 81 (2).

Meteorological Observations.

Masters of certain High Schools shall make and transmit meteorological observations.

55. The master of every High School at which a meteorological station is or may be authorized by the Education Department shall make the requisite observations for keeping, and shall keep, a meteorological journal embracing such observations, and kept according to such form as may from time to time be directed by the Education Department, and all such journals or abstracts of them shall be sent monthly by such master to the Minister of Education. R. S. O., c. 205, s. 82.

Allowance for making meteorological report.

56. Every High School meteorological station at which the daily observations are made, as required by law, shall be entitled to an apportionment, additional to that made to the High School Fund, out of the High School Fund, at a rate not exceeding fifteen dollars per month for each consecutive month during which such duty is performed, and satisfactory journals or monthly abstracts thereof are furnished to the Minister of Education (according to the form and regulations provided by the Education Department), by the head master observer, who shall certify that the

observations required have been made with due care and regularity. R. S. O., c. 205, s. 85.

75. No High School trustee shall enter into any contract, agreement, engagement or promise of any kind, either in his own name, or in the name of another, and either alone or jointly with another, or in which he has any pecuniary interest, profit, or promised or expected benefit, with the corporation of which he is a member, or have any pecuniary claim upon or receive compensation from such corporation for any work, engagement, employment, or duty on behalf of such corporation, and every such contract, agreement, engagement or promise shall be null and void, and such trustee shall also *ipso facto* vacate his seat, and a majority of the other trustees shall declare the same vacant, and notify the Clerk of the Municipality. 44 V., c. 30, s. 13.

High School Trustees not to contract with Board.

58. If a trustee of any High School is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the Board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the School Municipality for which he is a trustee, such trustee shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant, and notify the Clerk of the Municipality accordingly. R. S. O., c. 204, s. 38.

Vacancy in office of trustee, when caused.

59. Any person who wilfully interrupts or disquiets any High School established and conducted under the authority of this Act, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the High School shall, for each offence, on conviction thereof before a Police Magistrate or Justice of the Peace, on the affidavit of one credible witness, forfeit and pay for Public School purposes to the school section, City, Town or Village within which the offence was committed, such sum not exceeding twenty dollars, together with the costs of conviction, as the said Police Magistrate or Justice may think fit. R. S. O., c. 205, s. 87.

Penalty for disturbing High Schools.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to Consolidate and amend the High
Schools Act.

First Reading, 5th February, 1885.
Second " 10th March, 1885.

*(Reprinted as amended by Committee of
whole House.)*

Mr. ROSS
(Middlsex.)

TORONTO:

PRINTED BY THE "GALT" PRINTING AND PUBLISHING CO.

No. 83.]

BILL.

[1885.]

An Act to amend the Act respecting Mutual Fire Insurance Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sections fifty-eight and seventy-one of *The Act respecting Mutual Fire Insurance Companies*, being chapter one hundred and sixty-one of the Revised Statutes, is hereby repealed. R. S. O., c. 161, secs. 58 and 71 repealed.

2. This Act is not to affect any actions or suits now pending. Act not retrospective.

No. 83.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Act respecting Mutual
Fire Insurance Companies.

First Reading, 11th February, 1885.

Mr. O'CONNOR.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Act respecting Mutual Fire Insurance Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. (1) Section 71 of *The Act respecting Mutual Fire Insurance Companies*, being chapter one hundred and sixty-one of the Revised Statutes, is hereby amended by adding thereto the following:—

R. S. O.,
c. 161, s. 71,
repealed.

- Where the defendant does not reside within the division in which the head office of the company is situated, and where the said cause of action has not arisen in the said division, the defendant may within the time in which he is required to enter a defence, file with the clerk of the court an affidavit stating his place of residence and the division in which he resides, and that he is advised and believes that he has a good defence on the merits, and that the cause of action did not arise in the division in which the suit has been begun; the clerk shall immediately upon the filing of such affidavit, notify the company thereof, and shall transfer the said suit and all the papers relating thereto to the court within the division in which the defendant resides or, at the option of the company, in which the cause of action arose, and the suit may be proceeded with in the court to which it has been transferred, as though it had been originally entered and commenced therein.
- (2) Extracts from the books of the company duly verified by affidavit, or otherwise, under oath as correct by the secretary of the company, shall be received in any Division Court as *prima facie* evidence of the truth of the statements therein contained; provided always that this Act shall not affect any premium note or undertaking heretofore made, or any assessment made or which may hereafter be made on said note or undertaking.

Where suits
in Division
Courts to be
carried on.

Evidence.

No. 83.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Act respecting Mutual
Fire Insurance Companies.

First Reading, 11th February, 1885.	
Second " 23rd " 1885.	

*(Reprinted as Amended by Select
Committee.)*

Mr. O'CONNOR.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Act respecting Mutual Fire Insurance Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 71 of *The Act respecting Mutual Fire Insurance Companies*, chapter 161 of the Revised Statutes, is hereby amended by adding thereto the words following: “Provided always, that the provisions of this section shall not apply to nor include any such premium note or undertaking made or entered into after the first day of July, 1885, nor any sum assessed thereon, unless within the body of such note or undertaking or across the face thereof, there was at the time of the making or entering into the same, printed in conspicuous type, and in ink of a colour different from any other in or on such note the words following: “any action which may be brought or commenced in a Division Court in respect or on account of this note or undertaking, or any sum to be assessed thereon, may be brought and commenced against the maker hereof in the Division Court for the division wherein the head office or any agency of the company is situate.”
- 5
10
15
- R. S. O. c. 161, s. 71, amended.
Suits on premium notes in Division Courts, where brought.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Act respecting Mutual
Fire Insurance Companies.

First Reading,	11th February,	1885.
Second	" 23rd	" 1885.

*(Reprinted as amended by Committee
of the Whole House.)*

Mr. O'CONNOR.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting Wages.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Whenever an assignment is made of any real or personal property for the general benefit of creditors, the assignee shall pay in priority to the claims of the ordinary or general creditors of the person making the same, the wages or salary of all persons in the employment of such person at the time of the making of such assignment, or within one month before the making thereof, not exceeding three months' wages or salary, and such persons shall be entitled to rank as ordinary or general creditors for the residue, if any, of their claims.

Wages or salaries to be a preference to all claims in assignments for the benefit of creditors.

2. All persons in the employment of an execution debtor at the time of the entry of the notice mentioned in section five of the *Creditors' Relief Act, 1880*, or within one month before such entry, who shall become entitled to share in the distribution of money levied out of the property of a debtor within the meaning of the said Act, shall be entitled to be paid out of such money the wages or salary due to them by the execution debtor not exceeding three months' wages or salary, in priority to the claims of the other creditors of the execution debtor, and shall be entitled to share *pro rata* with such other creditors as to the residue, if any, of their claims.

Rights of employees of execution debtors.

3. This Act shall apply to wages or salary whether the employment in respect of which the same shall be payable, be, by the day, by the week, by the job or piece or otherwise.

Wages or salary affected by this Act.

No. 84.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting Wages.

First Reading, 11th February, 1885.

MR. MEREDITH.

TORONTO:

PRINTED BY THE "GRRP" PRINTING AND PUBLISHING CO.

An Act respecting Wages.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Whenever an assignment is made of any real or personal property for the general benefit of creditors, the assignee shall pay in priority to the claims of the ordinary or general creditors of the person making the same, the wages or salary of all persons in the employment of such person at the time of the making of such assignment, or within one month before the making thereof, not exceeding three months' wages or salary, and such persons shall be entitled to rank as ordinary or general creditors for the residue, if any, of their claims.

Wages or salaries to have priority over claims of ordinary or general creditors in assignments for benefit of creditors.

2. In distributing the assets of a company under the provisions of *The Joint Stock Companies' Winding up Act*, the liquidators shall pay in priority to the claims of the ordinary or general creditors of the company the wages or salary of all persons in the employment of the company at the time of the making of the winding-up order, or within one month before the making thereof, not exceeding three months' wages or salary, and such persons shall be entitled to rank as ordinary or general creditors of the company for the residue, if any, of their claims.

Wages or salaries of company to have priority in winding up proceedings under 41 V. c. 5.

3. All persons in the employment of an execution debtor at the time of the entry of the notice mentioned in section five of *The Creditors' Relief Act, 1880*, or within one month before such entry, who shall become entitled to share in the distribution of money levied out of the property of a debtor within the meaning of the said Act, shall be entitled to be paid out of such money the wages or salary due to them by the execution debtor, not exceeding three months' wages or salary, in priority to the claims of the other creditors of the execution debtor, and shall be entitled to share *pro rata* with such other creditors as to the residue, if any, of their claims.

Rights of employees of execution debtors.

4. This Act shall apply to wages or salary whether the employment in respect of which the same shall be payable, be, by the day, by the week, by the job or piece or otherwise.

Wages or salary affected by this Act.

5. This Act is not intended to apply to an assignment made under the provisions of any Act of the Parliament of Canada relating to or respecting Bankruptcy or Insolvency.

Application of Act.

2nd Session, 5th Legislature, 48 Vic, 1885

BILL.

An Act respecting Wages.

First Reading, 11th February, 1885.
Second " 20th " 1885.

*(Reprinted as amended by Select
Committee.)*

Mr. MEREDITH.

TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows,—

1. Sub-section one of section three hundred and twenty-two of *The Consolidated Municipal Act, 1883*, is hereby repealed and the following substituted in lieu thereof:

322. To render valid a by-law of any municipality for granting a bonus in aid of a railway, or for taking stock in any railway company, or for lending money to such company, or for guaranteeing the payment of money borrowed by any such company, the assent shall be necessary of two-fifths of all ratepayers who were entitled to vote, as well as of the majority of the ratepayers voting on the by-law.

2. Section three hundred and sixty-eight and sub-section ten of section four hundred and eighty-two of the said Act are hereby repealed.

46 V., c. 18,
s. 322, ss. 1,
repealed.

Sec. 368,
sec. 10 and
sec. 42
repealed.

No. 85.

2nd Session, 5th Legislature, 48 Vic., 1885

BILL.

An Act to amend the Municipal Act.

First Reading, 11th February, 1885.

MR. GIBSON
(*Huron*).

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No. 86.]

BILL.

[1885.

An Act to amend the Voters' Lists Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section two of *The Voters' Lists Act*, and the sub-sections R. S. O., c. 9, 5 thereof, are hereby amended by striking out the word " male " s. 2, amended, wherever it appears in the said section or sub-sections thereof.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Voters' Lists Act.

First Reading, 11th February, 1885.

Mr. CREIGHTON.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to amend the Voters' Lists Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of *The Voters' Lists Act*, is hereby amended by striking out the word "male" where it occurs in the fourth line thereof, and by adding the words "or her" immediately after the word "his" in the seventh line thereof. R. S. O., c. 9,
s. 2, amended.
2. Sub-section 3 of said section 2 is amended by inserting therein the words "and of all widows and unmarried women," immediately after the words "male persons" in the second line thereof. R. S. O., c. 9,
s. 2, sub-s. 3,
amended.
3. Section 9 of the said Act is hereby amended by adding the following sub-section thereto:— R. S. O., c. 9,
s. 9, amended.
- (3) The clerk shall also advertise in some newspaper published in the municipality, or if there be no such paper, then in some newspaper published in the nearest municipality in which a newspaper is published, the time at which the court will be held, and the advertisement (form 10) shall be published at least ten days before the time of the holding of such court. Advertise-
ment of time
of holding
Court.

No. 86.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Voters' Lists Act.

First Reading, 11th February, 1885.
Second " 20th March, 1885.

*(Reprinted as Amended by Select Com-
mittee.)*

MR. CREIGHTON.

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act to amend the Consolidated Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The proviso to section sixty-nine of the *Consolidated Municipal Act, 1883*, is hereby repealed and the following proviso substituted in lieu thereof: 46 Vic. c. 18, s. 69, amended.

“Provided always that the council of every town having a population less than five thousand may, upon a petition of not less than one hundred municipal electors pass a by-law reducing the number of councillors for each ward to one or two without the assent of the electors; and provided further, that the council of every town having a population of five thousand or upwards may, upon a petition of not less than one hundred municipal electors, pass a by-law reducing the number of councillors for each ward to one or two, but such by-law before the final passing thereof, shall receive the assent of the electors of the municipality in the manner provided for in section two hundred and ninety-four and following sections of this Act. Reduction of number of councillors.”

2. That the proviso to section seventy-three of the said Act be amended by striking out the word “township” in the first line thereof, and substituting therefor the word “municipality,” and by striking out the words “amounts not less than \$4,000,” and substituting therefor “to amounts sufficient to qualify any person for the offices of mayor, alderman, reeve, deputy reeve and councillor, respectively.” Sec. 73 amended.

No. 57.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend The Consolidated Municipal Act, 1883.

First Reading, 11th February, 1885.

Mr. WHITE.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No. 88.]

BILL.

[1885.

An Act to amend the Consolidated Municipal Institutions Act of 1883.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section four hundred and sixty-five of the said Act is 46 V., c. 18, s.
5 hereby amended by adding thereto the words: "and officers of ^{465, amended.}
the Maritime Court of Ontario."

No. 88.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Consolidated Municipal Institutions Act of 1883.

First Reading, 12th February, 1885.

Mr. McLaughlin.

TORONTO :

PRINTED BY THE "GIRD" PRINTING AND PUBLISHING CO.

No. 89.]

BILL.

[1885.

An Act to amend the Consolidated Municipal Act 1883.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section five hundred and thirty-two of *The Consol-^{46 V., c. 18, s.}*
5 *idated Municipal Act*, 1883, is amended by adding the words ^{532, amended.}
“town or” after the word “incorporated” in the ninth line of
said section, and by striking out the words “over one hundred
feet in width” in said section, and inserting the words “over
one hundred feet in length” after the word “bridges” in the
10 eighth line of said section.

2. It is hereby declared that the word “hawkers,” in the third ^{Sec. 495, sub-s.}
sub-section of section four hundred and ninety-five of *The Con-^{3.}*
solidated Municipal Act, 1883, shall include all persons agents
for persons not resident within the county, who sell or offer
15 for sale any goods, wares, or merchandise to any person within ^{Interpretation}
the county not being a wholesale or retail dealer in such goods, ^{of the word}
wares or merchandise. ^{“hawkers.”}

No. 89.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Consolidated Municipal Act.

First Reading, 12th February, 1885.

Mr. O'CONNOR.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No. 91.]

BILL.

[1885

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section four of section twelve of *The Assessment Act* R. S. O., c. 180, is hereby amended by adding after the words "Column 3.— s. 12, sub-s. 4, amended. Occupation," the words, "and in the case of females, a statement whether the party is a spinster, married woman or widow, by inserting opposite the name of the party the letter 'S,' 'M' or 'W,' as the case may be."

No. 91.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Assessment Act.

First Reading, 12th February, 1885.

Mr. CREIGHTON.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Division Courts Act, 1880.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section fourteen of *The Division Courts Act*, 1880, is hereby amended by adding thereto the following words, “and such suit or proceeding shall not be stayed by prohibition from the Supreme Court of Judicature for Ontario, or any division thereof, by reason of an original want of jurisdiction.” 43 V., c. 8, s. 14, amended.
2. Any two or more persons claiming or being liable as co-partners may sue or be sued, and a debt may be garnisheed in the name of their respective firms, if any, and any person carrying on business in the name of a firm apparently consisting of more than one person may be sued, or a debt due by him may be garnisheed in the name of such firm. Partnership suits.
3. Under section one hundred and thirty-three of *The Division Courts Act* proceedings may be commenced by the primary creditor by a summons to be issued out of the Division Court of the division nearest which the garnishee or one or more of them, if there be joint garnishees, live or carry on business. Commencement of proceedings under sec. 133.

No. 92.

2nd Session, 5th Legislature, 47 Vic., 1885.

BILL.

An Act to Amend the Division Courts Act,
1880.

First Reading, 13th February, 1885.

Mr. FRENCH.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to simplify Titles and to facilitate the Transfer
of Land.

NOTE.—The undermentioned are some of the statutes on the same subject, and some of the bills which have been introduced, but have not yet become law.

IMPERIAL.

25 & 26 V. c. 53 (Lord Westbury's Act, 1862.)

The Land Transfer Act, 1875 (Lord Cairns' Act), 38 & 39 V. c. 87. It is upon this Act that the present Bill is mainly founded.

CANADIAN.

Mr. Mills' proposed Bill, which was to have been entitled The Territories Real Property Act, 1878.

Mr. McCarthy's proposed Bill, which was to have been entitled The Territories Registration of Titles Act of 1883.

Mr. McCarthy's proposed Bill, which was to have been entitled The Registration of Titles Act, 1884.

Sir Alex. Campbell's Bill, 1885.

ONTARIO.

The Quieting Titles Act (1865), 29 V. c. 25 ; R. S. O., c. 110.

BRITISH COLUMBIA.

The Land Registry Ordinance, 1870, Con. Stat. c. 102.

SOUTH AUSTRALIA.

The Real Property Act of 1861.

The Real Property Act Amendment Act, 1869.

The Real Property Act Amendment Act of 1878.

WESTERN AUSTRALIA.

The Transfer of Land Act, 1874.

Amending Acts of 1878, 1879, 1880.

VICTORIA.

The Transfer of Land Statute, 1866.

The Real Property Act, 1862.

NEW ZEALAND.

The Land Transfer Act, 1870.

NEW SOUTH WALES.

The Real Property Act (1862).

Amendment Act, 1873.

Amendment Act, 1878.

QUEENSLAND.

The Real Property Act, 1861.

The Real Property Act of 1877.

TASMANIA.

Statutes of 1863, 1867 and 1878.

NEW ZEALAND.

Land Transfer Act, 1870.

Amending Acts, 1871, 1874, 1876, 1880.

FIJI.

Local Ordinance.

Most of the above colonial statutes, other than the Canadian, are contained in the Returns on Registration of Title in Australian and other British Colonies, printed by order of the English House of Commons in 1872 and 1881.

The reference at the foot of a clause *post* does not mean that the clause is identical with the provision referred to.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY.

- Short title. 1. This Act may be cited as the "*Land Titles Act, 1885.*" 5
- Commence-
ment of Act. 2. (1) This Act shall come into operation on the first day of July, 1885, and shall apply to the City of Toronto and County of York only, until the Legislature otherwise provides.
- (2) Any orders or rulings, and any appointment to any office, may be made under this Act at any time after the passing 10 thereof, but shall not take effect until the commencement of this Act. (Imp. 38 & 39 V. c. 87, s. 3.)
- (3) The said first day of July, 1885, is the day referred to in this Act as the commencement thereof.
- Interpreta-
tion. 3. In this Act, unless there is something inconsistent in the 15 context,—
- "Court" means the High Court of Justice; and any jurisdiction of the court under this Act may be exercised by any judge having authority of a judge of the said court; and may be exercised by him whether sitting in open court or in chambers.
- "Owner" means owner in fee simple, "Transfer" includes 20 the whole estate and interest of the transferor.
- "Person" includes a corporation or any body of persons unincorporate.
- "Master of Titles," and "general rules" mean the "Master of Titles," and "general rules" in this Act respectively in 25 that behalf mentioned.
- "Prescribed" means prescribed by this Act or by any general rules made in pursuance of this Act. (Imp. 38 & 39 V. c. 87, s. 4.)
- "Registered" means registered under this Act. 30
- "Sworn Valuator" means a person appointed by the Master of Titles, with the approval of the Lieutenant-Governor in Council, to value land under this Act.
- Registry Act
(R.S.O. c. 111)
not to apply
to land under
this Act. 4. A certificate by the Master of Titles of the first registration 35 of an owner under this Act shall be registered in the registration division in which the land is situated; and thereafter the Registry Act shall cease to apply to the said land.

PART I.

ENTRY OF LAND ON REGISTER OF TITLE.

- Land registry
established. 5. A Land Registry shall be established, and the business 40 thereof shall be conducted by an officer to be called the Master of Titles, who shall be a barrister of not less than ten years'

standing at the Bar of Ontario. (Imp. 38 & 39 V. c. 87, ss. 5, 106.)

6. On and after the commencement of this Act, any person entitled for his own benefit at law or in equity to an estate in fee simple in land, whether subject or not to incumbrances, or any person capable of disposing for his own benefit by way of sale of an estate in fee simple in land, whether subject or not to incumbrances, may apply to the Master of Titles to be registered under this Act, or to have registered in his stead any nominee or nominees, as owner or owners of such land, with an Absolute title, or with a Possessory title only, as the case may be. (Imp. 38 & 39 V. c. 87, s. 5; R. S. O., c. 110, s. 2.)

Application for registration with absolute or possessory title.

7. Any person who has contracted to buy for his own benefit an estate in fee simple in land, whether subject or not to incumbrances, may also apply as aforesaid, provided the vendor consents to the application. (Imp. 38 & 39 V. c. 87, s. 5.)

Application by purchaser

8. Her Majesty's Attorney-General for Canada, or Her Majesty's Attorney-General for Ontario, may apply in like manner in respect to the title of the Crown to any land; and the practice and procedure upon the application shall be the same as in ordinary cases. (Imp. 38 & 39 V. c. 87, s. 65; R. S. O., c. 110, s. 4.)

Application by Crown.

9. Where an Absolute title is required, the applicant or his nominee shall not be registered as owner of the fee simple until and unless the title is approved by the Master of Titles. (Imp. 38 & 39 V. c. 87, s. 6.)

Evidence where absolute title required.

10. The first registration of any person as owner of land (in this Act referred to as first registered owner) with an Absolute title, shall vest in the person so registered an estate in fee simple in such land, together with all rights, privileges, and appurtenances belonging or appurtenant thereto, subject as follows:

Estate of first registered owner with absolute title.

(1) To the incumbrances, if any, entered on the register;

(2) To such liabilities, rights and interests, if any, as are by this Act declared for the purposes of the Act not to be incumbrances, unless, under the provisions of this Act, the contrary is expressed on the register. (*See s. 16 post.*)

(3) To any unregistered estates, rights, interests or equities to which other persons claiming under such first registered owner may be entitled, where such first owner is not entitled for his own benefit to the land registered, as between himself and them; but free from all other estates and interests whatsoever, including estates and interests of Her Majesty, her heirs and successors, which are within the legislative jurisdiction of this Province. (Imp. 38 & 39 V. c. 87, s. 7.)

11. Where a Possessory title only is required, the applicant or his nominee may be registered as owner of the fee simple on giving such evidence of title, and serving such notices, if any, as may for the time being be prescribed. (Imp. 38 & 39 V. c. 87, s. 6.)

Evidence where possessory title required.

Estate of first registered owner with possessory title.

12. The registration of any person as first registered owner of land with a Possessory title only, shall not affect or prejudice the enforcement of any estate, right, or interest adverse to or in derogation of the title of such first registered owner, and subsisting or capable of arising at the time of registration of such owner; but, save as aforesaid, shall have the same effect as registration of a person with an Absolute title. (Imp. 38 & 39 V. c. 87, s. 8.)

A qualified title may be registered in certain cases.

13. (1) Where an Absolute title is required, and on the examination of the title it appears to the Master of Titles that the title can be established only for a limited period, or subject to certain reservations, the Master, on the application of the party applying to be registered, may, by an entry made in the register, except from the effect of registration any estate, right, or interest arising before a specified date, or arising under a specified instrument, or otherwise particularly described in the register.

(2) A title registered subject to such excepted estate, right, or interest shall be called a Qualified title.

(3) The registration of a person as first registered owner of land with a Qualified title shall have the same effect as the registration of such person with an Absolute title, save that registration with a Qualified title shall not affect or prejudice the enforcement of any estate, right, or interest appearing by the register to be excepted.

(Imp. 38 & 39 V. c. 87, s. 9.)

Land certificate given on registration.

14. On the entry of the name of the first registered owner of freehold land on the register, the Master of Titles shall, if required by the owner, deliver to him a Certificate, in this Act called a Land Certificate, in the prescribed form; the Certificate shall state whether the title of the owner therein mentioned is Absolute, Qualified, or Possessory. (Imp. 38 & 39, V. c. 87, s. 10.)

PART II.

LEASEHOLD LAND.

Application for retrogradation with or without a declaration of title of lessor to grant lease.

15. A separate register shall be kept of leasehold land, and on and after the commencement of this Act any of the following persons; that is to say,

(1) Any person who has contracted to buy for his own benefit leasehold land held under a lease for a life or lives, or determinable on a life or lives, or for a term of years of which more than twenty-one are unexpired, whether subject or not to incumbrances; and

(2) Any person entitled for his own benefit, at law or in equity, to leasehold land held under any such lease as is described in this section, whether subject or not to incumbrances; and

(3) Any person capable of disposing for his own benefit by way of sale of leasehold land held under any such lease as is described in this section, whether subject or not to incumbrances;

may apply to the Master of Titles to be registered, or to have registered in his stead any nominee or nominees not exceeding the prescribed number, as owner or owners of such leasehold land, with the addition, where the lease under which the
5 land is held is derived immediately out of freehold land, and the applicant is able to submit for examination the title of the lessor, of a declaration of the title of the lessor to grant the lease under which the land is held ;

(b) Provided that in the case of leasehold land contracted to
10 be bought, the vendor consents to the application ;

(c) Every applicant for registration of leasehold land shall deposit with the Master of Titles the lease of the land in respect of which the application is made, or if such lease is proved to the satisfaction of the Master of Titles to be lost, a
15 copy of such lease or of a counterpart thereof, verified to the satisfaction of the Master of Titles ; and such lease or attested copy is in this Act referred to as the registered lease ;

(d) Leasehold land held under a lease containing an absolute prohibition against alienation, shall not be registered in
20 pursuance of this Act ;

(e) Leasehold land held under a lease containing a prohibition against alienation without the license of some other person, shall not be registered under this Act until and unless provision is made in the prescribed manner for preventing
25 alienation without such license, by entry in the register of a restriction to that effect, or otherwise. (Imp. 38 & 39 V. c. 87, s. 11.)

16. An applicant or his nominee shall not be registered as owner of leasehold land until and unless the title to such land
30 is approved by the Master of Titles ; and further, if he apply to be registered as owner of leasehold land with a declaration of the title of the lessor to grant the lease under which the land is held, until and unless the lessor, after an examination of his title by the Master of Titles, is declared to have had an Absolute or Qualified title to grant the lease under which the land
35 is held. (Imp. 38 & 39 V. c. 87, s. 12.)

17. The registration under this Act of any person as first registered owner of leasehold land with a declaration that the lessor had an Absolute Title to grant the lease under which the
40 land is held, shall be deemed to vest in such person the possession of the land comprised in the registered lease relating to such land for all the leasehold estate therein described, with all implied or expressed rights, privileges and appurtenances attached to such estate, but subject as follows :

(1) To all implied and express covenants, obligations and liabilities incident to such leasehold estate ; and

(2) To the incumbrances (if any) entered on the register ; and

(3) (Unless the contrary is expressed on the register) to such
50 liabilities, rights and interests as affect the leasehold estate and are by this Act declared not to be incumbrances in the case of registered freehold land ; and

Evidence of title required on application.

Estate of first registered proprietor of leasehold land with a declaration of absolute title of lessor to grant lease.

(4) Where such first proprietor is not entitled for his own benefit to the land registered as between himself and any persons claiming under him, to any unregistered estates, rights, interests or equities to which such persons may be entitled, but free from all other estates and interests whatsoever, including estates and interests of Her Majesty, her heirs and successors, in case the land is within the jurisdiction of this Legislature in that behalf. (Imp. 38 & 39 V. c. 87, s. 13.)

18. The registration of any person under this Act as first registered owner of leasehold land without a declaration of the title of the lessor, shall not affect or prejudice the enforcement of any estate, right, or interest affecting or in derogation of the title of the lessor to grant the lease under which the land is held; but, save as aforesaid, shall have the same effect as the registration of any person under this Act as first registered owner of leasehold land with a declaration that the lessor had an Absolute title to grant the lease under which the land is held. (Imp. 38 & 39 V. c. 87, s. 14.)

19. Where an Absolute title is required, and on the examination of the title of any lessor by the Master of Titles, it appears to him that the title of such lessor to grant the lease under which the land is held can be established only for a limited period, or subject to certain reservations, the Master of Titles may, by an entry made in the register, except from the effect of registration, any estate, right, or interest arising before a specified date or arising under a specified instrument, or otherwise particularly described in the register; and a title of a lessor registered subject to such excepted estate, right, or interest is in this Act referred to as a Qualified title; and the registration of a person as first registered owner of the leasehold land with a declaration that the lessor had a Qualified title to grant the lease under which the land is held, shall have the same effect as the registration of such person with a declaration that the lessor had an Absolute title to grant the lease under which the land is held, save that registration with the declaration of a Qualified title shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted. (Imp. 38 & 39 V. c. 87, s. 15.)

20. On the entry of the name of the first registered owner of leasehold land on the register, the Master of Titles shall, if required by the owner, deliver to him a copy of the registered lease, in this Act called an office copy, authenticated in the prescribed manner, and there shall be endorsed thereon a statement whether any declaration, Absolute or Qualified, as to the title of the lessor has been made, and any other particulars relating to such lease entered in the register. (Imp. 38 & 39 V. c. 87, s. 16.)

21. Where any land shall hereafter be granted by the Crown, the patent shall be forwarded by the Provincial Secretary to the Master of Titles, and in case no Caution against registration has been fyled, the Master shall register the land under this Act, and shall prepare a Certificate of Title in the prescribed form, and deliver the same to the grantee upon application. (R. S. O., c. 111, s. 91.)

22. In other cases than those provided for in the next preceding section, the examination by the Master of Titles of a title under this Act shall be conducted in the prescribed manner, provided as follows: Regulations as to examination of title by Master.

5 (1) Due notice shall be given where the giving of such notice is prescribed; and sufficient opportunity shall be afforded to any persons desirous of objecting, to come in and state their objections to the Master of Titles.

10 (2) The Master of Titles shall have jurisdiction to hear and determine any such objections, subject to an appeal to the Court in the prescribed manner and on the prescribed conditions.

15 (3) If the Master of Titles, upon the examination of any title, is of the opinion that the title is open to objection, but is nevertheless a title the holding under which will not be disturbed, he may approve of such title, or may require the applicant to apply to the Court, upon a statement signed by the Master, for its sanction to the registration.

(Imp. 38 & 39 V. c. 87, s. 17).

20 (4) It shall not be necessary to produce any evidence which by the first section of *The Act to amend the law of Vendor and Purchaser and to Simplify Titles*, is dispensed with as between vendor and purchaser, nor to produce or account for the originals of any registered deeds, documents or instruments, 25 unless where the Master of Titles otherwise directs. (R. S. O., c. 110, s. 10 (2).)

30 (5) The Master of Titles in investigating the title may receive and act upon any evidence which is now received by any of the Courts on a question of title; or any evidence which the practice of English conveyancers authorizes to be received on an investigation of a title out of Court; or any other evidence, whether the same is or is not receivable or sufficient in point of strict law, or according to the practice of English conveyancers, provided the same satisfies him of the truth of 35 the facts intended to be made out thereby;

(6) The said Master of Titles may refer to and act upon not only the evidence adduced before him in the proceeding in which such evidence is adduced, but also any evidence adduced before him in any other proceeding wherein the facts 40 to which such evidence relates were or are in question.

(R. S. O., c. 110, s. 10 (1).)

23. All registered land shall, unless under the provisions of this Act the contrary is expressed on the register, be deemed to be subject to such of the following liabilities, rights, and interests as for the time being may be subsisting in reference thereto, and such liabilities, rights and interests shall not be deemed incumbrances within the meaning of this Act; (that is to say)— Liability of registered land to easements and certain other rights.

50 (1) The reservations (if any) contained in the original grant from the Crown;

(2) Any municipal charges, rates or assessments theretofore imposed for local improvements, and not yet due and payable;

(3) Any public highway, any right of way, water-course, and right of water, and other easements;

(4) Any title or lien which, by possession or improvements or other means, the owner or person interested in any adjoining land has acquired to or in respect of the registered land ;

(5) Any lease or agreement for a lease, for a period yet to run, of not exceeding *three* years, where there is actual occupation under the same; 5

(6) Any right of appropriation which may by Statute be vested in any person, or body corporate ;

(7) Any right of the wife or husband of the person registered as owner to dower or curtesy (as the case may be) in case of 10 surviving such owner ;

(8) If, however, the applicant desires the certificate to declare the title to be free from the said particulars, or any of them, his application shall so state, and the investigation shall proceed accordingly. 15

(R. S. O., c. 110, s. 26 ; Imp. 38 & 39 V. c. 87, s. 18.)

Discharge of
incumbrance.

24. Where upon the first registration of any land, notice of an incumbrance affecting such land has been entered on the register, the Master of Titles shall, on proof to his satisfaction of the discharge of such incumbrance, notify in the prescribed 20 manner on the register, by cancelling the original entry or otherwise, the cessation of such incumbrance. (Imp. 38. & 39 V. c. 87, s. 19.)

Determina-
tion of lease.

25. The Master of Titles shall, on proof to his satisfaction of the determination of any lease of registered land, notify in 25 the prescribed manner on the register, the determination of such lease. (Imp. 38 & 39 V. c. 87, s. 20.)

No acquisition
of title by
adverse pos-
session.

26. (1) A title to any land adverse to or in derogation of the title of the registered owner shall not be acquired by any 30 length of possession.

(2) But this section shall not prejudice, as against any person registered as first owner of land with a Possessory title only, any adverse claim in respect of length of possession of any other person who was in possession of the land at the time when the registration of such first owner took place. 35

(Imp. 38 & 39 V., c. 87, s. 21.)

PART II.

REGISTERED DEALINGS WITH REGISTERED LAND.

Mortgage of Registered Land.

Creation of
charges, and
delivery of
certificate of
charge.

27. (1) Every registered owner of land may, in the pre- 45 scribed manner, charge the land with the payment at an appointed time of any principal sum of money either with or without interest, and with or without a power of sale to be exercised at or after a time appointed.

(2) The charge shall be completed by the Master of Titles 50 entering on the register the person in whose favour the charge

is made as the owner of the charge, and the particulars of the charge, and of the power of sale, if any.

(3) The Master of Titles shall also, if required, deliver to the owner of the charge a Certificate of Charge, in the prescribed form.

(Imp. 38 & 39 V. c. 87, s. 22.)

28. Where a Registered Charge is created on any land, there shall be implied on the part of the person being registered owner of the land at the time of the creation of the charge, his heirs, executors, and administrators (unless there be an entry on the register negating the implication), as follows:—

Implied covenant to pay charges.

(1) A covenant with the registered owner for the time being of the charge to pay the principal sum charged, and interest, if any, thereon, at the appointed time and rate;

(2) A covenant, if the principal sum or any part thereof is unpaid at the appointed time, to pay interest half-yearly at the appointed rate on so much of the principal sum as for the time being remains unpaid.

(Imp. 38 & 39 V. c. 87, s. 23; Victoria Act, s. 90.)

29. Where a registered charge is created on any leasehold land, there shall be implied on the part of the person being registered owner of such leasehold at the time of the creation of the charge, his heirs, executors, and administrators, unless there be an entry on the register negating the implication, as follows:—

Implied covenant in case of leaseholds to pay rent, etc., and indemnify owner of charge.

(1) A covenant with the registered owner for the time being of the charge, that the person being registered owner of such leasehold at the time of the creation of the charge, his executors, administrators and assigns, will pay, perform and observe the rent, covenants, and conditions by and in the registered lease reserved and contained, and on the part of the lessee to be paid, performed, and observed;

(2) And will keep the owner of the charge, his heirs, executors, and administrators, indemnified against all actions, suits, expenses, and claims, on account of the non-payment of the said rent, or any part thereof, or the breach of the said covenants or conditions, or any of them.

(Imp. 38 & 39 V. c. 87, s. 24.)

30. Subject to any entry to the contrary on the register, the registered owner of a registered charge may, for the purpose of obtaining satisfaction of any moneys due to him under the charge, at any time during the continuance of his charge, enter upon the land charged, or any part thereof, or into the receipt of the rents and profits thereof, subject nevertheless to the right of any persons appearing on the register to be prior incumbrancers, and to the liability attached to a mortgagee in possession. (Imp. 38 & 39 V. c. 87, s. 25.)

Entry by owner of charge.

31. Subject to any entry to the contrary on the register, the registered owner of a registered charge may enforce foreclosure or sale of the land charged, in the same manner and under the same circumstances in and under which he might

Foreclosure by owner of charge.

enforce the same if the land had been transferred to him by way of mortgage, subject to a proviso for redemption on payment of the money named at the appointed time. (Imp. 38 & 39 V. c. 87., s. 26.)

Remedy of owner of charge with a power of sale.

32. Subject to any entry to the contrary on the register, the registered owner of a registered charge with a power of sale may, at any time after the expiration of the appointed time, sell and transfer the land (that is, the interest therein which is the subject of the charge), or any part of such land, in the same manner as if he were the registered owner of the land, to the extent of the interest therein aforesaid. (Imp. 38 & 39 V. c. 87, s. 27.)

Priority of registered charges.

33. Subject to any entry to the contrary on the register, registered charges on the same land shall as between themselves rank according to the order in which they are entered on the register, and not according to the order in which they are created. (Imp. 38 & 39 V. c. 87, s. 28.)

Discharge to be notified on register.

34. The Master of Titles shall, on the requisition of the registered owner of any charge, or on due proof of the satisfaction thereof, notify on the register in the prescribed manner, by cancelling the original entry or otherwise, the cessation of the charge; and thereupon the charge shall be deemed to have ceased. (Imp. 38 & 39 V. c. 87, s. 28.)

Transfers after land is brought under this Act.

Transfer of land, and delivery of land certificate.

35. (1) Every registered owner of land may, in the prescribed manner, transfer such land or any part thereof.

(2) The transfer shall be completed by the Master of Titles entering on the register the transferee as owner of the land transferred; and until such entry is made the transferor shall be deemed to remain owner of the land. 30

(3) Upon completion of the registration of the transferee, the Master of Titles shall, if required, deliver to him a Land Certificate in the prescribed form.

(4) Where part only of the land is transferred, the Master of Titles shall also, if required, deliver to the transferor a Land Certificate containing a description of the land retained by him. 35

(Imp. 38 & 39 V. c. 87, s. 29.)

Estate of transferee for valuable consideration of land with absolute title.

36. A transfer for valuable consideration of land registered with an Absolute title shall, when registered, confer on the transferee an estate in fee simple in the land transferred, together with all rights, privileges, appurtenances belonging or appurtenant thereto, subject as follows:—

(1) To the incumbrances, if any, entered on the register; and 45

(2) To such liabilities, rights, and interests, if any, as are by this Act declared for the purposes of the Act not to be incumbrances (unless the contrary is expressed on the register),

But free from all other estates and interests whatsoever, including estates and interests of Her Majesty, her heirs and successors, which are within the legislative jurisdiction of this Province. (Imp. 38 & 39 V. c. 87, s. 30.)

5 **37.** A transfer for valuable consideration of land registered with a Qualified title shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with an Absolute title, save that such transfer shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted. (Imp. 38 & 39 V. c. 87, s. 31.)

Estate of transferee for valuable consideration of land with qualified title.

15 **38.** A transfer for valuable consideration of land registered with a Possessory title shall not affect or prejudice the enforcement of any right or interest adverse to or in derogation of the title of the first registered owner, and subsisting, or capable of arising, at the time of the registration of such owner; but, save as aforesaid, shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with an Absolute title. (Imp. 38 & 39 V. c. 87, s. 32.)

Estate of transferee for valuable consideration of land with possessory title.

20 **39.** A transfer of land registered under this Act, made without valuable consideration shall, so far as the transferee is concerned, be subject to any unregistered estates, rights, interests, or equities subject to which the transferor held the same; but, save as aforesaid, shall, when registered, in all respects, and in particular as respects any registered dealings on the part of the transferee, have the same effect as a transfer of the same land for valuable consideration. (Imp. 38 & 39 V. c. 87, s. 33.)

Estate of voluntary transferee of land.

Transfers of leaseholds under this Act.

30 **40.** (1) Every registered owner of any leasehold land may, in the prescribed manner, transfer the whole of his estate in such land or in any part thereof.

Transfer of leasehold land and delivery of office lease.

(2) The transfer shall be completed by the Master of Titles entering on the register the transferee as owner of the leasehold transferred, but until such entry is made the transferor shall be deemed to remain owner.

40 (3) Upon completion of the registration of the transferee, if the transfer includes the whole of the land comprised in the registered lease relating to such land, the transferee shall be entitled to the office copy of the registered lease.

45 (4) If a part only is transferred, the Master of Titles shall, if required according to any agreement that has been entered into between the transferor and transferee, deliver to the one the office copy of the registered lease and to the other a fresh office copy of such lease, each of such copies shewing, by endorsement or otherwise, the parcels of which the person to whom such copy is delivered is the registered owner.

(Imp. 38 & 39 V. c. 87, s. 34.)

50 **41.** A transfer for valuable consideration of leasehold land registered with a declaration that the lessor had an Absolute

Estate of transferee for

valuable consideration of leasehold land with a declaration of absolute title of lessor.

title to grant the lease under which the land is held shall, when registered, be deemed to vest in the transferee the possession of the land transferred for all the leasehold estate described in the registered lease relating to such land and then unexpired, with all implied or expressed rights, privileges, and appurtenances attached to such estate, but subject as follows: 5

(1) To all implied and express covenants, obligations, and liabilities incident to such estate;

(2) To the incumbrances (if any) entered on the register; 10

(3) To such liabilities, rights, and interests as affect the leasehold estate and are by this Act declared for the purposes of the Act not to be incumbrances in the case of registered freehold land (unless the contrary is expressed on the register); 15

But free from all other estates and interests whatsoever, including any estates and interests of Her Majesty, her heirs and successors, which may be subject to the legislative authority of this Province. (Imp. 38 & 39 V. c. 87, s. 35.) 20

42. A transfer for valuable consideration of leasehold land registered without a declaration of the title of the lessor, shall not affect the enforcement of any estate, right or interest affecting or in derogation of the title of the lessor to grant the lease under which the land is held; but, save as aforesaid, shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with a declaration that the lessor had an Absolute title to grant the lease under which the land is held. (Imp. 38 and 39, V. c. 87, s. 37.) 25

Estate of transferee for valuable consideration of leasehold land with a declaration of qualified absolute title of lessor.

43. A transfer for valuable consideration of leasehold land registered with a declaration that the lessor had a Qualified title to grant the lease under which the land is held shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with a declaration that the lessor had an Absolute title to grant the lease under which the land is held, save that such transfer shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted from the effect of registration. (Imp. 38 & 39 V. c. 87, s. 36.) 35

Estate of voluntary transferee of leasehold land.

44. A transfer of a registered leasehold interest in land made without valuable consideration shall, so far as the transferee is concerned, be subject to any unregistered estates, rights, interests, or equities subject to which the transferor held the same; but, save as aforesaid, shall, when registered, in all respects and in particular as respects any registered dealings on the part of the transferee, have the same effect as a transfer of the same land for valuable consideration. (Imp. 38 & 39 V. c. 87, s. 38.) 45

Implied covenants on transfer of leasehold estates.

45. On the transfer of any registered leasehold interest in land under this Act, unless there be an entry on the register negating such implication, there shall be implied as follows:— 50

(1) On the part of the transferor, a covenant with the transferee that,—notwithstanding anything by such transferor done, omitted, or knowingly suffered,—the rents, covenants, and conditions reserved and contained by and in the registered lease, and on the part of the lessee to be paid, performed, and observed, have been so paid, performed, and observed up to the date of the transfer; and

(2) On the part of the transferee, a covenant with the transferor, that he, the transferee, his executors, administrators, or assigns, will pay, perform, and observe the rents, covenants, and conditions by and in the registered lease reserved and contained, and on the part of the lessee to be paid, performed, and observed, and will keep the transferor, his heirs, executors, and administrators, indemnified against all actions, suits, expenses, and claims on account of the non-payment of the said rent or any part thereof, or the breach of the said covenants or conditions, or any of them. (Imp. 38 & 39 V. c. 87, s. 39.)

Transfer of Charges.

46. (1) The registered owner of any charge may, in the prescribed manner, transfer such charge to another person as owner. Transfer of charges on register.

(2) The transfer shall be completed by the Master of Titles entering on the register the transferee as owner of the charge transferred.

(3) The Master of Titles shall also, if required, deliver to the transferee a fresh Certificate of Charge.

(4) The transferor shall be deemed to remain owner of such charge until the name of the transferee is entered on the register in respect thereof.

(Imp. 38 & 39 V. c. 87, s. 40.)

Transmission of Land and Charges on Owner's Death.

47. On the death of the sole registered owner, or of the survivor of several joint registered owners, of any freehold land, such person shall be registered as owner, in the place of the deceased owner or owners, as may on the application of any person interested in such land, be appointed by the Master of Titles, regard being had to the rights of the several persons interested in the land, and in particular to the selection of any such persons as may for the time being appear to the Master of Titles to be entitled, according to law, to be so appointed: subject to an appeal to the Court in the prescribed manner by any person aggrieved by any order of the Master under this section. (Imp. 38 & 39 V. c. 87, s. 41.) Transmission on death, of freehold land.

48. On the death of the sole registered owner, or of the survivor of several joint registered owners of any leasehold land or of any charge, the executor or administrator of such sole deceased owner, or of the survivor of such joint owners, shall be entitled to be registered as owner in his place. (Imp. 38 & 39 V. c. 87, s. 42.) Transmission on death, of leasehold land or of charge.

49. Any person registered in the place of a deceased owner shall hold the land or charge, in respect of which he is registered, upon the trusts and for the purposes to which the same is Nature of title of registered fiduciary owner.

applicable by law, and subject to any unregistered estates, rights, interests, or equities subject to which the deceased owner held the same; but, save as aforesaid, he shall in all respects, and in particular as respects any registered dealings with such land or charge, be in the same position as if he had taken such land or charge under a transfer for a valuable consideration. (Imp. 38 & 39 V. c. 87, s. 46.) 5

Evidence of transmission of registered ownership.

50. The fact of any person having become entitled to any land or charge in consequence of the death of any registered owner, shall be proved in the prescribed manner. (Imp. 38 & 39 V. c. 87, s. 47.) 10

Notice by registration.

51. No person other than the parties thereto shall be held to have any notice of the contents of any instrument, beyond the particulars contained in the register, or necessarily to be inferred therefrom. 15

Notice of executions.

52. (1) The Sheriff, forthwith after the delivery to him of any execution or other writ, and any renewal thereof, affecting registered land, shall deliver or transmit by mail to the Master of Titles a copy thereof certified under his hand; and no land registered under this Act shall be bound by any such writ until such copy has been received by the Master; and from and after the receipt by him of the copy, no transfer by the execution debtor shall be effectual, except subject to the rights of the execution creditor under the writ. 20

(2) The Master of Titles shall keep a book in the prescribed form, in which shall be entered a record of all writs received by him from the Sheriff as aforesaid. 25

(3) Until such entry is made, no sale or transfer under any such writ, shall be valid as against a purchaser for valuable consideration, notwithstanding the purchaser had notice of the writ. 30

(4) Upon production to the Master of Titles of sufficient evidence of the satisfaction of any such writ, he shall cause an entry to be made in the register to that effect; and on such entry such writ shall be deemed to be satisfied. 35

(5) The Sheriff shall be entitled to a fee of fifty cents for each writ transmitted by him to the Master of Titles in manner aforesaid.

(Victoria, s. 106; South Australia (Act of 1861), s. 93; West Australia (Act of 1874), s. 96.) 40

Sale under execution.

53. Where any land which has been registered under this Act shall be sold by the Sheriff under execution, the Master of Titles shall, upon the production to him of the transfer of the same by the Sheriff in the prescribed form, with proof of the due execution thereof, cause a notice to be mailed to the proper post-office address of the person whose interest in the land shall have been sold; and after the expiration of *two weeks* from the mailing of the notice: and, on proof to his satisfaction of the payment of all municipal taxes and all charges, rates, or assessments theretofore imposed for local improvements, shall register the purchaser as the owner of the land, and shall issue to him a certificate in the prescribed form. 45 50

54. Where any land which has been registered under this Act Sale for taxes. shall be sold for taxes, the purchaser may at any time after the sale lodge a Caution against the transfer of the land; and upon the completion of the time allowed by law for redemption, 5 and upon the production of the transfer of the land in the prescribed form, with proof of the due execution thereof by the proper officer, the Master of Titles shall cause a notice to be mailed to the proper post-office address of the several persons who appear upon the register to be interested in the land; and 10 after the expiration of three months from the mailing of the notice, shall register the purchaser at the sale as owner of the land, with an Absolute title; and shall, if required, issue to the purchaser a certificate of title in the prescribed form, unless the registration shall in the meantime be stayed by the order 15 of the Court; and in that case the registration shall not be made, nor shall the certificate be issued, except in accordance with the order and direction of the Court.

PART III.

UNREGISTERED DEALINGS WITH REGISTERED LAND.

20 55. (1) The registered owner alone shall be entitled to transfer or charge registered land by a registered disposition; Effect of un-registered dispositions.

(2) But, subject to the maintenance of the estate and right of such owner, any person, whether the registered owner or not of any registered land, having a sufficient estate or interest 25 in the land, may create estates, rights, interests and equities in the same manner as he might do if the land were not registered;

(3) And any person entitled to or interested in any unregistered estates, rights, interests, or equities in registered land 30 may protect the same from being impaired by any act of the registered owner, by entering on the register such notices, cautions, inhibitions, or other restrictions as are in this Act in that behalf mentioned;

(4) The registered owner alone shall be entitled to transfer a 35 registered charge by a registered disposition; but, subject to the maintenance of the right of such owner, unregistered interests in a registered charge may be created in the same manner and with the same incidents, so far as the difference of the subject-matter admits, in and with which unregistered 40 estates and interests may be created in registered land.

(Imp. 38 & 39 V. c. 87, s. 49.)

Notices of Leases.

56. (1) Any lessee or other person entitled to or interested in a lease or agreement for a lease of registered land made 45 subsequently to the last transfer of the land on the register, where the term granted is for a life or lives, or is determinable on a life or lives, or exceeds years, or where the occupation is not in accordance with such lease or agreement may apply to the Master of Titles to register notice of such 50 lease or agreement in the prescribed manner. Lessee may apply for registration of notice of lease.

(2) When so registered every registered owner of the land, and every person deriving title through him, excepting owners of incumbrances registered prior to the registration of such notice, shall be deemed to be affected with notice of the lease or agreement as being an incumbrance on the land in respect of which the notice is entered. 5

(Imp. 38 & 39 V. c. 87, s. 50.)

Manner of registering notices of leases.

57. (1) In order to register notice of a lease or agreement for a lease, if the registered owner of the land does not concur in such registry, the applicant shall obtain an order of the Court, authorizing the registration of notice of such lease or agreement, and shall deliver such order to the Master of Titles, accompanied with the original lease or agreement or a copy thereof; and thereupon the Master shall make a note in the register identifying the lease or agreement or copy so deposited, and the lease or agreement or copy so deposited shall be deemed to be the instrument of which notice is given. 10 15

(2) If the registered owner concurs in such registry, notice may be entered in such manner as may be agreed upon.

(Imp. 38 & 39 V. c. 87, s. 51.)

20

Notice of Estates in Dower or by the Curtesy.

Registration of notices of estates in dower or by the curtesy.

58. Any person entitled to an estate in dower or by the curtesy in any registered land, may apply in the prescribed manner to the Master of Titles to register notice of such estate; and the Master of Titles, if satisfied of the title of such person to such estate, shall register notice of the same accordingly in the prescribed form; and when so registered, such estate shall be an incumbrance appearing on the register, and shall be dealt with accordingly. (Imp. 38 & 39 V. c. 87, s. 52.) 25

Caution against Registered Dealings.

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Caution against registered dealings, how to be lodged.

59. (1) Any person interested in any way in any land or charge registered in the name of any other person, may lodge a Caution with the Master of Titles to the effect that no dealings with such land or charge be had on the part of the registered owner until notice has been served upon the cautioner. 35

(2) The Caution shall be supported by an affidavit or declaration made by the cautioner or his agent in the prescribed form, and containing the prescribed particulars.

(3) Provided, that a person interested under a lease, or agreement for a lease, of which notice has been entered on the register, or a person entitled to an estate in dower, or estate by the curtesy, of which notice has been entered on the register, shall not be entitled to a caution in respect of such lease or estate in dower or by the curtesy. 40

(Imp. 38 & 39 V. c. 87, s. 53.)

45

Cautioner entitled to notice of proposed registered dealings.

60. (1) After any such Caution has been lodged, the Master of Titles shall not, without the consent of the cautioner, register any dealing with the land or charge until he has served notice on the Cautioner, warning him that his Caution will cease to have any effect after expiration of the prescribed number of days next ensuing the date at which the notice is served. 50

(2) After the expiration of such time as aforesaid, the Caution shall cease unless an order to the contrary is made by the Master.

(3) Upon the Caution so ceasing, the land or charge shall be dealt with in the same manner as if no Caution had been lodged.

(Imp. 38 & 39 V. c. 87, s. 54.)

61. If before the expiration of the said period the cautioner, or some other person on his behalf, appears before the Master of Titles, and gives sufficient security to indemnify every party against any damage that may be sustained by reason of any dealing with the land or charge being delayed, the Master of Titles may thereupon, if he thinks fit so to do, delay registering any dealing with the land or charge for such further period as he thinks just. (Imp. 38 & 39 V. c. 87, s. 55.)

Registered dealings delayed on bond being given.

62. (1) If any person lodges a Caution with the Master of Titles without reasonable cause, he shall be liable to make to any person who may have sustained damage by the lodging of such Caution such compensation as may be just, and such compensation shall be recoverable as a debt by the person who has sustained damage from the person who lodged the Caution.

Compensation for improper lodging of caution.

(2) Any person aggrieved by any act done by the Master of Titles in relation to Cautions under this Act, may appeal to the Court in the prescribed manner.

(Imp. 38 & 39 V. c. 87, s. 56.)

Inhibition against Registered Dealings without Order of Court.

63. (1) The Court, or (subject to an appeal to the Court) the Master of Titles, upon the application of any person interested, made in the prescribed manner, in relation to any registered land or charge, may, after directing such inquiries (if any) to be made and notices to be given, and hearing such persons as the Court or Master of Titles thinks expedient, issue an order or make an entry inhibiting for a time, or until the occurrence of an event to be named in such order or entry, or generally until further order or entry, any dealing with registered land or with a registered charge.

Power of court or master to inhibit registered dealings.

(2) The Court or the Master of Titles may make, or refuse to make, any such order or entry, and annex thereto any terms or conditions the Court or Master of Titles may think fit, and may discharge such order or cancel such entry when granted, with or without costs, and generally act in the premises in such manner as the justice of the case requires.

(3) Any person aggrieved by any act done by the Master of Titles in pursuance of this section may appeal to the Court in the prescribed manner.

(Imp. 38 & 39 V. c. 87, s. 57.)

Power of Registered Owner to impose Restrictions.

64. Where the registered owner of any land is desirous for his own sake, or at the request of some person beneficially in-

Power to place restrictions on register.

terested in such land, to place restrictions on transferring or charging the land, such owner may apply to the Master of Titles to make an entry in the register that no transfer shall be made or charge created on the land unless the following things, or such of them as the owner may determine, are done; 5
(that is to say)—

Unless notice of any application for a transfer or for the creation of a charge is transmitted by post to such address as he may specify to the Master of Titles;

Unless the consent of some person or persons, to be named 10 by such owner, is given to the transfer or the creation of a charge;

Unless some such other matter or thing is done as may be required by the applicant and approved by the Master of Titles. (Imp. 38 & 39 V. c. 87, s. 58.) 15

Master to enter restrictions in register.

65. (1) The Master of Titles shall thereupon, if satisfied of the right of the applicant to give such directions, make a note of such directions on the register, and no transfer shall be made or charge created except in conformity with such directions. 20

(2) But it shall not be the duty of the Master of Titles to enter any of the above directions, except upon such terms as to payment of the fees and otherwise as may be prescribed, or to enter any restriction that the Master of Titles may deem unreasonable, or calculated to cause inconvenience. 25

(3) And any such directions may at any time be withdrawn or modified at the instance of all the persons for the time being appearing by the registry to be interested in such directions, and shall also be subject to be set aside by the Order of the Court. 30

(Imp. 38 & 39 V. c. 87, s. 59.)

PART IV.

PROVISIONS SUPPLEMENTAL TO FOREGOING PARTS OF ACT.

Caution against entry of Land on Register.

Caution against registration of land.

66. Any person having or claiming such an interest in any 35 land which is not already registered as entitles him to object to any disposition thereof being made without his consent, may lodge a Caution with the Master of Titles to the effect that the cautioner is entitled to notice in the prescribed form, and to be served in the prescribed manner, of any application that 50 may be made for the registration of such land. (Imp. 38 & 39 V. c. 87, s. 60.)

Lis pendens not to be registered.

67. The Master of Titles shall not register any *lis pendens* affecting lands under this Act; but any party to a suit, or his solicitor, or any person claiming to be interested in such suit, 55 may enter a Caution. (South Australia (Act of 1878) s. 69; R. S. O., c. 40, s. 90.)

Caution to be supported by affidavit.

68. Every Caution shall be supported by an affidavit or declaration in the prescribed form, stating the nature of the

interest of the cautioner, the land to be affected by the Caution, and such other matters as may be prescribed. (Imp. 38 & 39 V. c. 87, s. 61.)

5 **69.** After a Caution has been lodged in respect of any land not already registered, registration shall not be made of such land until notice has been served on the cautioner to appear and oppose, if he thinks fit, such registration, and until the prescribed time has elapsed since the date of the service of such notice, or the cautioner has entered an appearance, which
10 may first happen. (Imp. 38 & 39 V. c. 87, s. 62.)

Cautioner entitled to notice of proposed registration of land.

70. If any person lodges a Caution with the Master of Titles without reasonable cause, he shall be liable to make, to any person who may have sustained damage by the lodging of such Caution, such compensation as may be just; and such compensation shall be deemed to be a debt due to the person who has
15 sustained damage from the person who has lodged the Caution. (Imp. 38 & 39 V., c. 87, s. 63.)

Compensation for improper lodging of caution.

71. A Caution lodged in pursuance of this Act shall not prejudice the claim or title of any person, and shall have no
20 effect whatever except as in this Act mentioned. (Imp. 38 & 39 V. c. 87, s. 64.)

Saving as to effect of caution.

72. (1) Any person holding land on trust for sale, and any trustee, mortgagee, or other person having a power of selling
25 land, may authorize the purchaser to make an application to be registered as first owner with any title which an owner is authorized to be registered with under this Act, and may consent to the performance of the contract being conditional on his being so registered; or may himself apply to be registered as such owner with the consent of the persons (if any)
30 whose consent is required to the exercise by the applicant of his trust or power of sale.

Trustees may sell by medium of registry.

(2) The amount of all costs, charges, and expenses properly incurred by such person, in or about the application, shall
35 be ascertained and declared by the Master of Titles, and shall be deemed to be costs, charges, and expenses properly incurred by such person in the execution of his trust or in pursuance of his power; and such person may retain or reimburse the same to himself out of any money coming to him under the trust or power, and he shall not be liable to any
40 account in equity in respect thereof.

(Imp. 38 & 39 V. c. 87, s. 68.)

73. Any two or more persons entitled for their own benefit concurrently or successively, or partly in one mode and partly
45 in another, to such estates, rights, or interests in land as together make up such an estate as would, if vested in one person, entitle him to be registered as owner of the land, may (subject as in this Act mentioned with respect to the number of persons to be registered in respect of the same land) apply to the Master of Titles to be registered as joint owners, in the
50 same manner and with the same incidents, so far as circumstances admit, in and with which it is in this Act declared that any individual owner may be registered. (Imp. 38 & 39 V. c. 87, s. 69.)

Registration of part owners.

Production of
deeds.

74. (1) When an application has been made to the Master of Titles for the registration of any land, if any person has in his possession or custody any deeds, instruments or evidences of title relating to or affecting such land, to the production of which the applicant or any trustee for him, is entitled, the Master of Titles may require such person to shew cause, within a time limited, why he should not produce such deeds, instruments or evidences of title to the Master of Titles or otherwise, as the Master of Titles may deem fit; and, unless cause is shewn to the satisfaction of the Master within the time limited, such deeds, instruments and evidences of title may be ordered by the Master of Titles to be produced at the expense of the applicant, at such time and place, and in such manner, and on such terms as the Master of Titles thinks fit. 5 10

(2) Any person aggrieved by any order of the Master of Titles under this section may appeal in the prescribed manner to the Court, which may annul or confirm the order of the Master of Titles with or without modification. 15

(3) If any person disobeys any order of the Master of Titles made in pursuance of this section, the Master may certify such disobedience to the Court; and thereupon such person, subject to such right of appeal as aforesaid, may be punished by the Court in the same manner in all respects as if the order made by the Master of Titles were the order of the Court. 20

(Imp. 38 & 39 V. c. 87, s. 71.) 25

Deeds to be
marked with
notice of regis-
tration under
this Act.

75. A person shall not be registered as owner of land until, if required by the Master of Titles, he has produced to him such documents of title as will in the opinion of the Master of Titles when stamped or otherwise marked, give notice to any purchaser or other person dealing with such land of the fact of the registration, and the Master of Titles shall stamp or otherwise mark the same accordingly, or until he has otherwise satisfied the Master of Titles that the fact of such registration cannot be concealed from a purchaser or other person dealing with the land. (Imp. 38 and 39 V. c. 87, s. 72.) 30 35

Payment of
costs.

76. (1) The Master of Titles may order costs, either as between party and party, or as between solicitor and client, to be paid by or to any person party to any proceeding under this Act, and may give directions as to the fund out of which any costs shall be paid, regard being had to the following provisions; namely: 40

That any applicant under this Act is liable *prima facie* to pay all costs, charges, and expenses incurred by or in consequence of his application, except in a case where parties object whose rights are sufficiently secured without their appearance, or where any costs, charges, or expenses are incurred unnecessarily or improperly, and subject to this proviso, that any party aggrieved by any order of the Master of Titles under this section may appeal in the prescribed manner to the Court, which may annul or confirm the order of the Master with or without modification. 50

(2) If any person disobeys any order of the Master of Titles made in pursuance of this section, the Master may certify such disobedience to the Court, and thereupon such person, subject to such right of appeal as aforesaid, may be punished by the 55

Court, and execution issued to enforce the order, in the same manner in all respects as if the order made by the Master were the order of the Court.

(R. S. O. c. 110, s. 21 ; Imp. 38 & 39 V. c. 87, s. 73.)

5

Doubtful Questions arising on Title.

77. Whenever upon the examination of the title of any land the Master of Titles entertains a doubt as to any matter of law or fact arising upon the title, he may, upon the application of any person interested in such land, refer a case for the opinion of the High Court, with power for the Court to direct an issue to be tried before a jury or otherwise, for the purpose of determining any fact. The Master may also name the parties to such case, and the manner in which the proceedings in relation thereto are to be brought before the Court. (Imp. 38 & 39 V. c. 87, s. 74.)

78. The opinion of any Court to whom any case is referred by the Master of Titles shall be conclusive on all the parties to such case, unless the Court before whom the case is heard permits an appeal to be had. (Imp. 38 & 39 V. c. 87, s. 75.)

79. Where any infants, idiots, lunatics, persons of unsound mind, persons absent beyond seas, or persons yet unborn are interested in the land in respect of the title to which a question arises as aforesaid, any person interested in the land may apply to the Court, for a direction that the opinion of the Court to whom the case is referred under this Act shall be conclusively binding on such infants, idiots, lunatics, persons of unsound mind, persons beyond the seas, or unborn persons. (Imp. 38 & 39 V. c. 87, s. 76.)

80. The Court shall hear the allegations of all parties appearing before it. It may disapprove altogether, or may approve, either with or without modification, of the directions of the Master of Titles in respect to any case referred as to the title of land. The Court may also, if necessary, appoint a guardian or other person to appear on behalf of any infants, idiots, lunatics, persons of unsound mind, persons absent beyond seas, or unborn persons; and if the Court is satisfied that the interests of the persons labouring under disability, absent, or unborn, will be sufficiently represented in any case, it shall make an order declaring that all persons, with the exceptions (if any) named in the order, are to be conclusively bound; and thereupon all persons, with such exceptions (if any) as aforesaid, shall be conclusively bound by any decision of the Court having cognizance of the case in which such persons are concerned. (Imp. 38 & 39 V. c. 87, s. 77.)

As to Land Certificates, Office Copies of Leases, and Certificates of Charge.

81. If any Land Certificate, or office copy of a Registered Lease, or Certificate of Charge is lost, mislaid, or destroyed, the Master of Titles may, upon being satisfied of the fact of such loss, mislaying, or destruction, grant a new Land Certificate, or

office copy, or Certificate of Charge, in the place of the former one. (Imp. 38 & 39 V. c. 87, s. 78.)

Renewal of land certificate, or certificate of charge, or office copy of lease.

82. The Master of Titles may, upon the delivery up to him of a Land Certificate or of an office copy of a Registered Lease or of a Certificate of Charge, grant a new Land Certificate or office copy of a Lease or Certificate of Charge in the place of the one delivered up. (Imp. 38 & 39 V. c. 87, s. 79.) 5

Land certificate, certificate of charge, and office copy of lease to be evidence.

83. A Land Certificate or Certificate of Charge shall be *prima facie* evidence of the several matters therein contained, and the office copy of a Registered Lease shall be evidence of the contents of the Registered Lease. (Imp. 38 & 39 V. c. 87, s. 80.) 10

Effect of deposit of land certificate, or of office copy of lease.

84. Subject to any registered estates, charges, or rights, the deposit of the Land Certificate in the case of freehold land, and of the office copy of the Registered Lease in the case of leasehold land, shall, for the purpose of creating a lien on the land to which such Certificate or Lease relates, be deemed equivalent to a deposit of the title deeds of the land. (Imp. 38 & 39 V. c. 87, s. 81.) 15

Special Hereditaments.

Registry of special hereditaments.

85. The Master of Titles may register the owner of any incorporeal hereditament of freehold tenure, enjoyed in gross, also the owner of any mines or minerals where the same have been severed from the land, in the same manner and with the same incidents in and with which he is by this Act empowered to register land, or as near thereto as circumstances admit. (Imp. 37 and 38 V. c. 87, s. 82.) 20

General Provisions.

Enactments as to registration.

86. The following enactments shall be made with respect to registration of title:—

(1) There shall not be entered on the register or be receivable by the Master of Titles, any notice of any trust, implied, express, or constructive; 30

(2) No person shall be registered as owner of any undivided share in any land or charge; and a number of persons exceeding the prescribed number shall not be registered as owners of the same land or charge; and if the number of persons shewing title exceeds the prescribed number, such of them not exceeding the prescribed number as may be agreed upon, or as the Master of Titles in case of difference decides, shall be registered as owners; 35 40

(3) Upon the occasion of the registry of two or more persons as owners of the same land or of the same charge, an entry may, with their consent, be made on the register, to the effect that when the number of such owners is reduced below a certain specified number, no registered disposition of such land or charge shall be made, except under the order of the Court; 45

(4) In such a case the words "no survivorship" in the entry shall be construed to mean that in case any one of the owners should die, no registered disposition of the land or charge shall be made except under order of the Court. 50

(5) Registered land shall be described in such manner as the Master of Titles thinks best calculated to secure accuracy, but such description shall not be conclusive as to the boundaries or extent of the registered land ;

5 (6) No alteration shall be made in the registered description of land, except under the order of the Court, or under section 88 of this Act, or by way of explanation ; but this provision shall not be construed to extend to registered dealings with registered land in separate parcels by the registered description, 10 although such land was originally registered as one estate.

(Imp. 38 & 39 V. c. 87, s. 83.)

87. Where any land is about to be registered, or any registered land is about to be transferred to a purchaser for valuable consideration, there may be registered as annexed 15 thereto, subject to general rules and in the prescribed manner, a condition that such land or any specified portion thereof is not to be built on, or is to be or not to be used in a particular manner, or any other condition running with or capable of being legally annexed to land ;

Annexation of conditions to registered land.

20 The first owner and every transferee, and every other person deriving title from him, shall be deemed to be affected with notice of such condition ;

Nevertheless, any such condition may be modified or discharged by order of the Court, on proof to the satisfaction of 25 the Court that the modification will be beneficial to the persons principally interested in the enforcement of the condition.

(Imp. 38 & 39 V. c. 87, s. 84.)

88. All the provisions of the Revised Act respecting 30 *Trustees and Executors and the Administration of Estates*, and of any Act amending the same, shall apply to land and charges registered under this Act, but this enactment shall not prejudice the applicability to such land and charges of any provisions of such Acts relating to land or choses in action. (Imp. 38 & 39 35 V. c. 80, s. 85.)

Registered land to be within the Trustee Act.

89. The Master of Titles shall not, nor shall any person acting under his authority, or under any order or general rule made in pursuance of this Act, be liable to any action, suit, or proceeding for or in respect of any act or matter *bona fide* 40 done or omitted to be done in the exercise or supposed exercise of the powers of this Act, or of any order or general rule made in pursuance of this Act. (Imp. 38 & 39 V. c. 87, s. 86.)

Indemnity of Master of Titles.

As to Infants and Lunatics.

90. (1) In case any person who, if not under disability, 45 might have made any application, given any consent, or done any act, or been party to any proceeding under this Act, is a minor, an idiot, or a lunatic, the guardian of the minor, or committee of the estate of the idiot or lunatic, may make such application, give such consent, do such act, and be party to such proceeding as such person might, if free from disability, have 50 made, given, done or been party to, and shall otherwise represent such person for the purposes of this Act.

Where any party is a minor, lunatic, etc.

(2) If the minor has no guardian, or the idiot or lunatic no committee of his estate, or if persons yet unborn are interested, the Master of Titles may appoint a person with like power to act for such minor, idiot, lunatic, or person yet unborn.

(3) A married woman shall for the purposes of this Act, be deemed a *feme sole*. 5

(R. S. O., c. 110, s. 39; Imp. 38 & 39 V. c. 87, s. 88.)

As to Notices.

Address of persons on register.

91. Every person whose name is entered on the register as owner of land or of a charge, or as cautioner, or as entitled to receive any notice, or in any other character, shall furnish to the Master of Titles a place of address in this Province, and may from time to time substitute some other address in the Province for that originally furnished. (Imp. 38 & 39 V. c. 87, s. 89.) 10

Services of notices.

92. Every notice by this Act required to be given to any person shall be served personally, or sent through the post in a registered letter marked outside "Office of Land Titles," and directed to such person at the address (or last address, as the case may be) furnished to the Master of Titles, and unless returned, shall be deemed to have been received by the person addressed within such period, not less than seven days exclusive of the day of posting, as may be prescribed. (Imp. 38 & 39 V., c. 87, s. 90.) 15 20

93. The envelope containing any notice under this Act shall have printed thereon a request to the Postmaster or Postmaster-General for the immediate return thereof to the Master of Titles, Toronto, in case the person to whom the notice is addressed cannot be found; and on the return of any letter containing any notice, the Master of Titles shall act in the matter requiring such notice to be given in manner prescribed. (Imp. 38 & 39 V. c. 87, s. 91.) 25 30

Purchasers not affected by omission to send notices.

94. A purchaser for valuable consideration shall not be affected by the omission to send any notice by this Act directed to be given, or by the non-receipt thereof. (Imp. 38 & 39 V., c. 87, s. 92.) 35

Specific Performance.

Power of court in suit for specific performance.

95. Where a suit is instituted for the specific performance of a contract relating to registered land, or a registered charge, the Court having cognizance of the suit may by summons, or by such other mode as it deems expedient, cause all or any parties who have registered estates or rights in the land or charge, or have entered up notices, cautions or inhibitions against the same, to appear in the suit, and shew cause why the contract should not be specifically performed; and the Court may direct that any order made by the Court in the suit shall be binding on such parties or any of them. (Imp. 38 & 39 V. c. 87, s. 93.) 40 45

Costs in suit for specific performance.

96. All costs incurred by any parties so appearing in a suit to enforce against a vendor specific performance of his contract to sell registered land or a registered charge, shall be 50

taxed as between solicitor and client, and, unless the Court otherwise orders, be paid by the vendor. (Imp. 38 & 39 V. c. 87, s. 94.)

Rectification of the Register.

5 **97.** Subject to any estates or rights acquired by registration in pursuance of this Act, where any court of competent jurisdiction has decided that any person is entitled to any estate, right, or interest in or to any registered land or charge, and as a consequence of such decision the Court is of opinion
10 that a rectification of the register is required, the Court may make an order directing the register to be rectified in such manner as it thinks just. (Imp. 38 & 39 V. c. 87, s. 95.)

Establishment of adverse title to land.

15 **98.** Subject to any estates or rights acquired by registration in pursuance of this Act, if any person is aggrieved by any entry made, or by the omission of any entry from the register under this Act, or if default is made or unnecessary delay takes place in making any entry in the register, any person aggrieved by such entry, omission, default, or delay, may
20 apply to the Court in the prescribed manner for an order that the register may be rectified; and the Court may either refuse the application, with or without costs, to be paid by the applicant, or may if satisfied of the justice of the case, make an order for the rectification of the register. (Imp. 38 & 39 V. c. 87, s. 96.)

Register to be rectified under order of court.

25 **99.** The Master of Titles shall obey the order of any competent Court in relation to any registered land, on being served with the order or an official copy thereof. (Imp. 38 & 39 V. c. 87, s. 97.)

Master to obey orders of court.

As to Fraud.

30 **100.** Subject to the provisions in this Act contained with respect to registered dispositions for valuable consideration, any disposition of land or of a charge on land which if unregistered would be fraudulent and void, shall, notwithstanding registration, be fraudulent and void in like manner. (Imp. 38
35 & 39 V. c. 87, s. 98.)

Fraudulent dispositions.

101. If in the course of any proceeding under this Act, any person acting either as principal or agent, shall, knowingly and with intent to deceive, make or assist, or join in or be privy to the making of any material false statement or representation,
40 or suppress, conceal, or assist or join in or be privy to the suppression, withholding or concealing any material document, fact or matter of information, every person so acting shall be deemed to be guilty of an offence under this Act, and on conviction shall be liable to be imprisoned for a term not exceeding
45 two years, with or without hard labour, or to be fined such sum as the Court by which he is convicted shall award. Any certificate of title obtained by means of such fraud or falsehood, shall be null and void for or against all persons
50 other than a purchaser for valuable consideration without notice. (R. S. O., c. 110, s. 47; Imp. 38 & 39 V. c. 87, s. 99.)

Suppression of deeds and evidence.

102. If any person fraudulently procures, attempts to fraudulently procure, or is privy to the fraudulent procurement of any entry on the register, or of any erasure from the register

Certain fraudulent acts declared to be offences.

or alteration of the register, such person shall be guilty of an offence under this Act, and upon conviction be liable to imprisonment for any term not exceeding two years, with or without hard labour, or to be fined such sum not exceeding five hundred dollars as the Court before which he is tried may award; and any entry, erasure, or alteration so made by fraud, shall be void as between all parties or privies to the fraud. (Imp. 38 & 39 V. c. 87, s. 100.) 5

False declarations.

103. If any person in any affidavit or affirmation required or authorized to be made for any purpose under this Act, or by any order or general rules made in pursuance thereof, wilfully makes a false statement in any material particular, he shall be guilty of an offence under this Act, and upon conviction shall be liable to be imprisoned with or without hard labour, for a term not exceeding two years, or to be fined such sum not exceeding five hundred dollars, as the court before which he is tried may award. (Imp. 38 & 39 V. c. 87, s. 101.) 10 15

Saving of civil remedy.

104. No proceeding or conviction for any offence under this Act shall affect any remedy which any person aggrieved may be entitled to. (Imp. 38 & 39 V. c. 87, s. 102.) 20

Saving of obligation to make discovery.

105. Nothing in this Act contained shall entitle any person to refuse to answer any question or interrogatory in any civil proceeding; but no answer to any such question, or interrogatory shall be admissible in evidence against such person in any criminal proceeding in respect of which this Province has legislative authority. (Imp. 38 & 39 V. c. 87, s. 103.) 25

ASSURANCE FUND.

See Statute of Victoria of 1866, ss. 143—151; Statute of New South Wales (Draft Bill of 1866), ss. 143—156; Statute of New Zealand of 1870, ss. 35 and 130—137; Statute of South Australia of 1878, ss. 9 and 55—59; Statute of Queensland of 1861, ss. 41, 42 and 126—129; Statute of West Australia of 1874, ss. 30 and 129—136; McCarthy, (Bill of 1883) ss. 136—145 and (Bill of 1884) ss. 133—142.] 30

106. An Assurance Fund shall be formed for the indemnity of any persons who may happen to be deprived of land or some estate or interest therein by reason of the land being brought under the provisions of this Act, or by the registration of some other person as owner of the land or of such estate or interest therein, or by reason of any mis-description, omission or other error in a Certificate of Title or in any entry in the Register; 35 40

(2) In order to constitute such fund, there shall be paid on the first Certificate of Title granted under this Act in respect of any land, in addition to all other fees, a sum equal to one-fourth of one per cent. of the value of the land; 45

(3) (Subject to any orders of Court to be made under the authority aforesaid), money payable under the preceding subsection shall be paid into Court, with the privity of the Accountant of the Supreme Court, and shall be placed to the credit of an account to be entitled "Assurance Fund under the Land Titles Act, 1885," and shall be invested from time to 50

time under the direction of the Court, and the interest or income derived therefrom shall be credited to the same account ;

(4) (Subject to any orders of Court aforesaid) the value of the land shall be ascertained for the purpose aforesaid by the
5 oath or affirmation of the applicant, unless the Master of Titles dispenses therewith ;

(5) (Subject as aforesaid) in case the oath or affirmation of the applicant is dispensed with, or in case the Master of Titles is not satisfied as to the correctness of the value stated by the
10 oath or affirmation of the applicant or any other person, he may require the affidavit or certificate in that behalf of a sworn valuator : and such affidavit or certificate shall be conclusive.

107. Any person wrongfully deprived of land, or of some estate or interest therein, by reason of the land being brought
15 under this Act, or by reason of some other person being registered as owner, or by reason of any mis-description or other error in any Certificate of Title, or in any entry in the Register, shall be entitled to recover what is just, by way of compensation or damages, from the person on whose application the
20 erroneous registration was made, or who acquired the title through the fraud or error.

(2) But this is not to be construed to render liable any purchaser or mortgagee *bona fide* for valuable consideration by reason of the vendor or mortgagor having been registered as
25 owner through fraud or error, or having derived from or through a person registered as owner through fraud or error, whether the fraud or error consists in a wrong description of the property or otherwise howsoever.

(3) In case the person so wrongfully deprived is unable by
30 such means or otherwise to recover just compensation for his loss, he shall be entitled to have the same paid out of the Assurance Fund, so far as the Fund may be sufficient for that purpose having reference to other charges thereon, provided that the application is made within six years from the time of
35 having been so deprived ; or, in the case of a person under the disability of infancy, lunacy or unsound mind, within six years from the date at which the disability ceased.

(4) The liability of the Fund for compensation and the amount of compensation shall (subject to appeal as in other
40 cases) be determined by the Master of Titles, unless the Court or Master of Titles on application directs some other way of ascertaining and determining the same. The costs of the proceedings shall be in the discretion of the Master of Titles or the Court, as the case may be.

(5) Where any sum has been paid out of the Assurance Fund on account of a person on whose application the erroneous registration was made, or who acquired the title through the fraud or error, the same may afterwards for the benefit of the Fund be recovered from such person or his estate, by action in
45 the name of the Master of Titles ; and the Master's certificate of the payment out of the Assurance Fund shall be sufficient proof of the debt.

Saving Clauses.

108. Land subject to the provisions of the *Free Grants and Homesteads Act* shall not be transferred *inter vivos*, charged or encumbered, nor become liable to the satisfaction of any debt or liability contrary to the provisions of the said Act. (R. S. O. c. 24.) 5

Saving clause as to escheat. **109.** Nothing in this Act contained shall affect any right of Her Majesty to any escheat or forfeiture. (Imp. 38 & 39 V. c. 87, s. 105.)

ADMINISTRATION OF LAW AND MISCELLANEOUS. 10

(1) Office of Land Registry.

Seal of office **110.** There shall be a seal for the Office of Land Titles. (Imp. 38 & 39 V. c. 87, s. 107.)

Master to frame and promulgate forms. **111.** Subject to the provisions of this Act, the Master of Titles shall conduct the whole business of registering land under this Act; and he shall frame and cause to be printed and circulated, or otherwise promulgated, such forms and directions as he may deem requisite or expedient for facilitating proceedings under this Act. (Imp. 38 & 39 V. c. 87, s. 108.) 15

Power of Master to summon witnesses. **112.** (1) The Master of Titles, or any officer of the Office of Land Titles authorized by him in writing, or any person authorized for a like purpose under the Registry Act, may administer an oath or affirmation for any of the purposes of this Act. 20

(2) The Master of Titles may, by summons under the seal of the office, require the attendance of all such persons as he may think fit in relation to the registration of any title.

(3) He may also, by a like summons, require any person having the custody of any map, survey, or book made or kept in pursuance of any Act of Parliament to produce such map, survey, or book for his inspection. 30

(4) He may examine upon oath any person appearing before him and administer an oath accordingly; and he may allow to every person summoned by him the reasonable charges of his attendance.

(5) Any charges allowed by the Master of Titles in pursuance of this section shall be deemed to be charges incurred in or about proceedings for registration of land, and may be dealt with accordingly. 35

(Imp. 38 & 39 V. c. 87, s. 109.) 40

Non-attendance or refusal to answer question. **113.** (1) If any person, after the delivery to him of such summons as aforesaid, or of a copy thereof, wilfully neglects or refuses to attend in pursuance of the summons, or to produce such maps, surveys, books, or other documents as he may be required to produce under this Act, or to answer upon oath or otherwise such questions as may be lawfully put to him by the Master of Titles under the powers of this Act, he shall incur a penalty not exceeding fifty dollars, to be recovered on summary conviction. 45

(2) But no person shall be required to attend in obedience to any summons, or to produce such documents as aforesaid, unless the reasonable charges of his attendance and of the production of such documents be paid or tendered to him.

5 (Imp. 38 & 39 V. c. 87, s. 110.)

114. In case of illness or absence of the Master of Titles the Lieutenant-Governor in Council may appoint a person to act as the Deputy of the Master during such illness or absence, and such Deputy, while so acting, shall have all the powers of the Master. (*Stats. of Victoria, 1866, s. 6.*)

Appointment of deputies in case of illness or absence.

115. The Master of Titles, before he enters upon the execution of his office, shall take, before some Judge, the oath of office in the form following:—

Oath of office.

I, *A. B.*, do solemnly swear (*or affirm*) that I will faithfully, and to the best of my ability, perform the office and duties of Master of Titles.

116. Before any Master of Titles appointed under the authority conferred by this Act is sworn into office, he, and two or more sufficient sureties, shall enter into a joint and several bond in writing under their hands and seals to Her Majesty, in a penal sum to be determined by the Lieutenant-Governor in Council, which bond shall be subject in all respects to the approval of the Lieutenant-Governor in Council, and the same may be taken before any two Justices of the Peace or any Judge of the high Court, and shall be conditioned for the true and faithful performance by the Master of his duty in respect to all things directed to be done by or required of him by this Act or any law in that behalf, and shall be in the form A to this Act, or to the like effect.

Bond of Master.

How taken.

Condition.

30

117. The sureties in such bond shall justify under oath, and the execution by the Master of Titles and his sureties shall be verified under oath by a subscribing witness; and such bond and the affidavits of justification shall be in the form A in the schedule to this Act, or to the like effect, and with the affidavits appended, shall be forthwith transmitted to the Provincial Secretary, to be filed in his office.

Sureties to justify.

Custody of bonds.

118. The Master of Titles shall, when required by the Provincial Secretary, execute a new bond in the form and to the effect provided in the next preceding section, or furnish such other security as may be deemed expedient.

New bonds when required.

119. No Master of Titles, officer, or clerk appointed under this Act, shall, directly or indirectly, act as the agent of any corporation, society, company, person or persons investing money and taking securities on real estate; nor shall such Master of Titles, officer or clerk advise for any fee or reward, or otherwise, upon titles to land, or practise as a conveyancer; nor shall he carry on or transact within the office any business or occupation whatever other than his duties as such Master of Titles, officer or clerk, or as holder of some other office under the Provincial Government. (R. S. O. c. 111, s. 19: McCarthy, (Bills of 1883 and 1884), s. 24.)

Master, etc., not to act as agents, etc..

Inspection of Registry.

120. General indexes are to be kept in the office of the Master of Titles as required of Registrars under the Registry Act, and are to be open to inspection in the same manner. (R. S. O. c. 111, s.s. 33, 35.) 5

121. Subject to such regulations and exceptions and to the payment of such sums as may be fixed by general rules, any person registered as owner of any land or charge, and any person authorized by any such owner, or by an order of the Court, or by general rule, may inspect and make copies of and extracts from any register or document in the custody of the Registrar relating to such land or charge. No other person save as aforesaid shall be entitled to do so. (Imp. 38 and 39 V. c. 87, s. 104.) 10

(2) Rules. 15

Rules and regulations,

122. The rules and regulations in the Schedule to this Act shall come into operation at the commencement of this Act, and shall regulate the proceedings as to all matters to which such rules and regulations may extend. But such rules and regulations may be annulled or altered by any authority by which new rules and regulations may be made under this Act. (44 V. c. 5, s. 53 (Judicature Act.)) 20

Power to make general rules.

123. Subject to the provisions of this Act, the Lieutenant-Governor in Council, and the Judges of the Supreme Court under the 54th and 55th Sections of *The Ontario Judicature Act, 1881*, (which are to be read as applying to this Act, may, respectively, with the advice and assistance of the Master of Titles, from time to time make, and after making may rescind, annul, or add to, general rules in respect of all or any of the following matters; that is to say— 30

(1) The mode in which the register is to be made and kept and

(2) The forms to be observed, the precautions to be taken, the instruments to be used, the notices to be given, and the evidence to be adduced in all the proceedings before the Master of Titles or in connection with the registration, and in particular with respect to the reference to counsel of any title to land proposed to be registered with an absolute title; 35

(3) The custody of any instruments from time to time coming into the hands of the Master of Titles, with power to direct the destruction of any such instruments where they have become altogether superseded by entries in the register or have ceased to have any effect; 40

(4) The duties which are to be performed by the Master of Titles and other officers employed; and therein, what acts of the Master of Titles may be done by other officers; 45

(5) The costs to be charged by solicitors in or incidental to or consequential on the registration of land, or any other matter required to be done for the purpose of carrying this Act into execution, with power to require such costs to be payable 50

by commission, percentage, or otherwise, and to bear a certain proportion to the value of the land registered, or to be determined on such other principle as may be thought expedient ;

(6) The taxation of such costs and the persons by whom
5 such costs are to be paid ;

(7) Any matter by this Act directed or authorized to be prescribed ;

(8) Any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient
10 to make rules for the purpose of carrying this Act into execution. (Imp. 38 & 39 V. c. 87, s. 111.)

124. Any rules made in pursuance of the preceding section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act,
15 and shall be judicially noticed. (Imp. 38 & 39 V. c. 87, s. 111.) Effect of rules

125. The Judges aforesaid may from time to time make, and after making revoke, alter or add to rules with respect to the amount of fees payable under this Act, regard being had to
20 the following matters : Rules to be laid before Legislature.

(1) In the case of the registration of land or of any transfer of land on the occasion of sale,—to the value of the land, as determined by the amount of purchase money :

(2) In the case of the registration of land, or of any transfer
25 of land on the occasion of a sale,—to the value of the land, to be ascertained in such manner as may be prescribed :

(3) In the case of registration of a charge or of any transfer of a charge,—to the amount of such charge. (Imp. 38 and 39 V. c. 87, s. 112)

126. Subject to orders of Court as hereinbefore provided, the costs and fees in respect of proceedings under this Act shall be the same as of like proceedings, as nearly as may be, in the High Court where the value of the property is \$ or upwards ; and as like proceedings, as nearly as may be, in the
35 County Courts where the value of the property is less than \$

(2) Until the Legislature provides a salary for the Master of Titles, he may be authorized by the Lieutenant-Governor in Council to take to his own use, or for the purpose of paying expenses, the fees which would otherwise under the preceding
40 section be payable to the Crown in stamps.

127. The judges of the High Court may from time to time assign the duties vested in the Court in relation to matters under this Act to any particular judge or judges of that Court. (Imp. 38 & 39 V. c. 87, s. 115.) Principles on which fees determined.

128. Any person aggrieved by an order made under this Act by the High Court may appeal within the prescribed time, in the same manner and with the same incidents in and with which orders made by the High Court on cases within the ordinary jurisdiction of such Court may be appealed from.
50 (Imp. 38 & 39 V. c. 87, s. 117.) Appeal from High Court.

Appeals from
Master.

129. An appeal shall lie from any order or decision of the Master of Titles under this Act to the High Court, and from that Court to the Court of Appeal, as in cases within the ordinary jurisdiction of the Court. (R. S. O. c. 110, s. 42.)

Proceedings
not void for
want of form.

130. No application, order, affidavit, certificate, registration or other proceeding shall be invalid by reason of any mistake not affecting the substantial justice of the proceeding. (R. S. O. c. 110, s. 45.) 5

Penalties.

131. In case any person wilfully makes a false statement or declaration in any dealing in land under this Act; 10

Or suppresses or conceals, or assists or joins in, or is privy to the suppressing, withholding or concealing from the Master of Titles, Court or Judge; any material document, fact or matter of information; 15

Or wilfully makes any false declaration required under the authority, or made in pursuance of this Act;

Or who fraudulently procures or is privy to the fraudulent procurement of any certificate of title or instrument, or of any entry in the register; 20

Or knowingly misleads or deceives the Court, the Judge, the Master of Titles, or any person herein authorized to require explanation or information in respect to any land, or the title to any land under this Act, or in respect to which any dealing or transmission is proposed to be registered; 25

Or is a party to or privy to any fraudulent act whatever in any matter connected with the working of this Act;

He shall, on conviction before a judge or stipendiary magistrate, without a jury, be liable to a penalty not exceeding five hundred dollars or to imprisonment with or without hard labor, for any period not exceeding two years. (Sir Alexander Campbell's Bill, s.s. 138.) 30

SCHEDULE OF RULES.

PROCEEDINGS FOR A FIRST REGISTRATION.

Application for Registration.

1. The application for a first registration of land under this Act, shall state the nature of the interest of the applicant, and a general description, in concise terms, of the land ; it shall also state whether the registration applied for is with an Absolute, a Qualified, or a Possessory title.

(2) Where the application is for the registration of a nominee, or is made by a purchaser, the consent in writing of the nominee or his solicitor, or the vendor or his solicitor, shall be left with the application.

(3) Where the application is made by virtue of a trust or power of sale, the consent in writing of the persons, if any, whose consent is required to the exercise of the trust or power shall be also left with the application. (Rule 1, 12, and Form 6 made under Imp. Act, 38 & 39 V. c. 87.)

Registry of Application.

2. A certificate by the Master of Titles, of the application shall be registered in the Registry Office of the Registration Division in which the land lies, and this certificate may be in the form given in the Schedule of Forms. (R. S. O. c. 110, s. 6 ; Rule 33 post.)

Proofs.

3. The application for a first registration of ownership shall be supported by the following particulars, unless any thereof shall be dispensed with by the Master of Titles :

(1) The title deeds (if any) and evidences of title relating to the land which are in the possession or power of the applicant ;

(2) A certified copy of the memorials of all other registered instruments affecting the land, or of all since the last judicial certificate, if any, under the *Quieting Titles Act*, was given (as the case may be), up to the time of the registering of a certificate of the application as provided for by the previous rule ;

(3) The certificate of the Registrar of the County or other Registration Division in which the land lies, as to suits and proceedings relating to the land, and of which a certificate has been registered in his office ;

(4) Proofs of any facts which are required to be proved in order to make out the title, and which are not established by the other produced documents, unless the Master of Titles shall dispense with such proofs until a future stage of the investigation ;

(5) An affidavit, or deposition by the person whose title is to be investigated, and a certificate of one of his counsel or solicitors, to the effect hereinafter respectively mentioned, unless the Master of Titles sees fit, for some special reason, to dispense with the same respectively ;

(6) A Schedule of the particulars produced under the preceding five sub-sections.

(R. S. O. c. 110, s. 7 Imp. 37 and 38 V. c. 87, s. 70, Form 10 made hereunder.)

Affidavit of Applicant.

4. The affidavit or deposition of the person whose title is to be investigated shall state to the effect, that to the best of his knowledge and belief he is the owner of the estate or interest (whatever it is) which is claimed in the application, subject only to the charges and incumbrances set forth in the application or in the Schedule thereto, or that there is no charge or incumbrance affecting the land ; that the deeds, wills, and instruments of title which he produces, and of which a list is contained in the Schedule produced under the preceding rule, are all the title deeds and instruments of title relating to the lands which are in his possession or power ; and that he is not aware of the existence of any claim adverse to or inconsistent with his own to any part of the land or to any interest therein ; or, if he is aware of such adverse claim, he shall set forth every such adverse claim, and shall depose that he is not aware of any except what he sets forth.

(2) The affidavit or deposition shall also set forth whether any one is in

possession of the land, and under what claim, right or title; and shall state that to the best of the deponent's knowledge, information and belief, the said affidavit or deposition, and the other papers produced therewith, fully and fairly disclose all facts material to the title claimed by the applicant, and all contracts and dealings which affect the same or any part thereof, or give any right as against the applicant.

(3) The said affidavit or deposition may, in a proper case, be dispensed with, or may be made by some other person instead of the person whose title is to be investigated, or an affidavit or deposition as to part may be made by the one, and as to part by another, at the discretion of the Master of Titles; and in such case, the affidavit shall be modified accordingly. (R. S. O. c. 110, s. 8; Imp. 38 and 39 V. c. 87, s. 70. Form 3 and 4, rules made under Imp. Act.)

Certificate of Counsel or Solicitor.

5. The certificate of the counsel or solicitor shall state to the effect that he has investigated the title and believes the party to be the owner of the estate which the application claims in the land in question, subject only (if such be the case) to any charges or incumbrances that may be set forth in the Schedule to the application (or that he so believes, subject to any condition, qualification or exemption to be set forth in the certificate); and that he has conferred with the deponent on the subject of the various matters set forth in the affidavit or deposition (if any) referred to in the two next preceding rules, and believes the affidavit or deposition to be true. (R. S. O. c. 110, s. 9; Imp. 38 and 39 V. c. 87, s. 70. Forms 3 and 4 under Imp. Act.)

Mode of Proof.

6. The proofs required may be by, or in the form of affidavits or certificates; or may be given *viva voce*; or may be in any other manner or form that, under the circumstances of the case, is satisfactory to the Master of Titles in regard to the matters to which the same relate. (R. S. O. c. 110, s. 11.)

Payment of Taxes and Assessments.

7. Before the completion of a first registration of any land under this Act where an examination of title is required, satisfactory evidence shall be given by certificate, affidavit or otherwise, that all taxes, rates and assessments, for which the land is liable, have been paid, or all except those for the current year have been paid. (R. S. O. c. 110, s. 12.)

Production of Further Evidence.

8. If the Master of Titles is not satisfied with the evidence of title produced in the first instance, he shall give a reasonable opportunity of producing further evidence, or of removing defects in the evidence produced. (R. S. O. c. 110, s. 13.)

Publication of Notice.

9. Before the completion of a first registration as aforesaid, the Master of Titles shall, except as hereafter provided, direct notice of the application to be published in the *Ontario Gazette*, and, if he sees fit, in any other newspaper or newspapers, and in such form and for such period as he thinks expedient.

(2) The registration shall not be completed until after the expiration of at least *four weeks* from the first publication of such notice, or such other period as the Master of Titles may appoint.

(3) If the Master of Titles is satisfied respecting the title, and considers that the registration can safely be completed without any other notice of application than the published notice so required, he shall complete the same accordingly.

(4) Notice of any number of applications may be included in one advertisement if the Master of Titles thinks fit, and in such case the expense of the advertisement shall be borne by the several applicants in such proportions as the Master of Titles may direct.

(5) The Master of Titles may dispense with the advertisement where the applicant is the original grantee from the Crown, or produces all the title deeds by which the title is traced from such grantee, or where he has

obtained a Certificate of Title under the *Act for Quieting Titles to real estate*: Provided in every of such cases that he is in actual occupation of the land, or that the land is wild, and he is in constructive possession thereof by having paid the taxes thereon, and that no instrument or caution affecting the title has been registered.

(Victoria s. 18; Queensland (Act of 1861) s. 18; New South Wales (Act of 1862) s. 15; New Zealand s. 23; Rule 10 and 14 made under Imp. 38 and 39 V. c. 87. R. S. O. c. 110, ss. 14, 15.)

Notice to Adverse Claimant.

10. In case there appears to exist any claim adverse to, or inconsistent with, that of the applicant to or in respect of any part of the land, the Master of Titles shall direct such notice as he deems necessary to be mailed to or served on the adverse claimant, his solicitor, attorney, or agent. (R. S. O. c. 110, s. 16; Rule 10, made under Imp. Act 38 & 39 V. c. 87.)

Additional Notices.

11. In all cases the Master of Titles may require from time to time any further publication to take place, or any other notice to be mailed or served that he deems necessary before granting the Certificate. (R. S. O. c. 110, s. 17; Rule 12, made under Imp. Act 38 & 39 V. c. 87.)

Objections.

12. Any person having an adverse claim, or a claim not recognised in the application, may at any time before the registration under this Act is completed, file and serve on the applicant, his solicitor or agent, a short statement of his claim, which may be according to the form set forth in the Schedule of Forms.

(2) This claim shall be verified by an affidavit to be filed therewith, and shall contain an address in this Province at which service on the objector shall be made. (R. S. O. c. 110, s. 18; Rule 11, made under Imp. Act 38 & 39 V. c. 87.)

Hearing of Objection.

13. The applicant or his solicitor shall obtain an appointment before the Master of Titles for hearing any objection which shall have been duly left in the office, and shall serve the objector with a notice in writing to come in and state his objection to the Master of Titles at the time mentioned in such notice, such time not being less than seven clear days after service of such notice. The parties may be heard in person, or by counsel or solicitor. Imp. 38 & 39 V. c. 87.)

Decision in Contested Cases.

14. In case of a contest, the Master of Titles may either decide the question of title on the evidence before him, or may refer the same or any matter involved therein to the Court, or to any mode of investigation which is usual in other cases, or which he deems expedient, and may defer completing the registration until afterwards, according as the circumstances of each case render just or expedient. (R. S. O. c. 110, s. 19.)

Security for Costs.

15. The Master of Titles may, at any stage of the cause, order security for costs to be given by the applicant for registration, or by any person making any adverse claim. (R. S. O. c. 110, s. 20.)

Abatement of Proceedings.

16. In case of death or change of interest pending registration, the proceedings shall, subject to the provisions of this Act, be available to such person as the Master of Titles on application, having regard to the rights of the several persons interested in the land, may direct, if such person thinks proper to adopt the same; and the Court or the Master of Titles may require notices to be given to persons becoming interested, or

may make any order for discontinuing or suspending or carrying on the proceedings, or otherwise in relation thereto, as under the circumstances may be just. (R. S. O. c. 110, s. 44; Victoria s. 28; Rule 5, made under Imp. Act 38 & 39 Vict. c. 87.)

Caution Against Entry of Land on Register.

17. Every Caution lodged under section 66 of the Act shall be signed by the cautioner or his solicitor, and shall contain a place of address in this Province at which any notice may be served; and the affidavit in support of the Caution shall be left therewith and shall contain a description of the land. The period to be limited by the notice to be served on the cautioner under section 69 shall be 14 days, or such other period not less than 7 days, as the Master of Titles may direct.

(2) The notice shall be served either personally or through the post. Every Caution shall be renewed before the expiration of 5 years from the date of lodging the same; otherwise it shall be treated as withdrawn. (Rule 15 made under Imp. Act 38 & 39 V. c. 87.)

PROCEEDINGS AFTER REGISTRATION.

Caution against Dealing with Registered Land.

18. Every Caution lodged under section 59 of the Act shall be signed by the cautioner or his solicitor, and shall contain a place of address in the Province, at which any notice may be served, and the affidavit in support of the Caution shall contain a reference to the land or charge to which the Caution applies, and to the registered number of the estate, and shall also contain the particulars of the cautioner's interest in such land or charge.

(2) The period to be limited by the notice to be served on the cautioner under section 60 of the Act shall be 14 days, or such other period, not less than 7 days, as the Master of Titles may direct. The consent of a cautioner under section 60 shall be signed by him, and shall be attested by a solicitor and duly verified. (Rule 16, made under Imp. Act 33 & 39 V. c. 87.)

Inhibitions.

19. Every application to the Master of Titles for an inhibiting order under section 63 of the Act shall be supported by the affidavit of the applicant or his solicitor, stating the grounds of the application and referring to the evidence in favour thereof. An appointment shall be then made for hearing the same and for production of the evidence in support thereof. (Rule 17, made under Imp. Act 38 & 39 V. c. 87.)

Restrictions.

20. Every application under section 64 of the Act shall state the particulars of the direction or restriction required to be entered on the register, and shall be proceeded with as the Master of Titles shall direct; and every application under section 65 of the Act to withdraw or modify any direction or restriction shall be made and signed by all persons for the time being appearing by the register to be interested in such direction or restriction, and shall be attested by a solicitor and duly verified. (Rule 18, made under Imp. Act, 38 & 39 V. c. 87.)

(2) Before any entry is made upon the register under the third paragraph of section 86 of the Act the consent in writing thereto of the persons to be entered as the registered owners of the land or charge, stating the particulars of the entry required, shall be lodged in the office. (Rule 19, made under Imp. Act 38 & 39 V. c. 87.)

CHARGE OF REGISTERED LAND.

21. The instrument by which any charge of freehold or leasehold land shall be made under section 27 of the Act shall be left in the office, and the execution thereof by the registered owner of the land shall be attested by a solicitor and duly verified.

(2) Where it is desired that an entry should be made on the register negating the implied covenants referred to in sections 28 and 29 of the

Act, or that any entry should be made on the register, contrary to the powers given to a registered owner of a registered charge by sections 30, 31 and 32, respectively, or contrary to the provisions of section 33 as to the priority of registered charges, the application to be made in that behalf shall state the particulars of the entry required to be made, and shall be signed, and the signature attested and verified in the same manner as is required with respect to the execution of the instrument of charge.

(3) Such verification may, where practicable, be made by the same affidavit as that verifying the execution of the instrument of charge.

(4) Where a part only of the registered land is comprised in the instrument of charge, the part so charged shall be described in like manner as is provided by Rule 24 with reference to a transfer of part of registered land ;

(5) In the event of a foreclosure or sale being enforced by the registered owner of the charge, all the provisions of the said rule 24 shall, so far as the nature of the case may require, be applicable thereto. (Rule 20, made under Imp. Act 38 & 39 V. c. 87.)

TRANSFER OF REGISTERED CHARGE.

22. The instrument by which any transfer of charge shall be made, under section 46 of the Act, shall be left in the office, and the execution thereof by the registered owner of the charge shall be attested by a solicitor and duly verified. (Rule 21, made under Imp. Act 38 & 39 V. c. 87.)

Cessation of Charge.

23. Where the cessation of a charge entered on the register is required to be notified under section 34 of the Act, the application shall be signed by the registered owner of the charge, or a registered owner interested in the land, and shall be attested by a solicitor and duly verified.

(2) If the application is not signed by the registered owner of the charge, due proof of the satisfaction of the charge shall be left with the application.

(3) The Master of Titles, upon being satisfied of the cessation of a charge, shall, where convenient, notify the same by cancelling the original entry, or shall otherwise enter on the register the fact of such cessation. (Rule 22, made under Imp. Act 38 & 39 V. c. 87.)

TRANSFER OF REGISTERED LAND.

24. The instrument by which any transfer of land shall be made, under section 35 or 40 of the Act, shall be left in the office, and the execution thereof by the registered owner shall be attested by a solicitor and duly verified.

(2) A note shall be made on the registered description of the land retained, referring to the part disposed of. (Rule 23, made under Imp. Act 38 & 39 V. c. 87.)

Entry Negating Implied Covenants on Transfer of Leasehold Land.

25. Every application requiring an entry to be made on the register negating the implied covenants referred to in section 46 of the Act, shall state the particulars of the entry required to be made, and shall be signed, attested and verified, in the same manner as is required with respect to the execution of the instrument of transfer. The verification may, where practicable, be made by the same affidavit as that verifying the instrument of transfer. (Rule 24, made under Imp. Act 38 & 39 V. c. 87.)

Evidence of Transmission of Registered Ownership.

26. Where it is required to prove the fact of any person having become entitled to any land or charge, in consequence of the death of any registered owner, the application shall state the fact to be proved, and the nature of the evidence in support thereof. The evidence shall be left in the office with the application, and the fact shall be proved to the

satisfaction of the Master of Titles, and the matter shall be proceeded with as he shall direct. (Rule 25, made under Imp. Act 38 and 39 V. c. 87.)

Death of Registered Owner, and Dower or Curtesy.

27. Every application under section 47 or 59 of the Act, shall be supported by the affidavit of the applicant and his solicitor, shewing concisely the existing rights of the several persons interested in the land or charge affected by the application.

(2) The evidence in support of the application shall be left therewith in the office, and the Master of Titles may require such other evidence (if any) and such notices to be given as he may think fit, and the matter shall be proceeded with as he shall direct.

(3) Notice of the title to an estate in dower or by the curtesy may be entered on the register as an incumbrance. (Rule 26, made under Imp. Act 38 & 39 V. c. 87.)

Cessation of Incumbrances entered on first Registration and Determination of Lease of Registered Leasehold Land.

28. Where, upon the first registration of any freehold or leasehold land, notice of an incumbrance affecting such land has been entered on the register, the cessation of which is required to be notified under section 24 of the Act, the applicant, in case there has been any dealing with, or transmission of, or interest created or arisen in, such incumbrance, not appearing on the register, shall leave in the office an abstract of his title to make the application and prove the same in the usual way, and the matter shall be proceeded with in the mode provided in the cases of examination of title on registration, subject to any special directions of the Master of Titles.

(2) Where there has been no dealing with the incumbrance, the applicant shall produce the instrument of incumbrance with a release or receipt thereon signed by the incumbrancer, whose signature and identity shall be duly verified.

(3) The Master of Titles, upon being satisfied of the cessation of an incumbrance, shall notify the same by cancelling, where convenient, the original entry, or otherwise by entering on the register the fact of such cessation.

(4) This rule shall, where applicable, extend to applications to notify the determination of any lease of registered leasehold land, under section 25 of the Act. (Rule 27, made under Imp. Act 38 & 39 V. c. 87.)

Notice of Lease or Agreement.

29. Every application to register notice of a lease or agreement, under sections 56 and 57 of the Act, shall contain a concise statement of the terms of the lease or agreement for a lease to be noticed.

(2) If the registered owner of the land does not concur, and a copy only of the original lease or agreement is deposited with the Master of Titles with the order of the Court authorizing the registration of the notice, the lease or agreement shall be produced for comparison with the copy.

(3) If the registered owner concurs, he shall be a party to and sign the application, and his signature shall be attested by a solicitor and duly verified, and the application shall state the terms of the notice proposed to be entered, but such terms shall be subject to the approval of the Master of Titles. (Rule 28, made under Imp. Act 38 & 39 V. c. 87.)

(4) The lease or agreement shall be left with the application, and shall be stamped to show that a notice of it has been entered upon the register.

PROCEEDINGS ON AND AFTER REGISTRATION.

Entry as to Exceptions under Section 23.

30. Every application requiring an entry to be made on the register in respect to any of the liabilities, rights and interests, that are by the Act declared not to be incumbrances, shall state the particulars of the entry required to be made.

(2) The evidence in support of the application shall be left therewith, and the application shall be proceeded with in such manner as the Master of Titles shall direct. (Rule 29, made under Imp. Act 38 & 39 V. c. 87.)

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31. Any fact to be notified on the register under section 23 of the Act shall be entered in or against the registered description of the land unless the Master of Titles otherwise directs.

Conditions.

32. Every application to register conditions as annexed to land about to be registered, or to any registered land about to be transferred, shall be made, in case of land about to be registered, either by the person who by himself or nominee is about to be registered as owner of the land, or with his consent in writing, duly verified, and, in the case of land about to be transferred, either by the person actually registered as owner of the land, with the consent in writing, duly verified, of the intended transferee, or by such transferee, with the consent in writing, duly verified, of the registered owner.

(2) If the application relates to any leasehold land about to be registered, or to land about to be registered with an Absolute or Qualified title, the application and conditions shall be in accordance with the title examined by the Master of Titles, and if the application relates to any land about to be transferred, the conditions shall be in accordance with any conditions already registered.

(3) In any case of conditions being annexed on application under section 87, or on first registration arising on the examination of title, a copy of the conditions, or of the document containing them, shall be left in the office, and the registration of such conditions may be made by reference on the register to such copy.

(4) On the registration of any leasehold land, held under a lease containing a prohibition against alienation without license, provision shall be made for preventing alienation without such license by an entry on the register of a reference to such prohibition. (Rule 31, made under Imp. Act 38 & 39 V. c. 87.)

Land Certificate, Certificate of Charge, and Special Certificate.

33. Every application for a land certificate or certificate of charge shall be made by the registered owner entitled to have and requiring the same.

(2) A land certificate shall be under the seal of the office, and contain a copy of the registered description of the land, and the name and address of the registered owner, and such other matters (if any) as may for the time being be entered on the register as affecting the land, and shall state whether the registered ownership is absolute, qualified, or possessory.

(3) A certificate by the Master of Titles, of the application for registration, shall be registered in the registry office of the registration division where the land lies before the first registration in the Land Titles Office is completed. For registering and indexing the certificate the Registrar shall be entitled to a fee of one dollar.

(4) A land certificate to the transferor under section 35 may, if the Master of Titles shall so think fit, consist of his subsisting land certificate, if any, altered to correspond with the register and certified accordingly.

(5) No new land certificate shall be issued under section 35 to the same owner unless the old certificate is delivered up.

(6) A certificate of charge shall be under the seal of the office, and may at the option of the applicant contain either a copy of the entry on the registry of such charge, with a reference to or a copy of the registered description of the land, or the same particulars as a land certificate.

(7) The Master of Titles shall, on the application of the registered owner of any land, deliver to him a Special Certificate, which shall be under the seal of the office, and shall contain a copy of a reference to the registered description of the land or the part thereof to which the application relates,

and the name and address of such registered owner, and a copy of such other matters as may for the time being be entered on the register as affecting such land, including in the case of leasehold land a copy of or reference to the registered lease; and such certificate shall state, in the case of freehold land, whether the registered ownership is Absolute, Qualified or Possessory, and, in the case of leasehold land, whether any declaration, absolute or qualified, as to the title of the lessor to grant the lease has been made.

(8) Such Certificate shall be conclusive evidence of the title of such registered owner as appearing by the register. No entry shall be made in the register affecting the land comprised in such Special Certificate, and the estate of such registered owner, except on the delivery up of such certificate, until 14 days have expired from and after the date thereof. A note of such Special Certificate shall be entered in the register, and also (unless the Master of Titles shall otherwise direct) on the Land Certificate or office copy lease (if any). (Rule 33, made under Imp. Act 38 & 39 V. c. 87.)

Registered Lease and Office Copy thereof.

34. Every lease or copy of such lease, or of a counterpart thereof, deposited with the Master of Titles under the 15th section of the Act shall be retained in the office during the continuance of such lease.

(2) Application for an office copy of a registered lease shall be made by the registered owner entitled to have and requiring the same. The office copy shall be marked as an office copy and authenticated under the seal of the office.

(3) In addition to or as part of the particulars required by the 20th section of the Act to be endorsed on an office copy lease, a copy of or a reference to the registered description and the map, if any, annexed thereto, shall be endorsed on or annexed to such office copy.

(4) Where a fresh copy is required under the 40th section of the Act, in addition to such of the particulars provided by the 20th section of the Act, and this rule to be endorsed on an office copy or annexed thereto, as in the Master's opinion may be applicable, there shall be annexed to such fresh office copy and referred to in an endorsement thereon a copy of the map (if any) referred to in the registered description of the part transferred, shewing the part so transferred, and an endorsement shall be made on the office copy of the part retained, showing the part disposed of by reference to its registered description, or otherwise. (Rule 34, Imp. Act 38 & 39 V. c. 87.)

New Land Certificate, Office Copy Lease, or Certificate of Charge.

35. Every application for a new Land Certificate, or office copy of a Registered Lease, or Certificate of Charge to be granted, under section 81 of the Act, shall be supported by an affidavit of the applicant, stating the fact that the former one has been lost, mislaid, or destroyed, and the circumstances thereof, and the new Certificate or copy shall contain a statement that it is granted in the place of the Certificate or copy lost, mislaid, or destroyed. (Rule 35, made under Imp. Act 38 & 39 V. c. 87.)

Questions arising on Registrations.

36. If, at any time during the investigation of title, or in any registration proceeding, any question or doubt or dispute arise, notice may, with the consent of the Master of Titles, be given by the applicant to any person interested in such question or doubt or dispute, to the effect that the same will be brought before the Master of Titles at a time to be mentioned in such notice, and that such person may attend before the Master of Titles at such time by himself, or his counsel or solicitor, and take part in the investigation and settlement of such question, doubt, or dispute. (Rule 36, made under Imp. Act 38 & 39 V. c. 87.)

Number of Registered Owners.

37. No more than four persons shall at any time be registered as owners of the same land or charge. If the number of persons shewing title exceed four, such of them, not exceeding four, shall be registered as

they may in writing agree upon, or, in case they cannot agree, as the Master of Titles may, upon application, decide after such notices have been given (if any), and proceedings taken as the Master of Titles may direct. (Rule 37, made under Imp. Act 38 & 39 V. c. 87.)

MISCELLANEOUS.

Applications to be Signed.

38. Every application to be made under these Rules shall be signed by the applicant or his solicitor. (Rule 38, made under Imp. Act 38 & 39 V. c. 87.)

Abstracts and Documents to be Retained in Office.

39. All abstracts and copies of documents and all documents for registration left in the office shall be retained in the office, pending completion of the registration to which they relate, and shall be afterwards dealt with as the Master of Titles shall direct. Abstracts and documents shall be examined with the originals. (Rule 40, made under Imp. Act 38 & 39 V. c. 87.)

Documents, etc., to be fairly Written.

40. The Master of Titles may refuse to receive any abstract or document that is not fairly written, lithographed, or printed, or in conformity with the rules of the office. (Rule 41, made under Imperial Act 38 & 39 V. c. 87.)

Documents Executed by Attorney.

41. If any document, left in the office for registration purposes, has been executed under a power of attorney, the power of attorney shall be produced, and, if the Master of Titles shall so direct, left in the office, and the execution thereof by, and the identity of, the principal, and the execution of the document by, and the identity of, the attorney shall be duly verified, and such evidence furnished (if any) that the power of attorney was effectual at the date of the execution of the document thereunder as the Master of Titles may direct. (Rule 42, made under Imp. Act 38 & 39 V. c. 87. R. S. O., c. 95, s.s. 14 and 15.)

Destruction of Exhausted Instruments.

42. The registrar may direct the destruction of any instruments in his possession or custody where they have become altogether superseded by entries in the register or have ceased to have any effect. (Rule 43, under Imp. 37 & 38 V. c. 87.)

Stationery, Charges, and Stamps.

43. All copies, entries, engrossments, or other writings made by a stationery clerk in the office, and all stationery and forms supplied by the office in the course of registration, shall be paid for by the applicant, in stamps or otherwise as the case may require.

(2) No entry shall be made on the register before the stamps (if any) in respect of the fees payable by stamps under the Act, and any rules thereunder, have been impressed or affixed on some document sent to or lodged in the office with reference to the proposed registration, or as the Master of Titles shall direct, and before all expenses payable under the Act and rules have been provided for.

(3) Every officer of the land registry who shall receive any document to or upon which a stamp shall be affixed or impressed, under the Act or rules, shall, immediately on receipt of such document, cancel the stamp thereon; as provided by the Act respecting law stamps.

(4) The Master of Titles may refuse to receive in the office any document requiring to be and not duly stamped.

(Rule 45, made under Imp. Act 38 & 39 V. c. 87. R. S. O., c. 21.)

Copies of Documents.

44. In the case of any uncanceled instrument affecting land, which may be deposited, filed, kept, or registered in the office of the Master of Titles, an exemplification or certified copy attested by the Master's seal of office, shall be received as evidence in every Court in the Province in the same manner and with the same effect as in the case of instruments registered under the Registry Act. (R. S. O., c. 62, ss. 46 and 47.)

Verification of Instruments.

45. Where the signing or execution of any document is required to be duly verified, such signing or execution shall be attested by a solicitor, and such verification shall be made by his affidavit, and when the document is signed or executed by a person named or referred to on the register, such affidavit shall identify the person signing or executing the same accordingly. (Rule 46, made under Imp. Act 38 & 39 V. c. 87.)

Affidavits.

46. Affidavits to be used in the course of registration may be made in the office.

(2) The Master of Titles may, if he think fit, require evidence to be given *viva voce* before him.

(Rule 47, made under Imp. Act 38 and 39, V. c. 87. R. S. O., c. 62, s. 38 and c. 45, V. c. 10.)

Estates to be Distinguished by Numbers.

47. Unless the Master of Titles shall otherwise direct, land separately entered on the register shall be distinguished by a separate number, and where the land originally registered is dealt with in separate parcels, each new separate estate shall also refer to the number of the land originally registered. (Rule 48, made under Imp. Act 38 & 39 V. c. 87.)

Substituted Description.

48. In case the registered owner of any land is desirous that a revised description shall be substituted for the then registered description, the Master of Titles, if he sees good reason, may in his discretion cause a revised description to be substituted accordingly.

(2) In that case such substituted description shall thenceforth be the registered description of the land, but without prejudice to the description existing at the time of such substitution, so far as relates to estates previously registered. (Rule 49, made under Imp. Act 38 & 39 V. c. 87.)

Maps.

49. An owner sub-dividing land for the purpose of selling the same in allotments as a town plot or village plot, shall deposit with the Master of Titles a map of the town or village plot on a scale of not less than one inch to every four chains, shewing the number of the township or town lots, and range or concession, the numbers or letters of town or village lots, and names of streets, with the astronomical or magnetic bearing of the same, and shewing all roads, streets, lots and commons within the same, with the courses and widths thereof respectively, and the width and length of all lots, and the courses of all division lines between the respective lots within the same, together with such information as will shew the lots, concessions, tracts or blocks of land of the township wherein the same is situate; every such map shall be signed by the owner or his agent, and certified as accurate by a provincial land surveyor.

(Vide R. S. O., c. 111, s. 82.)

50. In other cases the Master of Titles may require a person applying for registration under this Act, to deposit a map or plan of the land, with the several measurements marked thereon, certified by a licensed provincial surveyor, and upon one of the following scales:—

- Registrar may require plan of land dealt with. According to scales.
- (a.) If the land, or the portion thereof proposed to be transferred or dealt with, is of less area than one acre, then the map or plan shall be on a scale not less than one inch to two chains. If less than one acre.
- (b.) If the land, or the portion thereof proposed to be transferred or dealt with, is of greater area than one acre, but not exceeding five acres, then the map or plan shall be on a scale not less than one inch to five chains. Over one and not more than five.
- (c.) If the land, or the portion thereof proposed to be transferred or dealt with, is of greater area than five acres, but not exceeding eighty acres, then the map or plan shall be on a scale not less than one inch to ten chains. Over five but not more than eight.
- (d.) If the land, or the portion thereof proposed to be transferred or dealt with, is of greater area than eighty acres, then the map or plan shall be on a scale of one inch to twenty chains. Exceeding eighty.

(2) The owner shall sign the said plan and verify the accuracy of the same before any person authorized under Rule 46 *ante*. Attesting plan.

(3) If the owner neglects or refuses to comply with such requirements as aforesaid, the Master of Titles may refuse to proceed with the registration of the transfer or dealing; If owner does not comply.

(4) Subsequent sub-sections of the same land may be delineated upon a duplicate of the map or plan of the same so deposited, if the same is upon a sufficient scale in accordance with the provisions herein contained; and the correctness of the delineation of each such sub-division shall be acknowledged in the manner prescribed for the case of the deposit of an original map; As to subsequent divisions.

(5) Where parts of different legal sub-divisions are included in the same transfer, the map shall represent the whole of such legal sub-divisions, and shall indicate the location of the lands to be transferred; this shall not be necessary in the case of lots in a city, town or village the plan of which has been registered. As to parts of legal sub-divisions.

(R. S. O., c. 111, s. 82; Mills, s. 36 *et seq.* Rule 50 & 51, made under 38 & 39 V. c. 83.)

Summonses and Production of Public Documents.

51. Upon any summons being issued under section 112 of the Act, the affidavit verifying the service thereof shall also prove that the reasonable charges of the attendance of the person summoned, and of his production of the documents (if any) required to be produced, have been paid or tendered to him. (Rule 52, made under Imp. Act 38 & 39 V. c. 87.)

Notices, Preparation and Services of.

52. All notices and summonses required to be given or served for any purpose shall be prepared by the applicant on the official forms and under the stamp of the office.

(2) If the service of the notices or summonses be personal, it shall be proved by affidavit.

(3) If the service be through the post, it shall be made by registered letter. In such case open official envelopes, duly stamped and addressed, and marked outside, "Office of Land Registry," and "to be returned to The Land Registry Office, Toronto, if not called for or delivered in ten days," and with the word "Registered," and containing the notices stamped, shall be left at the office for posting.

(4) Every notice required to be given shall, if sent through the post, unless returned, be deemed to have been received by the person addressed within seven days, exclusive of the day of posting.

(5) On the return of any letter containing any notice, the Master of Titles shall act in the matter requiring such notice to be given, in such manner as he shall think fit. (Rule 53, made under Imp. Act 38 & 39 V. c. 87.)

Substituted Service.

53. Substituted service on the solicitor or agent of any person shall be deemed good service on such person if the Master of Titles shall so direct. (Rule 54, made under Imp. Act 38 & 39 V. c. 87.)

Discretionary Power of Master.

54. The Master of Titles, if he so think fit, may extend the time limited by general rules for any purpose, and where the signing or execution of any document or instrument, or any act is required by such rules to be attested and verified or done by a solicitor, may accept such document or instrument though not so attested or verified, and may give such directions in respect of such act though not so done, as he may think fit, and upon such terms and conditions (if any) in every such case as he may think proper.

(2) If at any time the Master of Titles is of opinion that any further or other evidence is necessary or desirable, he may refuse to complete any dealing with the register until such further or other evidence has been produced. (Rule 55, made under Imp. Act 38 & 39 V. c. 87.)

The Register.

55. The register shall be made and kept in such mode that in every case where there is a registered owner of land, such land and any transactions relating thereto authorized to be entered on the register shall form a separate folium of the register.

(2) The Master of Titles may withdraw from the register, by cancellation or otherwise, any notice or entry which he is satisfied no longer affects the registered land.

(3) No entry in the register shall be set aside or called in question by reason of any irregularity or informality in any proceeding previous to the making thereof.

(Rule 56, made under Imp. Act 38 & 39 V. c. 87.)

(4) The Master of Titles shall note upon the register of the title of the transferor the number of the register of the transferee's title, and upon that of the transferee the number of the register of the transferor, so that reference can be readily made from one to the other as occasion may require.

Indexes and Inspection.

56. There shall be kept by the Master of Titles indexes corresponding as nearly as may be to the indexes provided for by the Registry Act; and any person may inspect the same. (R. S. O., c. 111, ss. 33 and 35.)

57. Every application to inspect any register or document in the custody of the Registrar relating to any land or charge, or for copies or extracts from the same, shall, if not made by the registered owner of the land or charge, be made with his consent in writing. All copies or extracts shall be made by a clerk in the office. No document not referred to in the register of the existing ownership shall be inspected without the consent of the Master of Titles, who shall permit such persons as he thinks proper to inspect and have copies of or extracts from the registered description. This rule does not apply to any general index kept under this Act. (See rule 57 made under Imp. Act 38 and 39 V. c. 87.)

Forms.

58. The forms in the schedule hereto shall be used in all matters to which they refer or are capable of being applied or adapted, with such alterations and additions only as are necessary to meet the circumstances of each case; but no recital, reservation, covenant, declaration or other provision not referred to in or required by such forms, shall be inserted therein.

(2) Official copies of the forms may be supplied through the office, and may, where practicable, be used in all matters to which the forms relate.

(3) The Master of Titles may reject any document which is informal, or which he may consider is not in accordance with this rule. (Rule 58, made under Imp. Act 38 & 39 V. c. 87.)

Appeal.

59. Upon any application to the Court being made on the requirement of or appeal from the Master of Titles, or for the rectification of the register under section 98, a statement shall be prepared by the applicant and settled and signed by the Master of Titles, and forwarded to the Court through the office before the hearing.

(2) All applications to the Court and appeals from the Master of Titles shall be in the same manner and subject to the same regulations (as nearly as may be) as appeals from the Master in Ordinary or Master in Chambers under the Judicature Act and Rules.

(3) No appeal from a decision or order of the Master of Titles, or of the Court, shall affect any dealing for valuable consideration duly registered before a notice in writing of such appeal has been lodged in the office on the part of the appellant, and a note thereof made, on his application, in the register.

(4) No appeal shall be brought from a decision or order of the Master of Titles, or of the Court, after 28 days from the date of such decision or order, without leave of the Court.

(5) Service of any order, or official copy order, of any Court on the Master of Titles, shall be made by leaving the same in the office, and an application shall be left at the same time for the rectification of the register being made, or any other act being done, in accordance with such order, and the matter shall be proceeded with as the Master of Titles shall direct. (Rule 59, made under Imp. Act 38 & 39 V. c. 87.)

Hours of Attendance

60. The office of the Master of Titles shall be open from the hour of ten in the forenoon until four in the afternoon every day in the year, Sundays and holidays excepted.

SCHEDULE OF FORMS.

1.—*Form of Register on first entry of Ownership.*

LAND TITLES ACT, 1885.

A. B., of _____ is the owner in fee simple of (*description of property*), subject to the exceptions and qualifications mentioned in section 10 of *The Land Titles Act, 1885*, and numbered therein (*as the case may be, if the title is free from some of them.*)

In witness whereof I have hereunto subscribed my name and affixed my seal this _____ day of _____, A.D., 18 _____.

(Signed)

Where title is Possessory, say:

The title of *A. B.* is subject to the claims (if any) which can be enforced to the said land by reason of any defect in the title of (*name of the first registered owner*).

When the land is subject to a life estate, say:

The title of *A. B.* is subject to the life estate of *G. H.*, of _____ in the said land.

And if subject to a mortgage, say :

The title of *A. B.* is subject to a mortgage dated the _____ day of _____, made by *A. B.* to *W. B.*, to secure \$3,000 and interest at the rate of 7 per cent. per annum from the 17th day of July, 1882, payable as herein mentioned. (*If mortgage is discharged, say :*) Discharged by Certificate No. B, 1602.

Where the land is subject to a lease, say :

The title of *A. B.* is subject to a lease, dated the _____ day of _____, made by *A. B.* to *Y. Z.*, for the term of ten years.

2.—Form of Register of Partial Interests.

LAND TITLES ACT, 1885.

A. B., of _____, is entitled to an estate for the term of his natural life in (*description of land*) mentioned and described in the Register of Owners, No. 1,500, but subject to the exceptions mentioned in section _____ of the Land Titles Act, 1885, and to such charges and partial interests as may be recorded hereon.

In witness whereof, etc.

(*Where title of original registered proprietor is possessory add*) The title of *A. B.* is subject to the claims (if any) which can be enforced against the said land by reason of any defect in the title of the said *A. B.* (*or other person who was the first registered proprietor*).

(*Where life estate is mortgaged, say*) The title of *A. B.* is subject to a mortgage dated the _____ day of _____, made by the said *A. B.* to *C. D.* to secure \$800 and interest at the rate of 7 per cent. per annum as therein mentioned.

(*Where lease made of life estate, say*) See FORM.

(*If transfer made of mortgage, say :*) The mortgage _____ was transferred by *C. D.* to *E. F.* by transfer dated _____ (by way of mortgage to secure \$_____).

(If the dealings in reference to any particular incumbrance are numerous, the incumbrance can be transferred to a new folio to which reference can be made.)

3.—Form of Certificate of Ownership.

LAND TITLES ACT, 1885.

This is to certify that *A. B.* is the owner (*&c.*, in terms of the entry in the register).

—Application for first Registration of Ownership.

LAND TITLES ACT, 1885.

Form 1 under
Imp. Act 38
& 39 V. c. 87.

A. B., of etc., being entitled for his own benefit to an estate in fee simple in the land, in the township of _____, in the county of York, called or known as _____, containing by estimation _____ (*or as the case may be, according to sections 6, 72 or 73 of the Act*), and described in the schedule hereto, or described as follows, as the case may be, applies to be registered _____ (*or where applicable, to have registered in his stead C. D.*, of, etc.), as owner of such land (*or leasehold land*) with (in the case of freehold land), a Possessory title (*or with an Absolute title, or, in the case of leasehold land, with or without a declaration of the lessor's title to grant the lease, as the case may be*).

The address of the said *A. B.* (and *C. D.* respectively) for service is as above (*or if the application is made through a solicitor, at the office of such solicitor*).

Dated this _____ day of _____, 18 _____.

(*Signature of the applicant or his solicitor.*)

The above-mentioned *C. D.* (or the vendor or the person whose consent is required to the execution of the trust or power to sell) hereby consents to the above application.

(Signature of *C. D.*, or the vendor or his solicitor, or of the other consenting parties.)

If the mines and minerals are required to be registered under the 23rd section, it should be expressly stated in the application, and affirmative evidence produced.

Form 5.—*Applicant's Affidavit.*

LAND TITLES ACT, 1885.

I, _____ of _____ make oath and say:—

1. I am the absolute owner in fee simple in possession (or as the case may be, repeating the words of the application) of the following land (describing the property) being the land mentioned in my application.

2. There is no charge or other incumbrance affecting my title to the said land (except, stating any incumbrances which may exist.)

3. I am not aware of any claim adverse to or inconsistent with my own to any part of the land claimed by me or to any interest therein, (except, specify the adverse claim, if any, giving the name and address of the claimant if known, and stating how the claim arises.)

4. The deeds and evidences of title which I produce in support of my application, and of which a list is set out in the schedule of particulars produced by me in support thereof and marked as exhibit A, are all the title deeds and evidences of title relating to the said land which are in my possession or power.

5. The title deeds and evidences of title relating to the said land which are set out or mentioned in the schedule hereto marked as exhibit B, are in the possession or power of (naming the person.)

6. I do not know where, or in whose possession or power the title deeds and evidences of title set out or mentioned in the schedule marked as exhibit D are. For the said last mentioned title deeds I have caused the following searches to be made (set out the facts showing the searches which have been made for the missing deeds and upon which it is intended to rely as sufficient to let in secondary evidence. Where there are no other title deeds, etc., except those named in Exhibit A., the fifth and sixth paragraphs of this form will be omitted.)

7. I am (or A. B. is show under what claim or title) in possession of the said land, and to the best of my knowledge and belief possession has always accompanied the title under which I claim, since the year _____ when one _____ through whom I claim took possession, and prior thereto the land was in a state of nature, (if possession has not always accompanied the title under which the petitioner claims, state correctly the facts as to the actual possession.)

8. To the best of my knowledge, information and belief this affidavit and the other papers produced herewith in support of my application, and which are set forth in the said schedule of particulars, fully and fairly disclose all facts material to my title, and all contracts and dealings which affect the same or any part thereof or give any right as against me. (Vary these statements according to the facts.)

9. There are no arrears of taxes due upon the said land, nor has the said land, been sold for taxes during the past year, nor under execution during the past six months, and I do not know of any writs of execution, in the hands of the Sheriff against me, or affecting the said lands.

10. To the best of my knowledge, information and belief, no person or body corporate has any right of way, or of entry, or of damming back water, or of overflowing or of placing or maintaining any erection, or of preventing the placing or maintaining any erection, on, in, to or over the said land, other than myself (except, giving the names and addresses of any parties having any easement or right, and stating the particulars and nature thereof), and the said land is not subject to any easement or dominant right whatever (except as aforesaid).

11. I am married, and the name of my wife is (or I am not married.)

6.—*Certificate of Counsel.*

LAND TITLES ACT, 1885.

I _____ of _____ (Barrister, or Attorney at law), hereby certify that as (counsel or solicitor) for, I have investigated his title to, &c., set forth in his application, and believe him to be the owner of the estate which he claims in the application (*subject only to the charges and incumbrances therein set forth*).

I further certify that I have conferred with the applicant on the subject of the various matters set forth in his affidavit in support of his application, and believe the same to be true.

A. B.

7.—*Sheriff's Certificate.*

Sheriff's office, County of _____
day of _____ 18

I hereby certify that I have not at the date hereof in my office any writ of execution against the lands of _____ (or any or either of them) and that I have not had any such writ for thirty days preceding the date hereof.

I further certify that I have not sold lot _____ in the _____ concession of the township of _____ under any writ of execution for six months preceding the date hereof.

F. W. J.
*Sheriff.*8.—*Certificate as to Taxes.*

Treasurer's office, County of _____
day of _____ 18

I certify that no charge for arrears of taxes appears at the date hereof in the books of this office against Lot No. _____ in the _____ concession of the town-ship of _____ I further certify that the return of lands in the township of _____ in arrear for taxes for the year 18 _____ has been made to this office.

And I further certify that the said land has not been sold for taxes for eighteen months preceding the date hereof.

S. T.
*Treasurer.*9.—*Affidavit as to Crown Debts.*

LAND TITLES ACT, 1885.

I, _____ of _____ make oath and say:—

I have carefully searched the register in the office of the Clerk of the Court of Queen's Bench at Toronto, and I say that there has not been registered therein, any deed, bond, contract or other instrument whereby any debt, obligation or duty was incurred or created to Her Majesty on the part of (*naming the petitioner and all persons who before the 29 & 30 V. c. 43, had any estate in the lands in question*) or, (*save and except the several bonds and instruments hereinafter mentioned that is to say, setting out any bonds.*)

Sworn, &c.

10.—*Advertisement.*

LAND TITLES ACT, 1885.

In the matter of (*short description of the property*)

Notice is hereby given that A. B., &c., has made an application to the Master of Titles for a certificate of title to the above mentioned property under the "Land Titles Act, 1885," and has produced evidence whereby

he appears to be the owner thereof in fee, free from all incumbrances (except, stating the incumbrances, if any); wherefore any other person having or pretending to have any title to or interest in the said land or any part thereof is required on or before _____ day the _____ day of _____ now next ensuing, to file a statement of his claim in my office in the City of Toronto, and to serve a copy on the said A. B. or on J. H., of &c., his solicitor, and in default every such claim will be barred and the title of the said A. B. become absolute and indefeasible at Law and in Equity, subject only to the reservations mentioned in the _____ section of the said Act.

Dated this _____ day of _____ 18 _____

X. Y.,
Master of Titles.

11.—Form of Objection.

LAND TITLES ACT, 1885.

In the matter of the application of

C. D., of, &c., hereby gives notice that he objects to the registration of A. B., under the Land Titles Act, as the owner of the land called or known as _____, comprised in the above application.

The particulars of the objection of the said C. D., are (*here state concisely particulars of objection.*)

Dated this _____ day of _____ 18 _____

(*Signature of the objector or his solicitor.*)

12.—Notice to Objector.

LAND TITLES ACT, 1885.

In the matter of the application of

Notice that the objection lodged by you to the registration of A. B., of, &c., under the Land Titles Act, 1885, as owner of the land called or known as _____, is appointed to be heard before the Master of Titles, at his office in Toronto, on the _____ day of _____ 18 _____, at _____ o'clock, and that you may attend and be heard before the said Master at such time and place by yourself, or by your counsel or solicitor, and may then and there show cause, by affidavit or otherwise, in support of your objection.

Dated the _____ day of _____ 18 _____

(*Signature of applicant or his solicitor.*)

13.—Notice when the Applicant mentions adverse claim which he disputes.

LAND TITLES ACT, 1885.

Take notice that A. B., of, &c., has made an application for a certificate under The Land Titles Act 1885, of his Title to the property described below (*or as the case may be*), and take notice that if you claim any interest therein you must lodge your claim in writing, stating the particulars thereof, at my Chambers in Toronto, on or before the _____ day of _____ and serve a copy on the said A. B. or on J. H., of, &c., his solicitor, and in default thereof any claim, right or interest you may have therein will be for ever barred and extinguished.

Given under my hand this _____ day of _____ 18 _____

X. Y.,
Master of Titles.

14.—Affidavit of Publication of Advertisement.

LAND TITLES ACT, 1885.

I, A. B. of, &c., make oath and say :

1. A true copy of the advertisement now produced and shewn to me and marked as exhibit A, appeared and was published in the issue of the *Ontario Gazette* on the _____ day of _____

2. A true copy of the said advertisement also appeared and was published in each issue of the newspaper on the and days of

3. I have examined copies of the said Gazette and newspaper issued on each of the said days.

Sworn, &c.

15.—Affidavit of posting up the Advertisement in the Court House.

LAND TITLES ACT, 1885.

I A. B. of, &c., make oath and say :

1. I did on the day of , post up and affix in a conspicuous place in the Court House in the town of , a true copy of the advertisement now produced and shewn to me and marked as exhibit A to this affidavit.

2. The said advertisement so posted up by me as aforesaid remained affixed up in the said place for the full period of one month.

3. The said Court House is the Court House of the County in which the lands in question in this matter are situated.

Sworn, etc.

16.—Affidavit of Posting up Advertisement at the Nearest Post Office.

LAND TITLES ACT, 1885.

I. A. B. of, &c., make oath and say :

1. I did on the day of , post up in a conspicuous place in the post office, in the village of , a true copy of the advertisement in this matter now produced and shewn to me and marked as Exhibit A.

2. The said advertisement remained where it was posted up by me continuously for the full period of one month.

3. The post office in the village of is the post office nearest the land in question in this matter.

Sworn, &c.

17.—Caution (under Section 66) before Registration.

LAND TITLES ACT, 1885.

Form 11 made under Imp. Act 38 & 39 V. c. 87.

I, A. B., of etc., have such an interest in the land particularly described in the statutory declaration bearing even date herewith, and made by me and left in the office of Land Registry, in support of this Caution, as entitles me to object to any disposition thereof being made without my consent, and I am entitled to notice of any application that may be made for the registration of such land.

My address for service of notice is , in the , of , in the county of

Dated this day of , 18

(Signature of the cautioner or his solicitor.)

18.—Affidavit under Section 68 in support of Caution lodged under Section 66.

LAND TITLES ACT, 1885.

Form 13 made under Imp. Act 38 & 39 V. c. 87.

I.—I, A. B., of etc., make oath and say as follows :

1. The land affected by the caution, dated the day of , lodged by me with the Master of Titles, is the land described in the schedule hereto (or as the case may be), or so much thereof as is comprised in

2. That my interest in the said land entitles me to object to any disposition of the said land being made without my consent, and that the nature of such my interest is as follows: [*here state particulars of cautioner's interest.*]

The schedule above referred to. [*Here insert ordinary description of land to be affected by the Caution.*]

19.—*Notice to Cautioner (under Sections 66 and 69.)*

LAND TITLES ACT, 1885.

NOTICE.—*C. D.*, of, etc., has applied to be registered (or to have registered in his stead *E. F.*, of etc.) as owner of the land in the _____ of _____, in the county of York, affected by the Caution dated the _____, 18____, lodged by you in the office of the Master of Titles in Toronto; and if you intend to appear and oppose such registration you are to enter an appearance for that purpose at the said office before the expiration of 14 days from the date of the service of this notice.

Form 13 made under Imp. Act 38 & 39 V. c. 87.

Dated this _____ day of _____ 18____.

Signature of the Master of Titles and of the applicant or his solicitor.
To _____

20.—*Caution (under Section 59) after Registration.*

LAND TITLES ACT, 1885.

I, *A. B.*, of, etc., being interested in the land registered in the name of _____ under the number _____ in the _____ (or in the charge of _____) registered the _____ day of _____ 18____, in the name of *E. F.*, of, etc., on the lands, etc., (*as the case may be*), require that no dealing with such land (or charge) be had on the part of the registered owner until notice has been served upon me.

Form 14 made under Imp. Act 38 & 39 V. c. 87.

My address for service of notice is _____, in the _____ concession, in the County of York.

Dated this _____ day of _____, 18____.

Signature of the cautioner or his solicitor.

21.—*Affidavit in support of Caution lodged under Section 59.*

LAND TITLES ACT, 1885.

I, *A. B.*, of, etc., make oath and say, as follows:—

1. The land (or charge) to which the Caution dated the _____ day of _____, 18____, lodged by me at the office of the Master of Titles in the City of Toronto applies, is the land (or charge) registered the _____ day of _____ 18____, in the name of _____ on the land) registered in the name of _____ under the N. _____ in the said office.

Form 15 made under Imp. Act 38 & 39 V. c. 87.

2. That I am interested in such land (or charge), and that the particulars of my interest are as follows [*here state particulars*].

22.—*Notice to Cautioner (under Sections 59 and 60.)*

LAND TITLES ACT, 1885.

NOTICE.—The caution lodged by you in the office on the _____ day of _____ 18____, requiring that no dealing with the land (or charge) registered the _____ day of _____ 18____, in the name of _____ (land) registered in the name of _____ under the number _____ should be had on the part of the registered owner until notice had been served upon you, will cease to have any effect after the expiration of 14 days next

Form 16 made under Imp. Act 38 and 39 Vic., c. 87.

etc.; on the day of 18 , of the principal sum of (\$2,000) with interest at the rate of 8 per cent. per annum, and with a power of sale to be exercised after the day of 18 .

Dated the day of 18 .
(Signature of registered owner.)

Witness,
X. Y., a solicitor.

NOTE.—If no interest is to be payable, or no power of sale given, substitute the words “without interest,” or “without a power of sale,” as the case may be.

27.—*Transfer of Charge or Mortgage.*

LAND TITLES ACT, 1885.

I, C. D., the registered owner under the Land Titles Act, 1885, of the Form 21 made charge dated the day of 18 , and registered on the under Imp. Act 38 and 39 under the above number, in consideration of (\$2,000) paid to me, transfer Vic., c. 87. such charge to E. F., of, etc., as owner.

Dated the day of 18 .
(Signature of registered owner.)

Witness,
X. Y., a solicitor.

28.—*Application to notify Cessation of Charge, under Section 34, by the Registered Owner thereof.*

LAND TITLES ACT, 1885.

A. B., of, etc., the registered owner of the charge registered under the Form 22 made Land Titles Act, 1885, the day of 18 , in his name on the under Imp. land No. registered in the name of hereby requests the Act 38 and 39 Master of Titles to notify on the register the cessation of the said charge. Vic., c. 87.

Dated the day of 18 .
(Signature of A. B.)

Witness,
X. Y., a solicitor.

NOTE.—The application will vary according to circumstances.

29.—*Transfer of Freehold or Leasehold Land.*

LAND TITLES ACT, 1885.

I, A. B., the registered owner of the land, or leasehold, entered in the Form 23 made register under the Land Titles Act, 1885, under the above number, in con- under Imp. sideration of (\$3,000) paid to me, transfer such land to C. D., of, etc. Act 38 and 39 Vic., c. 87.

Dated the day of 18 .
(Signature of registered owner.)

Witness,
X. Y., a solicitor.

30.—*Transfer of Freehold or Leasehold Land in Parcels.*

LAND TITLES ACT, 1885.

I, A. B., the registered owner of the freehold (or leasehold) land Form 24 made entered in the register under No. , and registered with an Absolute under Imp. title [or with a Qualified title, or with a Possessory title, or, in the case of Act 38 and 39 a leasehold, with a declaration that the lessor had an Absolute or Qualified Vic., c. 87. title to grant the lease, or, without the declaration of the title of the lessor.

as the case may be] in consideration of (\$1,500) paid to me, transfer to C. D., of, etc., the land (or lease) hereinafter particularly described, or so much thereof, being part of the land now registered under No. etc.

(Signature of registered owner.)

30a.—Form of Transfer by Endorsement.

LAND TITLES ACT, 1885.

Form in
schedule 25 &
26 V. c. 96
(Imp.); Mc-
Carthy's
schedule, I. I, the within named A. B., in consideration of \$ paid to me by
C. D., transfer to C. D. the within mentioned land.
Dated etc.,
Witness (as above).

(Signature and Seal.)

30b.—Form of Transfer of Charge or Mortgage.

LAND TITLES ACT, 1885.

Form in
schedule 25 &
26 V. c. 96
(Imp.); Mill's
schedule I,
McCarthy's
schedule I. I, the within named A. B., in consideration of \$ paid to me, do
transfer to C. D., the within mentioned mortgage.
Dated, &c.,
Witness (as above.)

(Signature and Seal.)

30c.—Form of Transfer of Land under Writ of Fieri Facias.

LAND TITLES ACT, 1885.

I, _____, Sheriff of _____, in pursuance of a writ
of fieri facias, tested the day of _____, and issued out of (insert name
of Court) in an action wherein _____ is the plaintiff, and
the defendant, which said defendant is registered under the Land Titles
Act, as the owner of the land hereinafter described, subject to the
exceptions, qualifications, mortgages, and encumbrances (or, as the case
may be), notified hereunder, do hereby, in consideration of the sum of
_____ paid to me, as Sheriff aforesaid, by E. F. (insert addition), transfer
to the said E. F. all that piece of land (here insert a sufficient description of
the land, and refer to the registered number of the property.)

Dated the _____ day of _____

Signature of Sheriff.

Exceptions, qualifications, mortgages and encumbrances referred to.
(State them.)

31.—Application for Entry to be made in Register, negating Implied
Covenants under Section 45.

LAND TITLES ACT, 1885.

Form 25 made
under Imp.
Act 38 & 39
V. c. 87. A. B., the registered owner of the land No. _____, on the register,
and C. D., of, etc., the transferee named in the instrument of transfer
dated the _____ day of _____, 18 _____, and lodged herewith, request the
Master of Titles to make an entry in the register to the effect following;
that is to say [here state the implied Covenants to be negatived].

Dated the _____ day of _____ 18 _____

(Signatures of transferor and transferee.)

Witness to both signatures,
X. Y., a solicitor.

32.—Transmission of Registered Ownership or death of Owner.

Application under Section 48 or 50.

LAND TITLES ACT, 1885.

A. B., the registered owner of the land, (or charge, dated the day of 18 , on the land, etc., as the case may be), No. on the register, died on the day of 18 , (or otherwise, as the case may be, within sections 48 or 50 of the Act), C. D., of, etc., is entitled to the said land (or charge), and applies to be registered as the owner thereof accordingly.

Form 26 made
under Imp.
Act 38 & 39
V., c. 87.

The evidence in support of the above application consists of [here state the evidence to be lodged herewith].

Dated the day of 18 .

Signature of C. D., or his solicitor.

33.—Transmission of Registered Ownership.

Application under Section 47.

A. B., the registered owner of the land No. on the register, died on the day of , 18 , (or otherwise, as the case may be), C. D., of, etc., being interested in the said land, applies to be registered (or to have E. F., of, etc., registered), as owner of the said land.

Form 27 made
under Imp.
Act 38 & 39
V. c. 87.

The interest of the said C. D., (or E. F.,) and the existing rights of the several other persons interested in the said land, are stated in the affidavit* of the said C. D. and G. H., of, etc., the solicitor of the said C. D., filed herewith, and the other evidence in support of this application is left herewith.

Dated the day of 18 .

(Signature of C. D. or his solicitor.)

* Affidavit, etc., to be left with application.

34.—Application under Section 58, as to dower or curtesy.

LAND TITLES ACT, 1885.

C. D., of, etc., being entitled to an estate in dower (or by the curtesy) in the land numbered on the register, and of which land A. B. is the registered owner, applies that notice of such estate may be entered on the register.

Form 28 made
under Imp.
Act 38 & 39
V. c. 87.

The existing rights of the several persons interested in the said land are stated in the affidavit* of C. D. and G. H., of, etc., the solicitor of the said C. D., filed herewith, and the other evidence in support of this application is left herewith.

Dated this day of 18 .

(Signature of C. D., or his solicitor.)

* Affidavit, etc., to be left with application.

35.—Application to notify Cessation of Incumbrance or Lease entered on the Register on first Registration.

LAND TITLES ACT, 1885.

A. B., the registered owner of the land No. on the register, hereby requests the Master to notify on the register the cessation of the incumbrance (describing it) (or the determination of the lease, describing it,) entered upon the register, the same being discharged (or determined),

Form 29 made
under Imp.
Act 38 & 39
V. c. 87.

as appears by the abstract of title marked *A.* (or as appears from the receipt endorsed upon the instrument of incumbrance, or otherwise, as the case may be), and the affidavit of _____ lodged herewith.

Dated the _____ day of _____ 18 _____

(Signature of *A. B.* or his solicitor.)

36.—Application for Registration of Notice of Lease, or Agreement for Lease under Sections 56 and 57.

LAND TITLES ACT, 1885.

Form 30 made under Imp. Act 38 & 39 V. c. 87.

C. D., of, etc., being interested in the land No. _____ on the register, of which *A. B.* is the registered owner, by reason of a lease [or agreement for a lease], the particulars of which are stated in the schedule hereto, hereby requires the Master of Titles to enter a notice of the said lease [or agreement] upon the register* [in accordance with the order lodged herewith], in the terms following, that is to say [here state the terms of notice agreed upon, and which must be a concise notice merely].

A. B., the registered owner of the above land, concurs in this application.

Dated this _____ day of _____ 18 _____

Witness to the signature of *C. D.*,

Witness to the signature of *A. B.*

X. Y., a solicitor.

} (Signatures of *C. D.* and *A. B.*)

THE SCHEDULE.

[Here insert shortly particulars of the Loan or Agreement.]

If the registered owner of the land concurs in this application, the word in brackets will be omitted; if otherwise, the words following, referring to the terms of the notice, and the last paragraph, must be omitted, and the order left in the office with the application.

37.—Application to Annex Conditions to Registered Land.

LAND TITLES ACT, 1885.

Form 32 made under Imp. Act 38 & 39 V. c. 87.

A. B., the registered owner of the land No. _____ on the register, and part of which is about to be transferred to *C. D.*, of, etc., pursuant to the instrument of transfer left herewith, hereby requests the Master of Titles to register, as annexed to the part of the land to be so transferred, the conditions, a printed copy of which is left herewith.

The said *C. D.* consents to this application.

Dated this _____ day of _____ 18 _____

(Signatures of *A. B.* and *C. D.*)

Witness,

X. Y., a solicitor.

38.—Application to Annex Conditions to Land about to be registered.

LAND TITLES ACT, 1885.

Form 38 made under Imp. Act 38 & 39 V. c. 87.

A. B., of, etc., being about by himself or nominee to be registered as owner of the land called or known as _____ in the _____ of _____ in the county of York, comprised in the application of the said *A. B.* for registration dated the _____ day of _____ 18 _____, requests the Master of Titles to register as annexed to the said land the conditions a printed copy of which is left herewith.

Dated this _____ day of _____ 18 _____

Witness,

X. Y., a solicitor.

(Signature of *A. B.*)

39.—*Application to register grant under 2nd paragraph of 79th section.*

Relating to land about to be registered.

LAND TITLES ACT, 1885.

In the matter of the application of .

E. F., of, etc., being interested in the fee simple estate in the land called or known as , of which *A. B.*, of, etc., by himself, or nominee, is about to be registered as owner, by reason of the grant dated the day , 18 , which with a copy thereof is left herewith, hereby requests the Master of Titles to register the said grant accordingly. Form 34 made under Imp. Act 38 & 39 V. c. 87.

The said *A. B.* consents to this application.

(*Signatures of E. F. and A. B.*)

Witness to all the signatures,
X. Y., a solicitor.

40.—*Application to register grant under 2nd paragraph of 79th section.*

LAND TITLES ACT, 1885.

C. D., of, etc., being interested in the fee simple estate in the freehold land No. on the register, of which, under the Land Titles Act, 1885, *A. B.* is the registered proprietor, by reason of the grant dated the day of , 18 , which with a copy thereof is left herewith, hereby requests the Master of Titles to register the said grant accordingly. Form 40 made under Imp. Act 38 & 39 V. c. 87.

The declaration of the said *C. D.* and *E. F.*, his solicitor, stating the existing rights of the several persons interested in the land is left herewith.

The said *A. B.* consents to this application.

Dated this day of 18 .

(*Signatures of C. D., or his solicitor, and A. B.*)

Witness to the signature of *A. B.*
X. Y., a solicitor.

41.—*Application for Land Certificate (or Certificate of Charge or office copy lease.)*

LAND TITLES ACT, 1885.

A. B., the registered owner of a charge dated the day of 18 , and registered the day of , 18 , on the freehold (or leasehold) land No. on the register, hereby requests the Master to deliver to him a Land Certificate (or Certificate of Charge, or an office copy of the Registered Lease, (as the case may be). Form 41 made under Imp. Act 38 & 39 V. c. 87.

* *A. B.* desires that the certificate of charge shall contain the same particulars as a land certificate (or otherwise according to rule 35).

Dated the day of 18 .

(*Signature of A. B. or his solicitor.*)

* To be added if application be for Certificate of Charge.

42.—*Affidavit attesting Execution of Instrument and identifying Owner.*

LAND TITLES ACT, 1885.

I, *G. H.*, of, etc., a solicitor of the Supreme Court of Judicature, do make oath and say that I am well acquainted with *A. B.*, the person named in the within document dated the day of 18 , that I saw him sign the said document; that the name *A. B.*, at the foot thereof, is the handwriting of the said *A. B.*, and that the said *A. B.*, is Form 42 made under Imp. Act 38 & 39 V. 87.

the same person as *A. B.* who is named in the register as the owner of (the charge dated the _____ day of _____, 18____, and registered the day of _____,) the land entered on the register under the number _____, and that the said *A. B.* is of full age and under no legal disability.

And I make, etc.

43.—*Form of a reference to the Court.*

In the High Court of Ontario.

LAND TITLES ACT, 1885.

(Date.)

In the matter of the registration of transfer (or as the case may be) *A. B.* to *C. D.*

The Master of Titles under section _____ of the Land Titles Act, 1885, hereby humbly refers the following matter to the Court, to wit : (*Here state briefly the difficulty which has arisen.*)

The parties interested, so far as the Master of Titles knows or has been informed, are : (*Here give the names.*)

Signature of Master of Titles.

L. S.

44.—*Form of Power of Attorney to make Transfers.*

LAND TITLES ACT, 1885.

Form in schedule 25 & 26 V. c. 96 ; (Imp.), Mill's schedule N., McCarthy's schedule K.

I, *A. B.*, do appoint *C. D.* my attorney to transfer to *E. F.* absolutely (or by way of mortgage, as the case may be), all my lands as entered and described in the register of estates under No. 129, and my estate therein.

A. B.

Witness (*as above.*)

X. Y.

A Solicitor of the Supreme Court of Ontario.

45.—*Form of Revocation of Power.*

LAND TITLES ACT, 1885.

I, *A. B.*, of _____, hereby revoke the power of attorney, given by me to _____, dated the _____ day of _____

In witness whereof, I have hereunto subscribed my name this day of _____

(*Signature of A. B.*)

Witness (*as above.*)

No. 93.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to simplify Titles and to facilitate
the Transfer of Land.

First Reading, February 13th, 1885.

The ATTORNEY-GENERAL,

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to simplify Titles and to facilitate the
Transfer of Land.

NOTE.—The undermentioned are some of the statutes on the same subject, and some of the bills which have been introduced, but have not yet become law.

IMPERIAL.

25 & 26 V. c. 53 (Lord Westbury's Act, 1862.)

The Land Transfer Act, 1875 (Lord Cairns' Act), 38 & 39 V. c. 87. It is upon this Act that the present Bill is mainly founded.

CANADIAN.

Mr. Mills' proposed Bill, which was to have been entitled The Territories Real Property Act, 1878.

Mr. McCarthy's proposed Bill, which was to have been entitled The Territories Registration of Titles Act of 1883.

Mr. McCarthy's proposed Bill, which was to have been entitled The Registration of Titles Act, 1884.

Sir Alex. Campbell's Bill, 1885.

ONTARIO.

The Quieting Titles Act (1865), 29 V. c. 25 ; R. S. O., c. 110.

BRITISH COLUMBIA.

The Land Registry Ordinance, 1870, Con. Stat. c. 102.

SOUTH AUSTRALIA.

The Real Property Act of 1861.

The Real Property Act Amendment Act, 1869.

The Real Property Act Amendment Act of 1878.

WESTERN AUSTRALIA.

The Transfer of Land Act, 1874.

Amending Acts of 1878, 1879, 1880.

VICTORIA.

The Transfer of Land Statute, 1866.

The Real Property Act, 1862.

NEW SOUTH WALES.

The Real Property Act (1862).

Amendment Act, 1873.

Amendment Act, 1878.

QUEENSLAND.

The Real Property Act, 1861.

The Real Property Act of 1877.

TASMANIA.

Statutes of 1863, 1867 and 1878.

NEW ZEALAND.

Land Transfer Act, 1870.

Amending Acts, 1871, 1874, 1876, 1880.

FIJI.

Local Ordinance.

Most of the above colonial statutes, other than the Canadian, are contained in the Returns on Registration of Title in Australian and other British Colonies, printed by order of the English House of Commons in 1872 and 1881.

The reference at the foot of a clause *post* does not mean that the clause is identical with the provision referred to.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY.

- Short title **1.** This Act may be cited as the "*Land Titles Act, 1885.*" 5
- Commence-
ment of Act. **2.** (1) This Act shall come into operation on the first day of July, 1885, and shall apply to the City of Toronto and County of York only, until the Legislature otherwise provides.
- (2) Any orders or rules, and any appointment to any office, may be made under this Act at any time after the passing 10 thereof, but shall not take effect until the commencement of this Act. (Imp. 38 & 39 V. c. 87, s. 3.)
- (3) The said first day of July, 1885, is the day referred to in this Act as the commencement thereof.
- Interpreta-
tion. **3.** In this Act, unless there is something inconsistent in the 15 context,—
- "Court" means the High Court of Justice; and any jurisdic-
 tion of the court under this Act may be exercised by any
 judge of the said court; and may be exercised by him whether
 sitting in open court or in chambers. 20
- "Owner" means owner in fee simple, "Transfer" includes
 the whole estate and interest of the transferor.
- "Person" includes a corporation or any body of persons un-
 incorporate.
- "Master of Titles," and "general rules" mean the "Master 25
 of Titles," and "general rules" in this Act respectively in
 that behalf mentioned.
- "Prescribed" means prescribed by this Act or by any general
 rules made in pursuance of this Act. (Imp. 38 & 39 V. c.
 87, s. 4.) 30
- "Registered" means registered under this Act.
- "Sworn Valuator" means a person appointed by the Master
 of Titles, with the approval of the Lieutenant-Governor in
 Council, to value land under this Act.

PART I.

35

ENTRY OF LAND ON REGISTER OF TITLE

- Land registry
established. **4.** A Land Registry shall be established, and the business
 thereof shall be conducted by an officer to be called the Master
 of Titles, who shall be a barrister of not less than ten years'
 standing at the Bar of Ontario. (Imp. 38 & 39 V. c. 87, ss. 40
 5, 106.)
- Application
for registra- **5.** On and after the commencement of this Act, any person
 entitled for his own benefit at law or in equity to an estate in

fee simple in land, whether subject or not to incumbrances, or any person capable of disposing for his own benefit by way of sale of an estate in fee simple in land, whether subject or not to incumbrances, may apply to the Master of Titles to be registered under this Act, or to have registered in his stead any nominee or nominees, as owner or owners of such land, with an Absolute title, or with a Possessory title only, as the case may be. (Imp. 38 & 39 V. c. 87, s. 5; R. S. O., c. 110, s. 2.)

6. Any person who has contracted to buy for his own benefit an estate in fee simple in land, whether subject or not to incumbrances, may also apply as aforesaid, provided the vendor consents to the application. (Imp. 38 & 39 V. c. 87, s. 5.)

7. Her Majesty's Attorney-General for Canada, or Her Majesty's Attorney-General for Ontario, may apply in like manner in respect to the title of the Crown to any land; and the practice and procedure upon the application shall be the same as in ordinary cases. (Imp. 38 & 39 V. c. 87, s. 65; R. S. O., c. 110, s. 4.)

8. Where an Absolute title is required, the applicant or his nominee shall not be registered as owner of the fee simple until and unless the title is approved by the Master of Titles. (Imp. 38 & 39 V. c. 87, s. 6.)

9. The first registration of any person as owner of land (in this Act referred to as first registered owner) with an Absolute title, shall vest in the person so registered an estate in fee simple in such land, together with all rights, privileges, and appurtenances belonging or appurtenant thereto, subject as follows:

- (1) To the incumbrances, if any, entered on the register;
- (2) To such liabilities, rights and interests, if any, as are by this Act declared for the purposes of the Act not to be incumbrances, unless, under the provisions of this Act, the contrary is expressed on the register. (*See s. 23, post.*)
- (3) Where such first registered owner is not entitled for his own benefit to the land registered, then as between him and any persons claiming under him, to any unregistered estates, rights, interests or equities to which such persons may be entitled; but free from all other estates and interests whatsoever, including estates and interests of Her Majesty, her heirs and successors, which are within the legislative jurisdiction of this Province. (Imp. 38 & 39 V. c. 87, s. 7.)

10. Where a Possessory title only is required, the applicant or his nominee may be registered as owner of the fee simple on giving such evidence of title, and serving such notices, if any, as may for the time being be prescribed. (Imp. 38 & 39 V. c. 87, s. 6.)

11. The registration of any person as first registered owner of land with a Possessory title only, shall not affect or prejudice the enforcement of any estate, right, or interest adverse to or in derogation of the title of such first registered owner, and subsisting or capable of arising at the time of registration of

tion with absolute or possessory title.

Application by purchaser

Application by Crown.

Evidence where absolute title required.

Estate of first registered owner with absolute title.

Evidence where possessory title required.

Estate of first registered owner with possessory title.

121

such owner ; but, save as aforesaid, shall have the same effect as registration of a person with an Absolute title. (Imp. 38 & 39 V. c. 87, s. 8.)

A qualified title may be registered in certain cases.

12. (1) Where an Absolute title is required, and on the examination of the title it appears to the Master of Titles that the title can be established only for a limited period, or subject to certain reservations, the Master, on the application of the party applying to be registered, may, by an entry made in the register, except from the effect of registration any estate, right, or interest arising before a specified date, or arising under a specified instrument, or otherwise particularly described in the register. 5 10

(2) A title registered subject to such excepted estate, right, or interest shall be called a Qualified title.

(3) The registration of a person as first registered owner of land with a Qualified title shall have the same effect as the registration of such person with an Absolute title, save that registration with a Qualified title shall not affect or prejudice the enforcement of any estate, right, or interest appearing by the register to be excepted. 15 20

(Imp. 38 & 39 V. c. 87, s. 9.)

Land certificate given on registration.

13. On the entry of the name of the first registered owner of freehold land on the register, the Master of Titles shall, if required by the owner, deliver to him a Certificate, in this Act called a Land Certificate, in the prescribed form ; the Certificate shall state whether the title of the owner therein mentioned is Absolute, Qualified, or Possessory. (Imp. 38 & 39, V. c. 87, s. 10.) 25

Registry Act (R.S.O. c. 111) not to apply to land under this Act.

14. A certificate by the Master of Titles of the first registration of an owner under this Act shall be registered in the registration division in which the land is situated ; and thereafter the Registry Act shall cease to apply to the said land. 30

PART II.

LEASEHOLD LAND.

Application for retrogradation with or without a declaration of title of lessor to grant lease.

15. A separate register shall be kept of leasehold land, and on and after the commencement of this Act any of the following persons ; that is to say, 35

(1) Any person who has contracted to buy for his own benefit leasehold land held under a lease for a life or lives, or determinable on a life or lives, or for a term of years of which more than twenty-one are unexpired, whether subject or not to incumbrances ; and 40

(2) Any person entitled for his own benefit, at law or in equity, to leasehold land held under any such lease as is described in this section, whether subject or not to encumbrances ; and 45

(3) Any person capable of disposing for his own benefit by way of sale of leasehold land held under any such lease as is described in this section, whether subject or not to incumbrances ;

may apply to the Master of Titles to be registered, or to have registered in his stead any nominee or nominees not exceeding the prescribed number, as owner or owners of such leasehold land, with the addition, where the lease under which the land is held is derived immediately out of freehold land, and the applicant is able to submit for examination the title of the lessor, of a declaration of the title of the lessor to grant the lease under which the land is held ;

(b) Provided that in the case of leasehold land contracted to be bought, the vendor consents to the application ;

(c) Every applicant for registration of leasehold land shall deposit with the Master of Titles the lease of the land in respect of which the application is made, or if such lease is proved to the satisfaction of the Master of Titles to be lost, a copy of such lease or of a counterpart thereof, verified to the satisfaction of the Master of Titles ; and such lease or attested copy is in this Act referred to as the registered lease ;

(d) Leasehold land held under a lease containing an absolute prohibition against alienation, shall not be registered in pursuance of this Act ;

(e) Leasehold land held under a lease containing a prohibition against alienation without the license of some other person, shall not be registered under this Act until and unless provision is made in the prescribed manner for preventing alienation without such license, by entry in the register of a restriction to that effect, or otherwise. (Imp. 38 & 39 V. c. 87, s. 11.)

16. An applicant or his nominee shall not be registered as owner of leasehold land until and unless the title to such land is approved by the Master of Titles ; and further, if he apply to be registered as owner of leasehold land with a declaration of the title of the lessor to grant the lease under which the land is held, until and unless the lessor, after an examination of his title by the Master of Titles, is declared to have had an Absolute or Qualified title to grant the lease under which the land is held. (Imp. 38 & 39 V. c. 87, s. 12.)

Evidence of title required on application.

17. The registration under this Act of any person as first registered owner of leasehold land with a declaration that the lessor had an Absolute Title to grant the lease under which the land is held, shall be deemed to vest in such person the possession of the land comprised in the registered lease relating to such land for all the leasehold estate therein described, with all implied or expressed rights, privileges and appurtenances attached to such estate, but subject as follows :

Estate of first registered proprietor of leasehold land with a declaration of absolute title of lessor to grant lease.

(1) To all implied and express covenants, obligations and liabilities incident to such leasehold estate ; and

(2) To the incumbrances (if any) entered on the register ; and

(3) (Unless the contrary is expressed on the register) to such liabilities, rights and interests as affect the leasehold estate and are by this Act declared not to be incumbrances in the case of registered freehold land ; and

(4) Where such first proprietor is not entitled for his own benefit to the land registered as between himself and any persons claiming under him, to any unregistered estates, rights, interests or equities to which such persons may be entitled ;

But free from all other estates and interests whatsoever, including estates and interests of Her Majesty, her heirs and successors, in case the land is within the jurisdiction of this Legislature in that behalf. (Imp. 38 & 39 V. c. 87, s. 13.)

Estate of first registered proprietor of leasehold land without a declaration of title of lessor to grant lease.

18. The registration of any person under this Act as first registered owner of leasehold land without a declaration of the title of the lessor, shall not affect or prejudice the enforcement of any estate, right, or interest affecting or in derogation of the title of the lessor to grant the lease under which the land is held; but, save as aforesaid, shall have the same effect as the registration of any person under this Act as first registered owner of leasehold land with a declaration that the lessor had an Absolute title to grant the lease under which the land is held. (Imp. 38 & 39 V. c. 87, s. 14.)

Lessor may be declared to have a qualified title to grant lease in certain cases.

19. Where an Absolute title is required, and on the examination of the title of any lessor by the Master of Titles, it appears to him that the title of such lessor to grant the lease under which the land is held can be established only for a limited period, or subject to certain reservations, the Master of Titles may, by an entry made in the register, except from the effect of registration, any estate, right, or interest arising before a specified date or arising under a specified instrument, or otherwise particularly described in the register; and a title of a lessor registered subject to such excepted estate, right, or interest is in this Act referred to as a Qualified title; and the registration of a person as first registered owner of the leasehold land with a declaration that the lessor had a Qualified title to grant the lease under which the land is held, shall have the same effect as the registration of such person with a declaration that the lessor had an Absolute title to grant the lease under which the land is held, save that registration with the declaration of a Qualified title shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted. (Imp. 38 & 39 V. c. 87, s. 15.)

Office lease given on registration.

20. On the entry of the name of the first registered owner of leasehold land on the register, the Master of Titles shall, if required by the owner, deliver to him a copy of the registered lease, in this Act called an office copy, authenticated in the prescribed manner, and there shall be endorsed thereon a statement whether any declaration, Absolute or Qualified, as to the title of the lessor has been made, and any other particulars relating to such lease entered in the register. (Imp. 38 & 39 V. c. 87, s. 16.)

PART III.

REGISTRATION, HOW EFFECTED.

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Regulations as to examination of title by Master.

21. In other cases than those provided for in the next preceding section, the examination by the Master of Titles of a title under this Act shall be conducted in the prescribed manner, provided as follows:

(1) Due notice shall be given where the giving of such notice is prescribed; and sufficient opportunity shall be afforded to any persons desirous of objecting, to come in and state their objections to the Master of Titles.

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(2) The Master of Titles shall have jurisdiction to hear and determine any such objections, subject to an appeal to the Court in the prescribed manner and on the prescribed conditions.





5 (3) If the Master of Titles, upon the examination of any title, is of the opinion that the title is open to objection, but is nevertheless a title the holding under which will not be disturbed, he may approve of such title, or may require the applicant to apply to the Court, upon a statement signed by
10 the Master, for its sanction to the registration.
(Imp. 38 & 39 V. c. 87, s. 17).

(4) It shall not be necessary to produce any evidence which by the first section of *The Act to amend the law of Vendor and Purchaser and to Simplify Titles*, is dispensed with as between
15 vendor and purchaser, nor to produce or account for the originals of any registered deeds, documents or instruments, unless where the Master of Titles otherwise directs. (R. S. O., c. 110, s. 10 (2).)

(5) The Master of Titles in investigating the title may receive and act upon any evidence which is now received by any of the Courts on a question of title; or any evidence which the practice of English conveyancers authorizes to be received on an investigation of a title out of Court; or any other evidence, whether the same is or is not receivable or sufficient in
25 point of strict law, or according to the practice of English conveyancers, provided the same satisfies him of the truth of the facts intended to be made out thereby;

(6) The said Master of Titles may refer to and act upon not only the evidence adduced before him in the proceeding
30 in which such evidence is adduced, but also any evidence adduced before him in any other proceeding wherein the facts to which such evidence relates were or are in question.
(R. S. O., c. 110, s. 10 (1).)

22. All registered land shall, unless under the provisions
35 of this Act the contrary is expressed on the register, be deemed to be subject to such of the following liabilities, rights, and interests as for the time being may be subsisting in reference thereto, and such liabilities, rights and interests shall not be deemed incumbrances within the meaning of this Act; (that is
40 to say)—

- (1)  Municipal Taxes for the current year. 
- (2) Any municipal charges, rates or assessments theretofore imposed for local improvements, and not yet due and payable;
- (3) Any public highway, any right of way, water-course, and
45 right of water, and other easements;
- (4) Any title or lien which, by possession or improvements or other means, the owner or person interested in any adjoining land has acquired to or in respect of the registered land;  and the description of the land shall not, as against adjoining
50 owners, be conclusive as to the boundaries or extent thereof. 

(5) Any lease or agreement for a lease, for a period yet to run, of not exceeding *three* years, where there is actual occupation under the same;

Liability of registered land to easements and certain other rights.

(6) Any right of appropriation which may by Statute be vested in any person, or body corporate;

(7) Any right of the wife or husband of the person registered as owner to dower or curtesy (as the case may be) in case of surviving such owner;

(8) Any right mentioned in the third sub-section of section 9 of this Act;

But if the applicant desires the certificate to declare the title to be free from the said particulars, or any of them, his application shall so state, and the investigation shall proceed accordingly.

(R. S. O., c. 110, s. 26; Imp. 38 & 39 V. c. 87, s. 18.)

Discharge of Incumbrances existing at First Registration

Discharge of incumbrance.

23. Where upon the first registration of any land, notice of an incumbrance affecting such land has been entered on the register, the Master of Titles shall, on proof to his satisfaction of the discharge of such incumbrance, notify in the prescribed manner on the register, by cancelling the original entry or otherwise, the cessation of such incumbrance. (Imp. 38 & 39 V. c. 87, s. 19.)

Determination of Lease existing at First Registration.

Determination of lease.

24. The Master of Titles shall, on proof to his satisfaction of the determination of any lease of registered land, notify in the prescribed manner on the register, the determination of such lease. (Imp. 38 & 39 V. c. 87, s. 20.)

Adverse Possession as against Registered Owner.

No acquisition of title by adverse possession.

25. (1) A title to any land adverse to or in derogation of the title of the registered owner shall not be acquired by any length of possession.

(2) But this section shall not prejudice, as against any person registered as first owner of land with a Possessory title only, any adverse claim in respect of length of possession of any other person who was in possession of the land at the time when the registration of such first owner took place.

(Imp. 38 & 39 V., c. 87, s. 21.)

PART IV.

REGISTERED DEALINGS WITH REGISTERED LAND.

Mortgage of Registered Land.

Creation of charges, and delivery of certificate of charge.

26. (1) Every registered owner of land may, in the prescribed manner, charge the land with the payment at an appointed time of any principal sum of money either with or without interest, and with or without a power of sale to be exercised at or after a time appointed.

(2) The charge shall be completed by the Master of Titles entering on the register the person in whose favour the charge

is made as the owner of the charge, and the particulars of the charge, and of the power of sale, if any.

(3) The Master of Titles shall also, if required, deliver to the owner of the charge a Certificate of Charge, in the prescribed form.

(Imp. 38 & 39 V. c. 87, s. 22.)

27. Where a Registered Charge is created on any land, there shall be implied on the part of the person being registered owner of the land at the time of the creation of the charge, his heirs, executors, and administrators (unless there be an entry on the register negating the implication), as follows:—

Implied covenant to pay charges.

(1) A covenant with the registered owner for the time being of the charge to pay the principal sum charged, and interest, if any, thereon, at the appointed time and rate;

(2) A covenant, if the principal sum or any part thereof is unpaid at the appointed time, to pay interest half-yearly at the appointed rate on so much of the principal sum as for the time being remains unpaid.

(Imp. 38 & 39 V. c. 87, s. 23; Victoria Act, s. 90.)

28. Where a registered charge is created on any leasehold land, there shall be implied on the part of the person being registered owner of such leasehold at the time of the creation of the charge, his heirs, executors, and administrators, unless there be an entry on the register negating the implication, as follows:—

Implied covenant in case of leaseholds to pay rent, etc., and indemnify owner of charge

(1) A covenant with the registered owner for the time being of the charge, that the person being registered owner of such leasehold at the time of the creation of the charge, his executors, administrators and assigns, will pay, perform and observe the rent, covenants, and conditions by and in the registered lease reserved and contained, and on the part of the lessee to be paid, performed, and observed;

(2) And will keep the owner of the charge, his heirs, executors, and administrators, indemnified against all actions, suits, expenses, and claims, on account of the non-payment of the said rent, or any part thereof, or the breach of the said covenants or conditions, or any of them.

(Imp. 38 & 39 V. c. 87, s. 24.)

29. Subject to any entry to the contrary on the register, the registered owner of a registered charge may, for the purpose of obtaining satisfaction of any moneys due to him under the charge, at any time during the continuance of his charge, enter upon the land charged, or any part thereof, or into the receipt of the rents and profits thereof, subject nevertheless to the right of any persons appearing on the register to be prior incumbrancers, and to the liability attached to a mortgagee in possession. (Imp. 38 & 39 V. c. 87, s. 25.)

Entry by owner of charge.

30. Subject to any entry to the contrary on the register, the registered owner of a registered charge may enforce a foreclosure or sale of the land charged, in the same manner and under the same circumstances in and under which he might

Foreclosure by owner of charge.

enforce the same if the land had been transferred to him by way of mortgage, subject to a proviso for redemption on payment of the money named at the appointed time. (Imp. 38 & 39 V. c. 87., s. 26.)

Remedy of owner of charge with a power of sale.

31. Subject to any entry to the contrary on the register, the registered owner of a registered charge with a power of sale may, at any time after the expiration of the appointed time, sell and transfer the land (that is, the interest therein which is the subject of the charge), or any part of such land, in the same manner as if he were the registered owner of the land, to the extent of the interest therein aforesaid. (Imp. 38 & 39 V. c. 87, s. 27.)

Priority of registered charges.

32. Subject to any entry to the contrary on the register, registered charges on the same land shall as between themselves rank according to the order in which they are entered on the register, and not according to the order in which they are created. (Imp. 38 & 39 V. c. 87, s. 28.)

Discharge to be notified on register.

33. The Master of Titles shall, on the requisition of the registered owner of any charge, or on due proof of the satisfaction thereof, notify on the register in the prescribed manner, by cancelling the original entry or otherwise, the cessation of the charge; and thereupon the charge shall be deemed to have ceased. (Imp. 38 & 39 V. c. 87, s. 28.)

Transfers after land is brought under this Act.

Transfer of land, and delivery of land certificate.

34. (1) Every registered owner of land may, in the prescribed manner, transfer such land or any part thereof.

(2) The transfer shall be completed by the Master of Titles entering on the register the transferee as owner of the land transferred; and until such entry is made the transferor shall be deemed to remain owner of the land.

(3) Upon completion of the registration of the transferee, the Master of Titles shall, if required, deliver to him a Land Certificate in the prescribed form.

(4) Where part only of the land is transferred, the Master of Titles shall also, if required, deliver to the transferor a Land Certificate containing a description of the land retained by him.

(Imp. 38 & 39 V. c. 87, s. 29.)

Estate of transferee for valuable consideration of land with absolute title.

35. A transfer for valuable consideration of land registered with an Absolute title shall, when registered, confer on the transferee an estate in fee simple in the land transferred, together with all rights, privileges, appurtenances belonging or appurtenant thereto, subject as follows:—

(1) To the incumbrances, if any, entered on the register; and

(2) To such liabilities, rights, and interests, if any, as are by this Act declared for the purposes of the Act not to be incumbrances (unless the contrary is expressed on the register),

But free from all other estates and interests whatsoever, including estates and interests of Her Majesty, her heirs and successors, which are within the legislative jurisdiction of this Province. (Imp. 38 & 39 V. c. 87, s. 30.)

5 **36.** A transfer for valuable consideration of land registered with a Qualified title shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with an Absolute title, save that such transfer shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted. (Imp. 38 & 39 V. c. 87, s. 31.)

Estate of transferee for valuable consideration of land with qualified title.

5 **37.** A transfer for valuable consideration of land registered with a Possessory title shall not affect or prejudice the enforcement of any right or interest adverse to or in derogation of the title of the first registered owner, and subsisting, or capable of arising, at the time of the registration of such owner; but, save as aforesaid, shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with an Absolute title. (Imp. 38 & 39 V. c. 87, s. 32.)

Estate of transferee for valuable consideration of land with possessory title.

20 **38.** A transfer of land registered under this Act, made without valuable consideration shall, so far as the transferee is concerned, be subject to any unregistered estates, rights, interests, or equities subject to which the transferor held the same; but, save as aforesaid, shall, when registered, in all respects, and in particular as respects any registered dealings on the part of the transferee, have the same effect as a transfer of the same land for valuable consideration. (Imp. 38 & 39 V. c. 87, s. 33.)

Estate of voluntary transferee of land.

Transfers of leaseholds under this Act.

30 **39.** (1) Every registered owner of any leasehold land may, in the prescribed manner, transfer the whole of his estate in such land or in any part thereof.

Transfer of leasehold land and delivery of office lease.

(2) The transfer shall be completed by the Master of Titles entering on the register the transferee as owner of the leasehold transferred, but until such entry is made the transferor shall be deemed to remain owner.

(3) Upon completion of the registration of the transferee, if the transfer includes the whole of the land comprised in the registered lease relating to such land, the transferee shall be entitled to the office copy of the registered lease.

(4) If a part only is transferred, the Master of Titles shall, if required according to any agreement that has been entered into between the transferor and transferee, deliver to the one the office copy of the registered lease and to the other a fresh office copy of such lease, each of such copies shewing, by endorsement or otherwise, the parcels of which the person to whom such copy is delivered is the registered owner.

(Imp. 38 & 39 V. c. 87, s. 34.)

50 **40.** A transfer for valuable consideration of leasehold land registered with a declaration that the lessor had an Absolute

Estate of transferee for

valuable consideration of leasehold land with a declaration of absolute title of lessor.

title to grant the lease under which the land is held shall, when registered, be deemed to vest in the transferee the possession of the land transferred for all the leasehold estate described in the registered lease relating to such land and then unexpired, with all implied or expressed rights, privileges, and appurtenances attached to such estate, but subject as follows : 5

(1) To all implied and express covenants, obligations, and liabilities incident to such estate ;

(2) To the incumbrances (if any) entered on the register ; 10

(3) To such liabilities, rights, and interests as affect the leasehold estate and are by this Act declared for the purposes of the Act not to be incumbrances in the case of registered freehold land (unless the contrary is expressed on the register) ; 15

But free from all other estates and interests whatsoever, including any estates and interests of Her Majesty, her heirs and successors, which may be subject to the legislative authority of this Province. (Imp 38 & 39 V. c. 87, s. 35.) 20

41. A transfer for valuable consideration of leasehold land registered without a declaration of the title of the lessor, shall not affect the enforcement of any estate, right or interest affecting or in derogation of the title of the lessor to grant the lease under which the land is held ; but, save as aforesaid, shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with a declaration that the lessor had an Absolute title to grant the lease under which the land is held. (Imp. 38 and 39, V. c. 87, s. 37.) 25

Estate of transferee for valuable consideration of leasehold land with a declaration of qualified absolute title of lessor.

42. A transfer for valuable consideration of leasehold land registered with a declaration that the lessor had a Qualified title to grant the lease under which the land is held shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with a declaration that the lessor had an Absolute title to grant the lease under which the land is held, save that such transfer shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted from the effect of registration. (Imp. 38 & 39 V. c. 87, s. 36.) 30 35

Estate of voluntary transferee of leasehold land.

43. A transfer of a registered leasehold interest in land made without valuable consideration shall, so far as the transferee is concerned, be subject to any unregistered estates, rights, interests, or equities subject to which the transferor held the same ; but, save as aforesaid, shall, when registered, in all respects and in particular as respects any registered dealings on the part of the transferee, have the same effect as a transfer of the same land for valuable consideration (Imp. 38 & 39 V. c. 87, s. 38.) 40 45

Implied covenants on transfer of leasehold estates.

44. On the transfer of any registered leasehold interest in land under this Act, unless there be an entry on the register negating such implication, there shall be implied as follows :— 50

(1) On the part of the transferor, a covenant with the transferee that,—notwithstanding anything by such transferor done, omitted, or knowingly suffered,—the rents, covenants, and conditions reserved and contained by and in the registered lease, and on the part of the lessee to be paid, performed, and observed, have been so paid, performed, and observed up to the date of the transfer; and

(2) On the part of the transferee, a covenant with the transferor, that he, the transferee, his executors, administrators, or assigns, will pay, perform, and observe the rents, covenants, and conditions by and in the registered lease reserved and contained, and on the part of the lessee to be paid, performed, and observed, and will keep the transferor, his heirs, executors, and administrators, indemnified against all actions, suits, expenses, and claims on account of the non-payment of the said rent or any part thereof, or the breach of the said covenants or conditions, or any of them. (Imp. 38 & 39 V. c. 87, s. 39.)

Transfer of Charges.

45. (1) The registered owner of any charge may, in the prescribed manner, transfer such charge to another person as owner. Transfer of charges on register.

(2) The transfer shall be completed by the Master of Titles entering on the register the transferee as owner of the charge transferred.

(3) The Master of Titles shall also, if required, deliver to the transferee a fresh Certificate of Charge.

(4) The transferor shall be deemed to remain owner of such charge until the name of the transferee is entered on the register in respect thereof.

(Imp. 38 & 39 V. c. 87, s. 40.)

30 *Transmission of Land and Charges on Owner's Death.*

46. On the death of the sole registered owner, or of the survivor of several joint registered owners, of any freehold land, such person shall be registered as owner, in the place of the deceased owner or owners, as may on the application of any person interested in such land, be appointed by the Master of Titles, regard being had to the rights of the several persons interested in the land, and in particular to the selection of any such persons as may for the time being appear to the Master of Titles to be entitled, according to law, to be so appointed: subject to an appeal to the Court in the prescribed manner by any person aggrieved by any order of the Master under this section. (Imp. 38 & 39 V. c. 87, s. 41.) Transmission on death, of freehold land

47. On the death of the sole registered owner, or of the survivor of several joint registered owners of any leasehold land or of any charge, the executor or administrator of such sole deceased owner, or of the survivor of such joint owners, shall be entitled to be registered as owner in his place. (Imp. 38 & 39 V. c. 87, s. 42.) Transmission on death, of leasehold land or of charge.

48. Any person registered in the place of a deceased owner shall hold the land or charge, in respect of which he is registered, upon the trusts and for the purposes to which the same is applicable by law, and subject to any unregistered estates, Nature of title of registered fiduciary owner.

rights, interests, or equities subject to which the deceased owner held the same; but, save as aforesaid, he shall in all respects, and in particular as respects any registered dealings with such land or charge, be in the same position as if he had taken such land or charge under a transfer for a valuable consideration. (Imp. 38 & 39 V. c. 87, s. 46.) 5

Evidence of transmission of registered ownership.

49. The fact of any person having become entitled to any land or charge in consequence of the death of any registered owner, shall be proved in the prescribed manner. (Imp. 38 & 39 V. c. 87, s. 47.) 10

Notice by registration.

50. No person other than the parties thereto shall be held to have any notice of the contents of any instrument, beyond the particulars contained in the register, or necessarily to be inferred therefrom.

Notice of executions.

51. (1) The Sheriff, forthwith after the delivery to him 15 of any execution or other writ, and any renewal thereof, affecting registered land, shall deliver or transmit by *registered letter* to the Master of Titles a copy of the writ certified under his hand; and no land registered under this Act shall be bound by any such writ until such copy has been received by the 20 Master; and from and after the receipt by him of the copy, no transfer by the execution debtor shall be effectual, except subject to the rights of the execution creditor under the writ.

(2) The Master of Titles shall keep a book in the prescribed form, in which shall be entered a record of all writs received 25 by him from the Sheriff as aforesaid.

(3) No sale or transfer under any such writ shall be valid as against a person purchasing for valuable consideration before such entry is made, notwithstanding the purchaser may have had notice of the writ. 30

(4) Upon production to the Master of Titles of sufficient evidence of the satisfaction of any such writ, he shall cause an entry to be made in the register to that effect; and on such entry such writ shall be deemed to be satisfied.

(5) The Sheriff shall be entitled to a fee of fifty cents for 35 each writ transmitted by him to the Master of Titles in manner aforesaid.

(Victoria, s. 106; South Australia (Act of 1861), s. 93; West Australia (Act of 1874), s. 96.)

Sale under execution.

52. Where any land which has been registered under this 40 Act shall be sold by the Sheriff under execution, the Master of Titles shall, upon the production to him of the transfer of the same by the Sheriff in the prescribed form, with proof of the due execution thereof, cause a notice to be mailed to the proper post-office address of the person whose interest in the 45 land shall have been sold; and after the expiration of *two weeks* from the mailing of the notice: and, on proof to his satisfaction of the payment of all municipal taxes, except the taxes for the current year, and all charges, rates, or assessments theretofore imposed for local improvements, and then 50 due or payable, and if no other person has become entitled meanwhile for want of entry of the said writ or otherwise, the

Master of Titles shall register the purchaser as the owner of the land, and shall issue to him a certificate in the prescribed form. Sale for taxes.

5 **53.** Where any land which has been registered under this Act shall be sold for taxes, the purchaser may at any time after the sale lodge a Caution against the transfer of the land; and upon the completion of the time allowed by law for redemption, and upon the production of the transfer of the land in the prescribed form, with proof of the due execution thereof by the
10 proper officer, the Master of Titles shall cause a notice to be mailed to the proper post-office address of the several persons who appear upon the register to be interested in the land; and after the expiration of three months from the mailing of the notice, shall register the purchaser at the sale as owner of
15 the land, with an Absolute title; and shall, if required, issue to the purchaser a certificate of title in the prescribed form, unless the registration shall in the meantime be stayed by the order of the Court; and in that case the registration shall not be made, nor shall the certificate be issued, except in accordance
20 with the order and direction of the Court.

PART V.

UNREGISTERED DEALINGS WITH REGISTERED LAND.

25 **54.** (1) The registered owner alone shall be entitled to transfer or charge registered land by a registered disposition; Effect of un-registered dispositions.

(2) But, subject to the maintenance of the estate and right of such owner, any person, whether the registered owner or not of any registered land, having a sufficient estate or interest in the land, may create estates, rights, interests and equities
30 in the same manner as he might do if the land were not registered;

(3) And any person entitled to or interested in any unregistered estates, rights, interests, or equities in registered land may protect the same from being impaired by any act of the
35 registered owner, by entering on the register such notices, cautions, inhibitions, or other restrictions as are in this Act in that behalf mentioned;

(4) The registered owner alone shall be entitled to transfer a registered charge by a registered disposition; but, subject to
40 the maintenance of the right of such owner, unregistered interests in a registered charge may be created in the same manner and with the same incidents, so far as the difference of the subject-matter admits, in and with which unregistered estates and interests may be created in registered land.

45 (Imp. 38 & 39 V. c. 87, s. 49.)

Notices of Leases.

50 **55.** (1) Any lessee or other person entitled to or interested in a lease or agreement for a lease of registered land made subsequently to the last transfer of the land on the register, where the term granted is for a life or lives, or is determinable on a life or lives, or exceeds *twenty-one* years, or where the occupation is not in accordance with such lease or agreement may apply to the Master of Titles to register notice of such lease or agreement in the prescribed manner. Lessee may apply for registration of notice of lease.

(2) When so registered every registered owner of the land and every person deriving title through him, excepting owners of incumbrances registered prior to the registration of such notice, shall be deemed to be affected with notice of the lease or agreement as being an incumbrance on the land in respect of which the notice is entered. 5

(Imp. 38 & 39 V. c. 87, s. 50.)

Manner of registering notices of leases.

56. (1) In order to register notice of a lease or agreement for a lease, if the registered owner of the land does not concur in such registry, the applicant shall apply to the Master of Titles on notice to the registered owner for leave to register the notice of such lease or agreement, and shall deliver to the Master of Titles, the original lease or agreement or a copy thereof; and *in case the application is granted* the Master shall make a note in the register identifying the lease or agreement or copy so deposited, and the lease or agreement or copy so deposited shall be deemed to be the instrument of which notice is given. 10 15

(2) If the registered owner concurs in such registry, notice may be entered in such manner as may be agreed upon. 20

(Imp. 38 & 39 V. c. 87, s. 51.)

Notice of Estates in Dower or by the Curtesy.

Registration of notices of estates in dower or by the curtesy.

57. Any person entitled to an estate in dower or by the curtesy in any registered land, may apply in the prescribed manner to the Master of Titles to register notice of such estate; and the Master of Titles, if satisfied of the title of such person to such estate, shall register notice of the same accordingly in the prescribed form; and when so registered, such estate shall be an incumbrance appearing on the register, and shall be dealt with accordingly. (Imp. 38 & 39 V. c. 87, s. 52.) 25 30

Caution against Registered Dealings.

Caution against registered dealings, how to be lodged.

58. (1) Any person interested in any way in any land or charge registered in the name of any other person, may lodge a Caution with the Master of Titles to the effect that no dealings with such land or charge be had on the part of the registered owner until notice has been served upon the cautioner. 35

(2) The Caution shall be supported by an affidavit or declaration made by the cautioner or his agent in the prescribed form, and containing the prescribed particulars.

(3) Provided, that a person interested under a lease, or agreement for a lease, of which notice has been entered on the register, or a person entitled to an estate in dower, or estate by the curtesy, of which notice has been entered on the register, shall not be entitled to a caution in respect of such lease or estate in dower or by the curtesy. 40 45

(Imp. 38 & 39 V. c. 87, s. 53.)

Cautioner entitled to notice of proposed registered dealings.

59. (1) After any such Caution has been lodged, the Master of Titles shall not, without the consent of the cautioner, register any dealing with the land or charge until he has served notice on the Cautioner, warning him that his Caution will cease to have any effect after expiration of the prescribed number of days next ensuing the date at which the notice is served. 50

(2) After the expiration of such time as aforesaid, the Caution shall cease unless an order to the contrary is made by the Master.

(3) Upon the Caution so ceasing, the land or charge shall be dealt with in the same manner as if no Caution had been lodged.

(Imp. 38 & 39 V. c. 87, s. 54.)

60. If before the expiration of the said period the cautioner, or some other person on his behalf, appears before the Master of Titles, and gives sufficient security to indemnify every party against any damage that may be sustained by reason of any dealing with the land or charge being delayed, the Master of Titles may thereupon, if he thinks fit so to do, delay registering any dealing with the land or charge for such further period as he thinks just. (Imp. 38 & 39 V. c. 87, s. 55.)

Registered dealings delayed on bond being given.

61. (1) If any person lodges a Caution with the Master of Titles without reasonable cause, he shall be liable to make to any person who may have sustained damage by the lodging of such Caution such compensation as may be just, and such compensation shall be recoverable as a debt by the person who has sustained damage from the person who lodged the Caution.

Compensation for improper lodging of caution.

(2) Any person aggrieved by any act done by the Master of Titles in relation to Cautions under this Act, may appeal to the Court in the prescribed manner.

(Imp. 38 & 39 V. c. 87, s. 56.)

Inhibition against Registered Dealings without Order of Court.

62. (1) The Court, or (subject to an appeal to the Court) the Master of Titles, upon the application of any person interested, made in the prescribed manner, in relation to any registered land or charge, may, after directing such inquiries (if any) to be made and notices to be given, and hearing such persons as the Court or Master of Titles thinks expedient, issue an order or make an entry inhibiting for a time, or until the occurrence of an event to be named in such order or entry, or generally until further order or entry, any dealing with registered land or with a registered charge.

Power of court or master to inhibit registered dealings.

(2) The Court or the Master of Titles may make, or refuse to make, any such order or entry, and annex thereto any terms or conditions the Court or Master of Titles may think fit, and may discharge such order or cancel such entry when granted, with or without costs, and generally act in the premises in such manner as the justice of the case requires.

(3) Any person aggrieved by any act done by the Master of Titles in pursuance of this section may appeal to the Court in the prescribed manner.

(Imp. 38 & 39 V. c. 87, s. 57.)

Power of Registered Owner to impose Restrictions.

63. Where the registered owner of any land is desirous for his own sake, or at the request of some person beneficially interested in such land, to place restrictions on transferring or

Power to place restrictions on register.

charging the land, such owner may apply to the Master of Titles to make an entry in the register that no transfer shall be made of or charge created on the land unless the following things, or such of them as the owner may determine, are done ; (that is to say)—

5

Unless notice of any application for a transfer or for the creation of a charge is transmitted by *registered letter* to such address as he may specify to the Master of Titles ;

Unless the consent of some person or persons, to be named by such owner, is given to the transfer or the creation of a charge ;

Unless some such other matter or thing is done as may be required by the applicant and approved by the Master of Titles. (Imp. 38 & 39 V. c. 87, s. 58.)

Master to enter restrictions in register.

64. (1) The Master of Titles shall thereupon, if satisfied of the right of the applicant to give such directions, make a note of such directions on the register, and no transfer shall be made or charge created except in conformity with such directions.

(2) But it shall not be the duty of the Master of Titles to enter any of the above directions, except upon such terms as to payment of the fees and otherwise as may be prescribed, or to enter any restriction that the Master of Titles may deem unreasonable, or calculated to cause inconvenience.

(3) And any such directions may at any time be withdrawn or modified at the instance of all the persons for the time being appearing by the registry to be interested in such directions, and shall also be subject to be set aside by the Order of the Court.

(Imp. 38 & 39 V. c. 87, s. 59.)

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PART VI.

PROVISIONS SUPPLEMENTAL TO FOREGOING PARTS OF ACT.

Caution against entry of Land on Register.

Caution against registration of land.

65. Any person having or claiming such an interest in any land which is not already registered as entitles him to object to any disposition thereof being made without his consent, may lodge a Caution with the Master of Titles to the effect that the cautioner is entitled to notice in the prescribed form, and to be served in the prescribed manner, of any application that may be made for the registration of such land. (Imp. 38 & 39 V. c. 87, s. 60.)

40

Lis pendens not to be registered.

66. The Master of Titles shall not register any *lis pendens* affecting lands under this Act ; but any party to a suit, or his solicitor, or any person claiming to be interested in such suit, may enter a Caution. (South Australia (Act of 1878) s. 69 ; R. S. O., c. 40, s. 90.)

45

Caution to be supported by affidavit.

67. Every Caution shall be supported by an affidavit or declaration in the prescribed form, stating the nature of the interest of the cautioner, the land to be affected by the Caution, and such other matters as may be prescribed. (Imp. 38 & 39 V. c. 87, s. 61.)

50

68. After a Caution has been lodged in respect of any land not already registered, *and while the same is in force*, registration shall not be made of such land until notice has been served on the cautioner to appear and oppose, if he thinks fit, such registration, and until the prescribed time has elapsed since the date of the service of such notice, or the cautioner has entered an appearance, which may first happen. (Imp. 38 & 39 V.c. 87, s. 62.)

Cautioner entitled to notice of proposed registration of land.

69. If any person lodges a Caution with the Master of Titles without reasonable cause, he shall be liable to make, to any person who may have sustained damage by the lodging of such Caution, such compensation as may be just; and such compensation shall be deemed to be a debt due to the person who has sustained damage from the person who has lodged the Caution. (Imp. 38 & 39 V., c. 87, s. 63.)

Compensation for improper lodging of caution.

70. A Caution lodged in pursuance of this Act shall not prejudice the claim or title of any person, and shall have no effect whatever except as in this Act mentioned. (Imp. 38 & 39 V. c. 87, s. 64.)

Saving as to effect of caution.

Sale by Trustees and Mortgagees.

71. (1) Any person holding land on trust for sale, and any trustee, mortgagee, or other person having a power of selling land, may authorize the purchaser to make an application to be registered as first owner with any title which an owner is authorized to be registered with under this Act, and may consent to the performance of the contract being conditional on his being so registered; or may himself apply to be registered as such owner with the consent of the persons (if any) whose consent is required to the exercise by the applicant of his trust or power of sale.

Trustees may sell by medium of registry.

(2) The amount of all costs, charges, and expenses properly incurred by such person, in or about the application, shall be ascertained and declared by the Master of Titles, and shall be deemed to be costs, charges, and expenses properly incurred by such person in the execution of his trust or in pursuance of his power; and such person may retain or reimburse the same to himself out of any money coming to him under the trust or power, and he shall not be liable to any account in equity in respect thereof.

(Imp. 38 & 39 V. c. 87; s. 68.)

40 *Registration of Part Owners.*

72. Any two or more persons entitled for their own benefit concurrently or successively, or partly in one mode and partly in another, to such estates, rights, or interests in land as together make up such an estate as would, if vested in one person, entitle him to be registered as owner of the land, may (subject as in this Act mentioned with respect to the number of persons to be registered in respect of the same land) apply to the Master of Titles to be registered as joint owners, in the same manner and with the same incidents, so far as circumstances admit, in and with which it is in this Act declared that any individual owner may be registered. (Imp. 38 & 39 V. c. 87, s. 69.)

Registration of part owners.

Production of Deeds.

73. (1) When an application has been made to the Master of Titles for the registration of any land, if any person has

Production of deeds.

in his possession or custody any deeds, instruments or evidences of title relating to or affecting such land, to the production of which the applicant or any trustee for him, is entitled, the Master of Titles may require such person to shew cause, within a time limited, why he should not produce such deeds, 5 instruments or evidences of title to the Master of Titles or otherwise, as the Master of Titles may deem fit; and, unless cause is shewn to the satisfaction of the Master of Titles within the time limited, such deeds, instruments and evidences of title may be ordered by the Master of Titles to be produced at the expense 10 of the applicant, at such time and place, and in such manner, and on such terms as the Master of Titles thinks fit.

(2) Any person aggrieved by any order of the Master of Titles under this section may appeal in the prescribed manner to the Court, which may annul or confirm the order of the 15 Master of Titles with or without modification.

(3) If any person disobeys any order of the Master of Titles made in pursuance of this section, the Master may certify such disobedience to the Court; and thereupon such person, subject to such right of appeal as aforesaid, may be punished by the 20 Court in the same manner in all respects as if the order made by the Master of Titles were the order of the Court. (Imp. 38 & 39 V. c. 87, s. 71.)

Deeds to be marked with notice of registration under this Act.

74. A person shall not be registered as owner of land until, if required by the Master of Titles, he has produced to him 25 such documents of title as will in the opinion of the Master of Titles when stamped or otherwise marked, give notice to any purchaser or other person dealing with such land of the fact of the registration, and the Master of Titles shall stamp or otherwise mark the same accordingly, or until he has otherwise 30 satisfied the Master of Titles that the fact of such registration cannot be concealed from a purchaser or other person dealing with the land. (Imp. 38 and 39 V. c. 87, s. 72.)

Costs.

Payment of costs.

75. (1) The Master of Titles may order costs, either as be- 35 tween party and party, or as between solicitor and client, to be paid by or to any person party to any proceeding under this Act, and may give directions as to the fund out of which any costs shall be paid, regard being had to the following provisions; namely:

That any applicant under this Act is liable *prima facie* 40 to pay all costs, charges, and expenses incurred by or in consequence of his application, except in a case where parties object whose rights are sufficiently secured without their appearance, or where any costs, charges, or expenses are incurred unnecessarily or improperly, and subject to this proviso, that 45 any party aggrieved by any order of the Master of Titles under this section may appeal in the prescribed manner to the Court, which may annul or confirm the order of the Master with or without modification.

(2) If any person disobeys any order of the Master of Titles made in pursuance of this section, the Master may certify such 50 disobedience to the Court, and thereupon such person, subject to such right of appeal as aforesaid, may be punished by the

Court, and execution issued to enforce the order, in the same manner in all respects as if the order made by the Master were the order of the Court.

(R. S. O. c. 110, s. 21 ; Imp. 38 & 39 V. c. 87, s. 73.)

5

Doubtful Questions arising on Title.

76. Whenever upon the examination of the title of any land the Master of Titles entertains a doubt as to any matter of law or fact arising upon the title, he may, upon the application of any person interested in such land, refer a case for the opinion of the High Court, with power for the Court to direct an issue to be tried before a jury or otherwise, for the purpose of determining any fact. The Master may also name the parties to such case, and the manner in which the proceedings in relation thereto are to be brought before the Court. (Imp. 38 & 39 V. c. 87, s. 74.)

Master may state case for High Court.

77. The opinion of any Court to whom any case is referred by the Master of Titles shall be conclusive on all the parties to such case, unless the Court before whom the case is heard permits an appeal to be had. (Imp. 38 & 39 V. c. 87, s. 75.)

Opinion of court, how far conclusive.

78. Where any infants, idiots, lunatics, persons of unsound mind, persons absent beyond seas, or persons yet unborn are interested in the land in respect of the title to which a question arises as aforesaid, any person interested in the land may apply to the Court, for a direction that the opinion of the Court to whom the case is referred under this Act shall be conclusively binding on such infants, idiots, lunatics, persons of unsound mind, persons beyond the seas, or unborn persons. (Imp. 38 & 39 V. c. 87, s. 76.)

Intervention of Court in case of incapacitated persons.

79. The Court shall hear the allegations of all parties appearing before it. It may disapprove altogether, or may approve, either with or without modification, of the directions of the Master of Titles in respect to any case referred as to the title of land. The Court may also, if necessary, appoint a guardian or other person to appear on behalf of any infants, idiots, lunatics, persons of unsound mind, persons absent beyond seas, or unborn persons; and if the Court is satisfied that the interests of the persons labouring under disability, absent, or unborn, will be sufficiently represented in any case, it shall make an order declaring that all persons, with the exceptions (if any) named in the order, are to be conclusively bound; and thereupon all persons, with such exceptions (if any) as aforesaid, shall be conclusively bound by any decision of the Court having cognizance of the case in which such persons are concerned. (Imp. 38 & 39 V. c. 87, s. 77.)

Power of Court to bind interests of incapacitated persons.

As to Land Certificates, Office Copies of Leases, and Certificates of Charge.

80. If any Land Certificate, or office copy of a Registered Lease, or Certificate of Charge is lost, mislaid, or destroyed, the Master of Titles may, upon being satisfied of the fact of such loss, mislaying, or destruction, grant a new Land Certificate, or

Loss of land certificate, or certificate of charge, or office copy of lease.

office copy, or Certificate of Charge, in the place of the former one. (Imp. 38 & 39 V. c. 87, s. 78.)

Renewal of land certificate, or certificate of charge, or office copy of lease.

81. The Master of Titles may, upon the delivery up to him of a Land Certificate or of an office copy of a Registered Lease or of a Certificate of Charge, grant a new Land Certificate or office copy of a Lease or Certificate of Charge in the place of the one delivered up. (Imp. 38 & 39 V. c. 87, s. 79.)

Land certificate, certificate of charge, and office copy of lease to be evidence.

82. A Land Certificate or Certificate of Charge shall be *prima facie* evidence of the several matters therein contained, and the office copy of a Registered Lease shall be evidence of the contents of the Registered Lease. (Imp. 38 & 39 V. c. 87, s. 80.)

Effect of deposit of land certificate, or of office copy of lease.

83. Subject to any registered estates, charges, or rights, the deposit of the Land Certificate in the case of freehold land, and of the office copy of the Registered Lease in the case of leasehold land, shall, for the purpose of creating a lien on the land to which such Certificate or Lease relates, be deemed equivalent to a deposit of the title deeds of the land. (Imp. 38 & 39 V. c. 87, s. 81.)

Special Hereditaments.

Registry of special hereditaments.

84. The Master of Titles may register the owner of any incorporeal hereditament of freehold tenure, enjoyed in gross, also the owner of any mines or minerals where the *ownership of the same* has been severed from the *ownership of the land*, in the same manner and with the same incidents in and with which he is by this Act empowered to register land, or as near thereto as circumstances admit. (Imp. 37 and 38 V. c. 87, s. 82.)

General Provisions.

Enactments as to registration

85. The following enactments shall be made with respect to registration of title:—

(1) There shall not be entered on the register or be receivable by the Master of Titles, any notice of any trust, implied, express, or constructive;

(2) No person shall be registered as owner of any undivided share in any land or charge; and a number of persons exceeding the prescribed number shall not be registered as owners of the same land or charge; and if the number of persons shewing title exceeds the prescribed number, such of them not exceeding the prescribed number as may be agreed upon, or as the Master of Titles in case of difference decides, shall be registered as owners;

(3) Upon the occasion of the registry of two or more persons as owners of the same land or of the same charge, an entry may, with their consent, be made on the register, to the effect that when the number of such owners is reduced below a certain specified number, no registered disposition of such land or charge shall be made, except under the order of the Court;

(4) In such a case the words “no survivorship” in the entry shall be construed to mean that in case any one of the owners should die, no registered disposition of the land or charge shall be made except under order of the Court.

(5) Registered land shall be described in such manner as the Master of Titles thinks best calculated to secure accuracy, but such description shall not be conclusive as to the boundaries or extent of the registered land ;

- 5 (6) No alteration shall be made in the registered description of land, except under the order of the Court, or under section 97 of this Act, or by way of explanation ; but this provision shall not be construed to extend to registered dealings with registered land in separate parcels by the registered description,
10 although such land was originally registered as one estate.

(Imp. 38 & 39 V. c. 87, s. 83.)

- 86.** Where any land is about to be registered, or any registered land is about to be transferred to a purchaser for valuable consideration, there may be registered as annexed thereto, subject to general rules and in the prescribed manner, a condition that such land or any specified portion thereof is not to be built on, or is to be or not to be used in a particular manner, or any other condition running with or capable of being legally annexed to land ;
- 20 The first owner and every transferee, and every other person deriving title from him, shall be deemed to be affected with notice of such condition ;

- Nevertheless, any such condition may be modified or discharged by order of the Court, on proof to the satisfaction of the Court that the modification will be beneficial to the persons principally interested in the enforcement of the condition.

(Imp. 38 & 39 V. c. 87, s. 84.)

- 87.** All the provisions of the Revised Act respecting *Trustees and Executors and the Administration of Estates*, and of any Act amending the same, *which are not inconsistent with the provisions of this Act* shall apply to land and charges registered under this Act, but this enactment shall not prejudice the applicability to such land and charges of any provisions of such Acts relating to land or choses in action. (Imp. 38 & 39 V. c. 80, s. 85.)

- 88.** The Master of Titles shall not, nor shall any person acting under his authority, or under any order or general rule made in pursuance of this Act, be liable to any action, suit, or proceeding for or in respect of any act or matter *bona fide* done or omitted to be done in the exercise or supposed exercise of the powers of this Act, or of any order or general rule made in pursuance of this Act. (Imp. 38 & 39 V. c. 87, s. 86.)

As to Infants und Lunatics.

- 89.** (1) In case any person who, if not under disability might have made any application, given any consent, or done any act, or been party to any proceeding under this Act, is a minor, an idiot, or a lunatic, the guardian of the minor, or committee of the estate of the idiot or lunatic, may make such application, give such consent, do such act, and be party to such proceeding as such person might, if free from disability, have made, given, done or been party to, and shall otherwise represent such person for the purposes of this Act.

(2) If the minor has no guardian, or the idiot or lunatic no committee of his estate, or if persons yet unborn are interested, the official guardian *ad litem* shall act with like power or the Master of Titles may appoint a person with like power to act for such minor, idiot, lunatic, or person yet unborn. 5

(3) A married woman shall for the purposes of this Act, be deemed a *feme sole*.

(R. S. O., c. 110, s. 39; Imp. 38 & 39 V. c. 87, s. 88.)

As to Notices.

Address of persons on register.

90. Every person whose name is entered on the register as owner of land or of a charge, or as cautioner, or as entitled to receive any notice, or in any other character, shall furnish to the Master of Titles a place of address in this Province, and may from time to time substitute some other address in the Province for that originally furnished. (Imp. 38 & 39 V. c. 87, s. 89.) 15

Services of notices.

91. Every notice by this Act required to be given to any person shall be served personally, or sent through the post in a registered letter marked outside "Office of Land Titles," and directed to such person at the address (or last address, as the case may be) furnished to the Master of Titles, and unless returned, shall be deemed to have been received by the person addressed within such period, not less than seven days exclusive of the day of posting, as may be prescribed. (Imp. 38 & 39 V., c. 87, s. 90.) 20

92. The envelope containing any notice under this Act shall have printed thereon a request to the Postmaster or Postmaster-General for the immediate return thereof to the Master of Titles, Toronto, in case the person to whom the notice is addressed cannot be found; and on the return of any letter containing any notice, the Master of Titles shall act in the matter requiring such notice to be given in manner prescribed. (Imp. 38 & 39 V. c. 87, s. 91.) 25 30

Purchasers not affected by omission to send notices.

93. A purchaser for valuable consideration shall not be affected by the omission to send any notice by this Act directed to be given, or by the non-receipt thereof. (Imp. 38 & 39 V., c. 87, s. 92.) 35

Specific Performance.

Power of court in suit for specific performance.

94. Where a suit is instituted for the specific performance of a contract relating to registered land, or a registered charge, the Court having cognizance of the suit may by summons, or by such other mode as it deems expedient, cause all or any parties who have registered estates or rights in the land or charge, or have entered up notices, cautions or inhibitions against the same, to appear in the suit, and shew cause why the contract should not be specifically performed; and the Court may direct that any order made by the Court in the suit shall be binding on such parties or any of them. (Imp. 38 & 39 V. c. 87, s. 93.) 40 45

Costs in suit for specific performance.

95. All costs incurred by any parties so appearing in a suit to enforce against a vendor specific performance of his contract to sell registered land or a registered charge, shall be 50

taxed as between solicitor and client, and, unless the Court otherwise orders, be paid by the vendor. (Imp. 38 & 39 V. c. 87, s. 94.)

Rectification of the Register.

5 **96.** Subject to any estates or rights acquired by registra- Establishment
tion in pursuance of this Act, where any court of competent of adverse
jurisdiction has decided that any person is entitled to competent title to land.
estate, right, or interest in or to any registered land or charge,
and as a consequence of such decision the Court is of opinion
10 that a rectification of the register is required, the Court may
make an order directing the register to be rectified in such
manner as it thinks just. (Imp. 38 & 39 V. c. 87, s. 95.)

15 **97.** Subject to any estates or rights acquired by registra- Register to be
tion in pursuance of this Act, if any person is aggrieved by rectified under
any entry made, or by the omission of any entry from the order of court.
register under this Act, or if default is made or unnecessary
delay takes place in making any entry in the register, any per-
son aggrieved by such entry, omission, default, or delay, may
20 apply to the Court in the prescribed manner for an order that
the register may be rectified; and the Court may either refuse
the application, with or without costs, to be paid by the
applicant, or may if satisfied of the justice of the case, make
an order for the rectification of the register. (Imp. 38 & 39 V.
c. 87, s. 96.)

25 **98.** The Master of Titles shall obey the order of any com- Master to
petent Court in relation to any registered land, on being served obey orders of
with the order or an official copy thereof. (Imp. 38 & 39 V.
c. 87, s. 97.)

As to Fraud.

30 **99.** Subject to the provisions in this Act contained with Fraudulent
respect to registered dispositions for valuable consideration, dispositions.
any disposition of land or of a charge on land which if unregis-
tered would be fraudulent and void, shall, notwithstanding
35 registration, be fraudulent and void in like manner. (Imp. 38
& 39 V. c. 87, s. 98.)

100. If in the course of any proceeding under this Act, any Suppression
person acting either as principal or agent, shall, knowingly and of deeds and
with intent to deceive, make or assist, or join in or be privy to evidence.
the making of any material false statement or representation,
40 or suppress, conceal, or assist or join in or be privy to the
suppression, withholding or concealing any material document,
fact or matter of information, every person so acting shall be
deemed to be guilty of an offence under this Act, and on con-
viction shall be liable to be imprisoned for a term not exceed-
45 ing two years, with or without hard labour, or to be fined such
sum as the Court by which he is convicted shall award.
Any certificate of title obtained by means of such fraud or
falsehood, shall be null and void for or against all persons
other than a purchaser for valuable consideration without
50 notice. (R. S. O., c. 110, s. 47; Imp. 38 & 39 V. c. 87, s. 99.)

101. If any person fraudulently procures, attempts to Certain
fraudulently procure, or is privy to the fraudulent procurement fraudulent
of any entry on the register, or of any erasure from the register acts declared
to be offences

or alteration of the register, such person shall be guilty of an offence under this Act, and upon conviction be liable to imprisonment for any term not exceeding two years, with or without hard labour, or to be fined such sum not exceeding five hundred dollars as the Court before which he is tried may award; and any entry, erasure, or alteration so made by fraud, shall be void as between all parties or privies to the fraud. (Imp. 38 & 39 V. c. 87, s. 100.)

False declarations.

102. If any person in any affidavit or affirmation required or authorized to be made for any purpose under this Act, or by 10 any order or general rules made in pursuance thereof, wilfully makes a false statement in any material particular, he shall be guilty of an offence under this Act, and upon conviction shall be liable to be imprisoned with or without hard labour, for a term not exceeding two years, or to be fined such sum not exceeding five hundred dollars, as the court before which he is 20 tried may award. (Imp. 38 & 39 V. c. 87, s. 101.)

Saving of civil remedy.

103. No proceeding or conviction for any offence under this Act shall affect any remedy which any person aggrieved may be entitled to. (Imp. 38 & 39 V. c. 87, s. 102.) 30

Saving of obligation to make discovery.

104. Nothing in this Act contained shall entitle any person to refuse to answer any question or interrogatory in any civil proceeding; but no answer to any such question, or interrogatory shall be admissible in evidence against such person in any 40 criminal proceeding in respect of which this Province has legislative authority. (Imp. 38 & 39 V. c. 87, s. 103.)

ASSURANCE FUND.

See Statute of Victoria of 1866, ss. 143—151; Statute of New South Wales (Draft Bill of 1866), ss. 143—156; Statute of New Zealand of 1870, ss. 35 and 130—137; Statute of South Australia of 1878, ss. 9 and 55—59; Statute of Queensland of 1861, ss. 41, 42 and 126—129; Statute of West Australia of 1874, ss. 30 and 129—136; McCarthy, (Bill of 1883) ss. 136—145 and (Bill of 1884) ss. 133—142.] 50

105. An Assurance Fund shall be formed for the indemnity of any persons who may happen to be deprived of land or some estate or interest therein by reason of the land being brought under the provisions of this Act, or by the registration of some other person as owner of the land or of such estate or interest therein, or by reason of any mis-description, omission or other error in a Certificate of Title or in any entry 55 in the Register;

(2) In order to constitute such fund, there shall be paid on the first Certificate of Title granted under this Act in respect of any land, in addition to all other fees, a sum equal to one-fourth of one per cent. of the value of the land; 60

(3) (Subject to any orders of Court to be made under the authority aforesaid), money payable under the preceding subsection shall be paid into Court, with the privity of the Accountant of the Supreme Court, and shall be placed to the credit of an account to be entitled "Assurance Fund under the Land Titles Act, 1885," and shall be invested from time to 65

time under the direction of the Court, and the interest or income derived therefrom shall be credited to the same account ;

(4) (Subject to any orders of Court aforesaid) the value of the land shall be ascertained for the purpose aforesaid by the
5 oath or affirmation of the applicant, unless the Master of Titles dispenses therewith ;

(5) (Subject as aforesaid) in case the oath or affirmation of the applicant is dispensed with, or in case the Master of Titles is not satisfied as to the correctness of the value stated by the
10 oath or affirmation of the applicant or any other person, he may require the affidavit or certificate in that behalf of a sworn valuator : and such affidavit or certificate shall be conclusive.

106. Any person wrongfully deprived of land, or of some estate or interest therein, by reason of the land being brought
15 under this Act, or by reason of some other person being registered as owner, or by reason of any mis-description or other error in any Certificate of Title, or in any entry in the Register, shall be entitled to recover what is just, by way of compensation or damages, from the person on whose application the
20 erroneous registration was made, or who acquired the title through the fraud or error.

(2) But this is not to be construed to render liable any purchaser or mortgagee *bona fide* for valuable consideration by reason of the vendor or mortgagor having been registered as
25 owner through fraud or error, or having derived from or through a person registered as owner through fraud or error, whether the fraud or error consists in a wrong description of the property or otherwise howsoever.

(3) In case the person so wrongfully deprived is unable by
30 such means or otherwise to recover just compensation for his loss, he shall be entitled to have the same paid out of the Assurance Fund, so far as the Fund may be sufficient for that purpose having reference to other charges thereon, provided that the application is made within six years from the time of
35 having been so deprived ; or, in the case of a person under the disability of infancy, lunacy or unsound mind, within six years from the date at which the disability ceased.

(4) The liability of the Fund for compensation and the amount of compensation shall (subject to appeal as in other
40 cases) be determined by the Master of Titles, unless the Court or Master of Titles on application directs some other way of ascertaining and determining the same. The costs of the proceedings shall be in the discretion of the Master of Titles or the Court, as the case may be.

(5) Where any sum has been paid out of the Assurance Fund on account of a person on whose application the erroneous registration was made, or who acquired the title through the fraud or error, the same may afterwards for the benefit of the Fund be recovered from such person or his estate, by action in
45 the name of the Master of Titles ; and the Master's certificate of the payment out of the Assurance Fund shall be sufficient proof of the debt.

ADMINISTRATION OF LAW AND MISCELLANEOUS.

(1) Office of Land Registry.

Seal of office. **107.** There shall be a seal for the Office of Land Titles. (Imp. 38 & 39 V. c. 87, s. 107.)

Master to frame and promulgate forms. **108.** Subject to the provisions of this Act, the Master of Titles shall conduct the whole business of registering land under this Act; and he shall frame and cause to be printed and circulated, or otherwise promulgated, such forms and directions as he may deem requisite or expedient for facilitating proceedings under this Act. (Imp. 38 & 39 V. c. 87, s. 108.) 5 10

Power of Master to summon witnesses. **109.** (1) The Master of Titles, or any officer of the Office of Land Titles authorized by him in writing, or any person authorized for a like purpose under the Registry Act, may administer an oath or affirmation for any of the purposes of this Act. 15

(2) The Master of Titles may, by summons under the seal of the office, require the attendance of all such persons as he may think fit in relation to the registration of any title.

(3) He may also, by a like summons, require any person having the custody of any map, survey, or book made or kept in pursuance of any Act of Parliament to produce such map, survey, or book for his inspection. 20

(4) He may examine upon oath any person appearing before him and administer an oath accordingly; and he may allow to every person summoned by him the reasonable charges of his attendance. 25

(5) Any charges allowed by the Master of Titles in pursuance of this section shall be deemed to be charges incurred in or about proceedings for registration of land, and may be dealt with accordingly. 30

(Imp. 38 & 39 V. c. 87, s. 109.)

Non-attendance or refusal to answer question. **110.** (1) If any person, after the delivery to him of such summons as aforesaid, or of a copy thereof, wilfully neglects or refuses to attend in pursuance of the summons, or to produce such maps, surveys, books, or other documents as he may be required to produce under this Act, or to answer upon oath or otherwise such questions as may be lawfully put to him by the Master of Titles under the powers of this Act, he shall incur a penalty not exceeding fifty dollars, to be recovered on summary conviction. 40 45

(2) But no person shall be required to attend in obedience to any summons, or to produce such documents as aforesaid, unless the reasonable charges of his attendance and of the production of such documents be paid or tendered to him.

(Imp. 38 & 39 V. c. 87, s. 110.) 50

Appointment of deputies in case of illness or absence. **111.** In case of illness or absence of the Master of Titles the Lieutenant-Governor in Council may appoint a person to act as the Deputy of the Master during such illness or absence, and such Deputy, while so acting, shall have all the powers of the Master. (*Stats. of Victoria*, 1866, s. 6.) 55

112. The Master of Titles, before he enters upon the execution of his office, shall take, before some Judge, of the *Supreme Court of this Province* the oath of office in the form following :—

I, *A. B.*, do solemnly swear (or affirm) that I will faithfully, and to the best of my ability, perform the office and duties of Master of Titles.

113. Before any Master of Titles is sworn into office, he, and two or more sufficient sureties, shall enter into a joint and several bond in writing under their hands and seals to Her Majesty, in a penal sum to be determined by the Lieutenant-Governor in Council, which bond shall be subject in all respects to the approval of the Lieutenant-Governor in Council, and the same may be taken before any two Justices of the Peace or any Judge of the high Court, and shall be conditioned for the true and faithful performance by the Master of his duty in respect to all things directed to be done by or required of him by this Act or any law in that behalf.

114. The sureties in such bond shall justify under oath, and the execution by the Master of Titles and his sureties shall be verified under oath by a subscribing witness; and such bond and the affidavits of justification shall be in the form A in the schedule to this Act or to the like effect, and with the affidavits appended, shall be forthwith transmitted to the Provincial Secretary, to be filed in his office.

115. The Master of Titles shall, when required by the Provincial Secretary, execute a new bond in the form and to the effect provided in the next preceding section, or furnish such other security as may be deemed expedient.

116. No Master of Titles, officer, or clerk appointed under this Act, shall, directly or indirectly, act as the agent of any corporation, society, company, person or persons investing money and taking securities on real estate; nor shall such Master of Titles, officer or clerk advise for any fee or reward, or otherwise, upon titles to land, or practise as a conveyancer; nor shall he carry on or transact within the office any business or occupation whatever other than his duties as such Master of Titles, officer or clerk, or as holder of some other office under the Provincial Government. (R. S. O. c. 111, s. 19: McCarthy, (Bills of 1883 and 1884), s. 24.)

Inspection of Registry.

117. General indexes are to be kept in the office of the Master of Titles as required of Registrars under the Registry Act, and are to be open to inspection in the same manner. (R. S. O. c. 111, s.s. 33, 35.)

118. Subject to such regulations and exceptions and to the payment of such sums as may be fixed by general rules, any person registered as owner of any land or charge, and any person authorized by any such owner, or by an order of the Court, or by general rule, may inspect and make copies of and extracts from any document in the custody of the *Master of Titles* relating to such land or charge. No other person

save as aforesaid shall be entitled to do so. (Imp. 38 and 39 V. c. 87, s. 104.)

(2) *Rules.*

Rules and regulations.

119. The rules and regulations in the Schedule to this Act shall come into operation at the commencement of this Act, and shall regulate the proceedings as to all matters to which such rules and regulations may extend. But such rules and regulations may be annulled or altered by any authority by which new rules and regulations may be made under this Act. (44 V. c. 5, s. 53 (Judicature Act.))

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Power to make general rules.

120. Subject to the provisions of this Act, the Lieutenant-Governor in Council, and the Judges of the Supreme Court under the 54th and 55th Sections of *The Ontario Judicature Act, 1881*, (which are to be read as applying to this Act, may, respectively, with the advice and assistance of the Master of Titles, from time to time make, and after making may rescind, annul, or add to, general rules in respect of all or any of the following matters; that is to say—

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(1) The mode in which the register is to be made and kept and

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(2) The forms to be observed, the precautions to be taken, the instruments to be used, the notices to be given, and the evidence to be adduced in all the proceedings before the Master of Titles or in connection with the registration, and in particular with respect to the reference to counsel of any title to land proposed to be registered with an absolute title;

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(3) The custody of any instruments from time to time coming into the hands of the Master of Titles, with power to direct the destruction of any such instruments where they have become altogether superseded by entries in the register or have ceased to have any effect;

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(4) The duties which are to be performed by the Master of Titles and other officers employed; and therein, what acts of the Master of Titles may be done by other officers;

(5) The costs to be charged by solicitors in or incidental to or consequential on the registration of land, or any other matter required to be done for the purpose of carrying this Act into execution, with power to require such costs to be payable by commission, percentage, or otherwise, and to bear a certain proportion to the value of the land registered, or to be determined on such other principle as may be thought expedient;

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(6) The taxation of such costs and the persons by whom such costs are to be paid;

(7) Any matter by this Act directed or authorized to be prescribed;

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(8) Any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make rules for the purpose of carrying this Act into execution. (Imp. 38 & 39 V. c. 87, s. 111.)

Effect of rules

121. Any rules made in pursuance of the preceding section shall be deemed to be within the powers conferred by this Act,

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and shall be of the same force as if enacted in this Act, and shall be judicially noticed. (Imp. 38 & 39 V. c. 87, s. 111.)

122. The Judges aforesaid may from time to time make, and Rules to be laid before Legislature.
 5 after making revoke, alter or add to rules with respect to the amount of fees payable under this Act, regard being had to the following matters :

(1) In the case of the registration of land or of any transfer of land on the occasion of sale,—to the value of the land, as
 10 determined by the amount of purchase money :

(2) In the case of the registration of land, or of any transfer of land on the occasion of a sale,—to the value of the land, to be ascertained in such manner as may be prescribed :

(3) In the case of registration of a charge or of any transfer
 15 of a charge,—to the amount of such charge. (Imp. 38 and 39 V. c. 87, s. 112)

123. (1)  Subject to orders of Court, the fees payable in respect of such business in the office of the Master of Titles as is analagous to the business under the *Registry Act*, shall be
 20 the same as the fees payable to the Registrar under the said Act ; and all other fees and costs, whether in respect of business done by the Master of Titles or by other officers, or by solicitors under this Act, shall be the same as nearly as may be as are payable in case of like proceedings in the High
 25 Court. 

(2) Until the Legislature provides a salary for the Master of Titles, he may be authorized by the Lieutenant-Governor in Council to take to his own use, or for the purpose of paying expenses, the fees which would otherwise under the preceding
 30 section be payable to the Crown in stamps.

124. The judges of the High Court may from time to time assign the duties vested in the Court in relation to matters under this Act to any particular judge or judges of that Court. Principles on which fees determined.
 (Imp. 38 & 39 V. c. 87, s. 115.)

125. Any person aggrieved by an order made under this Act by the High Court may appeal within the prescribed time, Appeal from High Court.
 35 in the same manner and with the same incidents in and with which orders made by the High Court on cases within the ordinary jurisdiction of such Court may be appealed from.
 40 (Imp. 38 & 39 V. c. 87, s. 117.)

126. An appeal shall lie from any order or decision of the Master of Titles under this Act to the High Court, and from Appeals from Master.
 that Court to the Court of Appeal, as in cases within the ordinary jurisdiction of the Court. (R. S. O. c. 110, s. 42.)

127. No application, order, affidavit, certificate, registration
 45 or other proceeding shall be invalid by reason of any mistake not affecting the substantial justice of the proceeding. (R. S. O. c. 110, s. 45.) Proceedings not void for want of form.

SCHEDULE OF RULES.

PROCEEDINGS FOR A FIRST REGISTRATION.

Application for Registration.

1. The application for a first registration of land under this Act, shall state the nature of the interest of the applicant, and a general description, in concise terms, of the land ; it shall also state whether the registration applied for is with an Absolute, a Qualified, or a Possessory title.

(2) Where the application is for the registration of a nominee, or is made by a purchaser, the consent in writing of the nominee or his solicitor, or the vendor or his solicitor, shall be left with the application.

(3) Where the application is made by virtue of a trust or power of sale, the consent in writing of the persons, if any, whose consent is required to the exercise of the trust or power shall be also left with the application. (Rule 1, 12, and Form 6 made under Imp. Act, 38 & 39 V. c. 87.)

Possessory Title.

2. If the application for registration is with a Possessory title only, there shall be left in the office with the application an affidavit made by the applicant (or by one of the applicants, if more than one, or by some person whose consent is required to the application) and his solicitor, to the best of their respective knowledge, information and belief, verifying the description, and to the effect that the applicant, either alone or with the person (if any) consenting to such application and either subject or not to incumbrances, is well entitled for his or their own benefit, or as holding the land on trust for sale, or as a trustee, mortgagee, or otherwise having a power of selling the land (as the case may be), to an estate in fee simple, or the power of disposing, by way of sale, of an estate in fee simple in the land, that the actual possession or receipt of the rents and profits thereof is in accordance with the applicant's title, and that the applicant (or his nominee) is entitled under the Act to be registered as the owner of the land, and that the documents of title (if any) mentioned in the schedule to the affidavit comprise amongst others (if the fact be so) the last conveyance or other document under which the applicant's title is derived.

(2) Such notice (if any) of the application for registration, or of the registration, shall be given as the Master of Titles may direct.

(3) Where the Master of Titles is satisfied that it will be proper to grant the application, the registration may be made accordingly. *SI*

Proofs.

3. If the application is for a first registration ~~with~~ with absolute or qualified title the application ~~shall~~ shall be supported by the following particulars, unless any thereof shall be dispensed with by the Master of Titles :

(1) The title deeds (if any) and evidences of title relating to the land which are in the possession or power of the applicant ;

(2) A certified copy of the memorials of all other registered instruments affecting the land, or of all since the last judicial certificate, if any, under the *Quieting Titles Act*, was given (as the case may be).

(3) The certificate of the Registrar of the County or other Registration Division in which the land lies, as to suits and proceedings relating to the land.

(4) Proofs of any facts which are required to be proved in order to make out the title, and which are not established by the other produced documents, unless the Master of Titles shall dispense with such proofs until a future stage of the investigation ;

(5) An affidavit, or deposition by the person whose title is to be investigated, and a certificate of one of his counsel or solicitors, to the effect hereinafter respectively mentioned, unless the Master of Titles sees fit, for some special reason, to dispense with the same respectively ;

(6) A Schedule of the particulars produced under the preceding five sub-sections.

(R. S. O. c. 110, s. 7 Imp. 37 and 38 V. c. 87, s. 70, Form 10 made hereunder.)

Affidavit of Applicant.

4. The affidavit or deposition of the person whose title is to be investigated shall state to the effect, that to the best of his knowledge and belief he is the owner of the estate or interest (whatever it is) which is claimed in the application, subject only to the charges and incumbrances set forth in the application or in the Schedule thereto, or that there is no charge or incumbrance affecting the land; that the deeds, wills, and instruments of title which he produces, and of which a list is contained in the Schedule produced under the preceding rule, are all the title deeds and instruments of title relating to the lands which are in his possession or power; and that he is not aware of the existence of any claim adverse to or inconsistent with his own to any part of the land or to any interest therein; or, if he is aware of such adverse claim, he shall set forth every such adverse claim, and shall depose that he is not aware of any except what he sets forth.

(2) The affidavit or deposition shall also set forth whether any one is in possession of the land, and under what claim, right or title; and shall state that to the best of the deponent's knowledge, information and belief, the said affidavit or deposition, and the other papers produced therewith, fully and fairly disclose all facts material to the title claimed by the applicant, and all contracts and dealings which affect the same or any part thereof, or give any right as against the applicant.

(3) The said affidavit or deposition may, in a proper case, be dispensed with, or may be made by some other person instead of the person whose title is to be investigated, or an affidavit or deposition as to part may be made by the one, and as to part by another, at the discretion of the Master of Titles; and in such case, the affidavit shall be modified accordingly. (R. S. O. c. 110, s. 8; Imp. 38 and 39 V. c. 87, s. 70. Form 3 and 4, rules made under Imp. Act.)

Certificate of Counsel or Solicitor.

5. The certificate of the counsel or solicitor shall state to the effect that he has investigated the title and believes the party to be the owner of the estate which the application claims in the land in question, subject only (if such be the case) to any charges or incumbrances that may be set forth in the Schedule to the application (or that he so believes, subject to any condition, qualification or exemption to be set forth in the certificate); and that he has conferred with the deponent on the subject of the various matters set forth in the affidavit or deposition (if any) referred to in the two next preceding rules, and believes the affidavit or deposition to be true. (R. S. O. c. 110, s. 9; Imp. 38 and 39 V. c. 87, s. 70. Form 3 and 4 under Imp. Act.)

Mode of Proof.

6. The proofs required may be by, or in the form of affidavits or certificates; or may be given *viva voce*; or may be in any other manner or form that, under the circumstances of the case, is satisfactory to the Master of Titles in regard to the matters to which they relate. (R. S. O. c. 110, s. 11.)

Payment of Taxes and Assessments.

7. Before the completion of a first registration of any land under this Act where an examination of title is required, satisfactory evidence shall be given by certificate, affidavit or otherwise, that all taxes, rates and assessments, for which the land is liable, and which are *past due*, have been paid, or all except those for the current year have been paid. (R. S. O. c. 110, s. 12.)

Production of Further Evidence.

8. If the Master of Titles is not satisfied with the evidence of title produced in the first instance, he shall give a reasonable opportunity of producing further evidence, or of removing defects in the evidence produced. (R. S. O. c. 110, s. 13.)

Publication of Notice.

9. Before the completion of a first registration as aforesaid, the Master of Titles shall, except as hereafter provided, direct notice of the application to be published in the *Ontario Gazette*, and, if he sees fit, in any other newspaper or newspapers, and in such form and for such period as he thinks expedient.

(2) The registration shall not be completed until after the expiration of at least *four weeks* from the first publication of such notice, or such other period as the Master of Titles may appoint.

(3) If the Master of Titles is satisfied respecting the title, and considers that the registration can safely be completed without any other notice of application than the published notice so required, he shall complete the same accordingly.

(4) Notice of any number of applications may be included in one advertisement if the Master of Titles thinks fit, and in such case the expense of the advertisement shall be borne by the several applicants in such proportions as the Master of Titles may direct.

(5) The Master of Titles may dispense with the advertisement where the applicant is the original grantee from the Crown, or produces all the title deeds by which the title is traced from such grantee, or where he has obtained a Certificate of Title under the *Act for Quieting Titles to real estate*: Provided in every of such cases that he is in actual occupation of the land, or that the land is wild, and he is in constructive possession thereof by having paid the taxes thereon, and that no instrument or caution affecting the title has been registered.

(Victoria s. 18; Queensland (Act of 1861) s. 18; New South Wales (Act of 1862) s. 15; New Zealand s. 23; Rule 10 and 14 made under Imp. Act 38 and 39 V. c. 87. R. S. O. c. 110, ss. 14, 15.)

Notice to Adverse Claimant.

10. In case there appears to exist any claim adverse to, or inconsistent with, that of the applicant to or in respect of any part of the land, the Master of Titles shall direct such notice as he deems necessary to be mailed to or served on the adverse claimant, his solicitor, attorney, or agent. (R. S. O. c. 110, s. 16; Rule 10, made under Imp. Act 38 & 39 V. c. 87.)

Additional Notices.

11. In all cases the Master of Titles may require from time to time any further publication to take place, or any other notice to be mailed or served that he deems necessary before granting the Certificate. (R. S. O. c. 110, s. 17; Rule 12, made under Imp. Act 38 & 39 V. c. 87.)

Objections.

12. Any person having an adverse claim, or a claim not recognised in the application, may at any time before the registration under this Act is completed, file and serve on the applicant, his solicitor or agent, a short statement of his claim, which may be according to the form set forth in the Schedule of Forms.

(2) This claim shall be verified by an affidavit to be filed therewith, and shall contain an address in this Province at which service on the objector shall be made. (R. S. O. c. 110, s. 18; Rule 11, made under Imp. Act 38 & 39 V. c. 87.)

Hearing of Objection.

13. The applicant or his solicitor shall obtain an appointment before the Master of Titles for hearing any objection which shall have been duly left in the office, and shall serve the objector with a notice in writing to come in and state his objection to the Master of Titles at the time mentioned in such notice, such time not being less than seven clear days after service of such notice. The parties may be heard in person, or by counsel or solicitor. Imp. Act 38 & 39 V. c. 87.)

Decision in Contested Cases.

14. In case of a contest, the Master of Titles may either decide the question of title on the evidence before him, or may refer the same or any matter involved therein to the Court, or to any mode of investigation

which is usual in other cases, or which he deems expedient, and may defer completing the registration until afterwards, according as the circumstances of each case render just or expedient. (R. S. O. c. 110, s. 19.)

Security for Costs.

15. The Master of Titles may, at any stage of the cause, order security for costs to be given by the applicant for registration, or by any person making any adverse claim. (R. S. O. c. 110, s. 20.)

Abatement of Proceedings.

16. In case of death or change of interest pending registration, the proceedings shall, subject to the provisions of this Act, be available to such person as the Master of Titles on application, having regard to the rights of the several persons interested in the land, may direct, if such person thinks proper to adopt the same; and the Court or the Master of Titles may require notices to be given to persons becoming interested, or may make any order for discontinuing or suspending or carrying on the proceedings, or otherwise in relation thereto, as under the circumstances may be just. (R. S. O. c. 110, s. 44; Victoria s. 28; Rule 5, made under Imp. Act 38 & 39 Vict. c. 87.)

Caution Against Entry of Land on Register.

17. Every Caution lodged under section 66 of the Act shall be signed by the cautioner or his solicitor, and shall contain a place of address in this Province at which any notice may be served; and the affidavit in support of the Caution shall be left therewith and shall contain a description of the land. The period to be limited by the notice to be served on the cautioner under section 69 shall be 14 days, or such other period not less than 7 days, as the Master of Titles may direct.

(2) The notice shall be served either personally or through the post. Every Caution shall be renewed before the expiration of 5 years from the date of lodging the same; otherwise it shall be treated as withdrawn. (Rule 15 made under Imp. Act 38 & 39 V. c. 87.)

PROCEEDINGS AFTER FIRST REGISTRATION.

Caution against Dealing with Registered Land.

18. Every Caution lodged under section 59 of the Act shall be signed by the cautioner, and shall contain a place of address in the Province, at which any notice may be served, and the affidavit in support of the Caution shall contain a reference to the land or charge to which the Caution applies, and to the registered number of the estate, and shall also contain the particulars of the cautioner's interest in such land or charge.

(2) The period to be limited by the notice to be served on the cautioner under section 60 of the Act shall be 14 days, or such other period, not less than 7 days, as the Master of Titles may direct. The consent of a cautioner under section 60 shall be signed by him, and shall be attested by a solicitor and duly verified. (Rule 16, made under Imp. Act 38 & 39 V. c. 87.)

Inhibitions.

19. Every application to the Master of Titles for an inhibiting order under section 63 of the Act shall be supported by the affidavit of the applicant or his solicitor, stating the grounds of the application and referring to the evidence in favour thereof. An appointment shall be then made for hearing the same and for production of the evidence in support thereof. (Rule 17, made under Imp. Act 38 & 39 V. c. 87.)

Restrictions.

20. Every application under section 64 of the Act shall state the particulars of the direction or restriction required to be entered on the register, and shall be proceeded with as the Master of Titles shall direct; and every application under section 65 of the Act to withdraw or modify any direction or restriction shall be made and signed by all persons for

the time being appearing by the register to be interested in such direction or restriction, and shall be attested and duly verified. (Rule 18, made under Imp. Act, 38 & 39 V. c. 87.)

(2) Before any entry is made upon the register under the third paragraph of section 86 of the Act the consent in writing thereto of the persons to be entered as the registered owners of the land or charge, stating the particulars of the entry required, shall be lodged in the office. (Rule 19, made under Imp. Act 38 & 39 V. c. 87.)

CHARGE OF REGISTERED LAND.

21. The instrument by which any charge of freehold or leasehold land shall be made under section 27 of the Act shall be left in the office, and the execution thereof by the registered owner of the land shall be attested and duly verified.

(2) Where it is desired that an entry should be made on the register negating the implied covenants referred to in sections 28 and 29 of the Act, or that any entry should be made on the register, contrary to the powers given to a registered owner of a registered charge by sections 30, 31 and 32, respectively, or contrary to the provisions of section 33 as to the priority of registered charges, the application to be made in that behalf shall state the particulars of the entry required to be made, and shall be signed, and the signature attested and verified in the same manner as is required with respect to the execution of the instrument of charge.

(3) Such verification may, where practicable, be made by the same affidavit as that verifying the execution of the instrument of charge.

(4) Where a part only of the registered land is comprised in the instrument of charge, the part so charged shall be described in like manner as is provided by Rule 24 with reference to a transfer of part of registered land ;

(5) In the event of a foreclosure or sale being enforced by the registered owner of the charge, all the provisions of the said rule 24 shall, so far as the nature of the case may require, be applicable thereto. (Rule 20, made under Imp. Act 38 & 39 V. c. 87.)

TRANSFER OF REGISTERED CHARGE.

22. The instrument by which any transfer of charge shall be made, under section 46 of the Act, shall be left in the office, and the execution thereof by the registered owner of the charge shall be attested and duly verified. (Rule 21, made under Imp. Act 38 & 39 V. c. 87.)

Cessation of Charge.

23. Where the cessation of a charge entered on the register is required to be notified under section 34 of the Act, the application shall be signed by the registered owner of the charge, or a registered owner interested in the land, and shall be attested and duly verified.

(2) If the application is not signed by the registered owner of the charge, due proof of the satisfaction of the charge shall be left with the application.

(3) The Master of Titles, upon being satisfied of the cessation of a charge, shall, where convenient, notify the same by cancelling the original entry, or shall otherwise enter on the register the fact of such cessation. (Rule 22, made under Imp. Act 38 & 39 V. c. 87.)

TRANSFER OF REGISTERED LAND.

24. The instrument by which any transfer of land shall be made, under section 35 or 40 of the Act, shall be left in the office, and the execution thereof by the registered owner shall be attested and duly verified.

(2) A note shall be made on the registered description of the land retained, referring to the part disposed of. (Rule 23, made under Imp. Act 38 & 39 V. c. 87.)

Entry Negating Implied Covenants on Transfer of Leasehold Land.

25. Every application requiring an entry to be made on the register negating the implied covenants referred to in section 45 of the Act, shall state the particulars of the entry required to be made, and shall be signed,

attested and verified, in the same manner as is required with respect to the execution of the instrument of transfer. The verification may, where practicable, be made by the same affidavit as that verifying the instrument of transfer. (Rule 24, made under Imp. Act 38 & 39 V. c. 87.)

Evidence of Transmission of Registered Ownership.

26. Where it is required to prove the fact of any person having become entitled to any land or charge, in consequence of the death of any registered owner, the application shall state the fact to be proved, and the nature of the evidence in support thereof. The evidence shall be left in the office with the application, and the fact shall be proved to the satisfaction of the Master of Titles, and the matter shall be proceeded with as he shall direct. (Rule 23, made under Imp. Act 38 and 39 V. c. 87.)

Death of Registered Owner, and Dower or Curtesy.

27. Every application under section 47, 48 or 58 of the Act, shall be supported by the affidavit of the applicant and his solicitor, shewing concisely the existing rights of the several persons interested in the land or charge affected by the application.

(2) The evidence in support of the application shall be left therewith in the office, and the Master of Titles may require such other evidence (if any) and such notices to be given as he may think fit, and the matter shall be proceeded with as he shall direct.

(3) Notice of the title to an estate in dower or by the curtesy may be entered on the register as an incumbrance. (Rule 26, made under Imp. Act 38 & 39 V. c. 87.)

Cessation of Incumbrances entered on first Registration and Determination of Lease of Registered Leasehold Land.

28. Where, upon the first registration of any freehold or leasehold land, notice of an incumbrance affecting such land has been entered on the register, the cessation of which is required to be notified under section 24 of the Act, the applicant, in case there has been any dealing with, or transmission of, or interest created or arisen in, such incumbrance, not appearing on the register, shall leave in the office an abstract of his title to make the application and prove the same in the usual way, and the matter shall be proceeded with in the mode provided in the cases of examination of title on registration, subject to any special directions of the Master of Titles.

(2) Where there has been no dealing with the incumbrance, the applicant shall produce the instrument of incumbrance with a release or receipt thereon signed by the incumbrancer, whose signature and identity shall be duly verified.

(3) The Master of Titles, upon being satisfied of the cessation of an incumbrance, shall notify the same by cancelling, where convenient, the original entry, or otherwise by entering on the register the fact of such cessation.

(4) This rule shall, where applicable, extend to applications to notify the determination of any lease of registered leasehold land, under section 25 of the Act. (Rule 27, made under Imp. Act 38 & 39 V. c. 87.)

Notice of Lease or Agreement.

29. Every application to register notice of a lease or agreement, under sections 56 and 57 of the Act, shall contain a concise statement of the terms of the lease or agreement for a lease to be noticed.

(2) If the registered owner of the land does not concur, and a copy only of the original lease or agreement is deposited with the Master of Titles with the order of the Court authorizing the registration of the notice, the lease or agreement shall be produced for comparison with the copy.

(3) If the registered owner concurs, he shall be a party to and sign the application, and his signature shall be attested and duly verified, and the application shall state the terms of the notice proposed to be entered, but such terms shall be subject to the approval of the Master of Titles. (Rule 28, made under Imp. Act 38 & 39 V. c. 87.)

(4) The lease or agreement shall be left with the application, and shall be stamped to show that a notice of it has been entered upon the register.

PROCEEDINGS ON AND AFTER REGISTRATION.

Entry as to Exceptions under Section 23.

30. Every application requiring an entry to be made on the register in respect to any of the liabilities, rights and interests, that are by the Act declared not to be incumbrances, shall state the particulars of the entry required to be made.

(2) The evidence in support of the application shall be left therewith, and the application shall be proceeded with in such manner as the Master of Titles shall direct. (Rule 29, made under Imp. Act 38 & 39 V. c. 87.)

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31. Any fact to be notified on the register under section 23 of the Act shall be entered in or against the registered description of the land unless the Master of Titles otherwise directs.

Conditions.

32. Every application to register conditions as annexed to land about to be registered, or to any registered land about to be transferred, shall be made, in case of land about to be registered, either by the person who by himself or nominee is about to be registered as owner of the land, or with his consent in writing, duly verified, and, in the case of land about to be transferred, either by the person actually registered as owner of the land, with the consent in writing, duly verified, of the intended transferee, or by such transferee, with the consent in writing, duly verified, of the registered owner.

(2) If the application relates to any leasehold land about to be registered, or to land about to be registered with an Absolute or Qualified title, the application and conditions shall be in accordance with the title examined by the Master of Titles, and if the application relates to any land about to be transferred, the conditions shall be in accordance with any conditions already registered.

(3) In any case of conditions being annexed on application under section 87, or on first registration arising on the examination of title, a copy of the conditions, or of the document containing them, shall be left in the office, and the registration of such conditions may be made by reference on the register to such copy.

(4) On the registration of any leasehold land, held under a lease containing a prohibition against alienation without license, provision shall be made for preventing alienation without such license by an entry on the register of a reference to such prohibition. (Rule 31, made under Imp. Act 38 & 39 V. c. 87.)

Land Certificate, Certificate of Charge, and Special Certificate.

33. Every application for a land certificate or certificate of charge shall be made by the registered owner entitled to have and requiring the same.

(2) A land certificate shall be under the seal of the office, and contain a copy of the registered description of the land, and the name and address of the registered owner, and such other matters (if any) as may for the time being be entered on the register as affecting the land, and shall state whether the registered ownership is absolute, qualified, or possessory.

(3) A certificate by the Master of Titles, of the application for registration, shall be registered in the registry office of the registration division where the land lies before the first registration in the Land Titles Office is completed. For registering and indexing the certificate the Registrar shall be entitled to a fee of one dollar.

(4) A land certificate to the transferor under section 35 may, if the Master of Titles shall so think fit, consist of his subsisting land certificate, if any, altered to correspond with the register and certified accordingly.

(5) No new land certificate shall be issued under section 35 to the same owner unless the old certificate is delivered up, *except as provided in section 81.*

(6) A certificate of charge shall be under the seal of the office, and may at the option of the applicant contain either a copy of the entry on the registry of such charge, with a reference to or a copy of the registered description of the land, or the same particulars as a land certificate.

(7) The Master of Titles shall, on the application of the registered owner of any land, deliver to him a Special Certificate, which shall be under the seal of the office, and shall contain a copy of a reference to the registered description of the land or the part thereof to which the application relates, and the name and address of such registered owner, and a copy of such other matters as may for the time being be entered on the register as affecting such land, including in the case of leasehold land a copy of or reference to the registered lease; and such certificate shall state, in the case of freehold land, whether the registered ownership is Absolute, Qualified or Possessory, and, in the case of leasehold land, whether any declaration, absolute or qualified, as to the title of the lessor to grant the lease has been made.

(8) Such Certificate shall be conclusive evidence of the title of such registered owner as appearing by the register. No entry shall be made in the register affecting the land comprised in such Special Certificate, and the estate of such registered owner, except on the delivery up of such certificate, until 14 days have expired from and after the date thereof. A note of such Special Certificate shall be entered in the register, and also (unless the Master of Titles shall otherwise direct) on the Land Certificate or office copy lease (if any). (Rule 33, made under Imp. Act 38 & 39 V. c. 87.)

Registered Lease and Office Copy thereof.

34. Every lease or copy of such lease, or of a counterpart thereof, deposited with the Master of Titles under the 15th section of the Act shall be retained in the office during the continuance of such lease.

(2) Application for an office copy of a registered lease shall be made by the registered owner entitled to have and requiring the same. The office copy shall be marked as an office copy and authenticated under the seal of the office.

(3) In addition to or as part of the particulars required by the 20th section of the Act to be endorsed on an office copy lease, a copy of or a reference to the registered description and the map, if any, annexed thereto, shall be endorsed on or annexed to such office copy.

(4) Where a fresh copy is required under the 40th section of the Act, in addition to such of the particulars provided by the 20th section of the Act, and this rule to be endorsed on an office copy or annexed thereto, as in the Master's opinion may be applicable, there shall be annexed to such fresh office copy and referred to in an endorsement thereon a copy of the map (if any) referred to in the registered description of the part transferred, shewing the part so transferred, and an endorsement shall be made on the office copy of the part retained, showing the part disposed of by reference to its registered description, or otherwise. (Rule 34, Imp. 38 & 39 V. c. 87.)

New Land Certificate, Office Copy Lease, or Certificate of Charge.

35. Every application for a new Land Certificate, or office copy of a Registered Lease, or Certificate of Charge to be granted, under section 81 of the Act, shall be supported by an affidavit of the applicant, stating the fact that the former one has been lost, mislaid, or destroyed, and the circumstances thereof, and the new Certificate or copy shall contain a statement that it is granted in the place of the Certificate or copy lost, mislaid, or destroyed. (Rule 35, made under Imp. Act 38 & 39 V. c. 87.)

Questions arising on Registrations.

36. If, at any time during the investigation of title, or in any registration proceeding, any question or doubt or dispute arise, notice may, with the consent of the Master of Titles, be given by the applicant to any person interested in such question or doubt or dispute, to the effect that the same will be brought before the Master of Titles at a time to be mentioned in such notice, and that such person may attend before the Master of Titles at such time by himself, or his counsel or solicitor, and take part in the investigation and settlement of such question, doubt, or dispute. (Rule 36, made under Imp. Act 38 & 39 V. c. 87.)

Number of Registered Owners.

37. No more than four persons shall at any time be registered as owners of the same land or charge. If the number of persons shewing title exceed four, such of them, not exceeding four, shall be registered as

they may in writing agree upon, or, in case they cannot agree, as the Master of Titles may, upon application, decide after such notices have been given (if any), and proceedings taken as the Master of Titles may direct. (Rule 37, made under Imp. Act 38 & 39 V. c. 87.)

MISCELLANEOUS.

Applications to be Signed.

38. Every application to be made under these Rules shall be signed by the applicant or his solicitor. (Rule 38, made under Imp. Act 38 & 39 V. c. 87.)

Abstracts and Documents to be Retained in Office.

39. All abstracts and copies of documents and all documents for registration left in the office shall be retained in the office, pending completion of the registration to which they relate, and shall be afterwards dealt with as the Master of Titles shall direct. Abstracts and documents shall be examined with the originals. (Rule 40, made under Imp. Act 38 & 39 V. c. 87.)

Documents, etc., to be fairly Written.

40. The Master of Titles may refuse to receive any abstract or document that is not fairly written, lithographed, or printed, or in conformity with the rules of the office. (Rule 41, made under Imperial Act 38 & 39 V. c. 87.)

Documents Executed by Attorney.

41. If any document, left in the office for registration purposes, has been executed under a power of attorney, the power of attorney shall be produced, and, if the Master of Titles shall so direct, left in the office, and the execution thereof by, and the identity of, the principal, and the execution of the document by, and the identity of, the attorney shall be duly verified, and such evidence furnished (if any) that the power of attorney was effectual at the date of the execution of the document thereunder as the Master of Titles may direct. (Rule 42, made under Imp. Act 38 & 39 V. c. 87. R. S. O., c. 95, s.s. 14 and 15.)

Destruction of Exhausted Instruments.

42. The registrar may direct the destruction of any instruments in his possession or custody where they have become altogether superseded by entries in the register or have ceased to have any effect. (Rule 43, under Imp. 37 & 38 V. c. 87.)

Stationery, Charges, and Stamps.

43. All copies, entries, engrossments, or other writings made by a stationery clerk in the office, and all stationery and forms supplied by the office in the course of registration, shall be paid for by the applicant. in stamps or otherwise as the case may require.

(2) No entry shall be made on the register before the stamps (if any) in respect of the fees payable by stamps under the Act, and any rules thereunder, have been impressed or affixed on some document sent to or lodged in the office with reference to the proposed registration, or as the Master of Titles shall direct, and before all expenses payable under the Act and rules have been provided for.

(3) Every officer of the land registry who shall receive any document to or upon which a stamp shall be affixed or impressed, under the Act or rules, shall, immediately on receipt of such document, cancel the stamp thereon; as provided by the Act respecting law stamps.

(4) The Master of Titles may refuse to receive in the office any document requiring to be and not duly stamped.

(Rule 45, made under Imp. Act 38 & 39 V. c. 87. R. S. O., c. 21.)

Copies of Documents.

44. In the case of any uncancelled instrument affecting land, which may be deposited, filed, kept, or registered in the office of the Master of Titles, an exemplification or certified copy attested by the Master's seal of office, shall be received as evidence in every Court in the Province in the same manner and with the same effect as in the case of instruments registered under the Registry Act. (R. S. O., c. 62, ss. 46 and 47.)

Verification of Instruments.

45. Where the signing or execution of any document is required to be duly verified, such signing or execution shall be attested by a witness, and such verification shall be made by his affidavit, and when the document is signed or executed by a person named or referred to on the register, such affidavit shall identify the person signing or executing the same accordingly. (Rule 46, made under Imp. Act 38 & 39 V. c. 87.)

Affidavits.

46. Affidavits to be used in the course of registration may be made in the office of the Master of Titles, or before any person authorized to take affidavits under *The Registry Act.*

(2) The Master of Titles may, if he think fit, require evidence to be given *viva voce* before him.

(Rule 47, made under Imp. Act 38 and 39, V. c. 87. R. S. O., c. 62, s. 38 and c. 45, V. c. 10.)

Estates to be Distinguished by Numbers.

47. Unless the Master of Titles shall otherwise direct, land separately entered on the register shall be distinguished by a separate number, and where the land originally registered is dealt with in separate parcels, each new separate estate shall also refer to the number of the land originally registered. (Rule 48, made under Imp. Act 38 & 39 V. c. 87.)

Substituted Description.

48. In case the registered owner of any land is desirous that a revised description shall be substituted for the then registered description, the Master of Titles, if he sees good reason, may in his discretion cause a revised description to be substituted accordingly.

(2) In that case such substituted description shall thenceforth be the registered description of the land, but without prejudice to the description existing at the time of such substitution, so far as relates to estates previously registered. (Rule 49, made under Imp. Act 38 & 39 V. c. 87.)

Maps.

49. An owner sub-dividing land for the purpose of selling the same in allotments as a town plot or village plot, shall deposit with the Master of Titles a map of the town or village plot on a scale of not less than one inch to every four chains, shewing the number of the township or town lots, and range or concession, the numbers or letters of town or village lots, and names of streets, with the astronomical or magnetic bearing of the same, and shewing all roads, streets, lots and commons within the same, with the courses and widths thereof respectively, and the width and length of all lots, and the courses of all division lines between the respective lots within the same, together with such information as will shew the lots, concessions, tracts or blocks of land of the township wherein the same is situate; every such map shall be signed by

the owner or his agent, and certified as accurate by a provincial land surveyor.

(*Vide* R. S. O. c. 111, s. 82.)

- Registrar may require plan of land dealt with. According to scales.
50. In other cases the Master of Titles may require a person applying for registration under this Act, to deposit a map or plan of the land, with the several measurements marked thereon, certified by a licensed provincial surveyor, and upon one of the following scales:—
- If less than one acre. (a.) If the land, or the portion thereof proposed to be transferred or dealt with, is of less area than one acre, then the map or plan shall be on a scale not less than one inch to two chains.
- Over one and not more than five. (b.) If the land, or the portion thereof proposed to be transferred or dealt with, is of greater area than one acre, but not exceeding five acres, then the map or plan shall be on a scale not less than one inch to five chains.
- Over five but not more than eight. (c.) If the land, or the portion thereof proposed to be transferred or dealt with, is of greater area than five acres, but not exceeding eighty acres, then the map or plan shall be on a scale not less than one inch to ten chains.
- Exceeding eighty. (d.) If the land, or the portion thereof proposed to be transferred or dealt with, is of greater area than eighty acres, then the map or plan shall be on a scale of one inch to twenty chains.
- Attesting plan. (2) The owner shall sign the said plan and verify the accuracy of the same before any person authorized under Rule 46 *ante*.
- If owner does not comply. (3) If the owner neglects or refuses to comply with such requirements as aforesaid, the Master of Titles may refuse to proceed with the registration of the transfer or dealing;
- As to subsequent divisions. (4) Subsequent sub-sections of the same land may be delineated upon a duplicate of the map or plan of the same so deposited, if the same is upon a sufficient scale in accordance with the provisions herein contained; and the correctness of the delineation of each such sub-division shall be acknowledged in the manner prescribed for the case of the deposit of an original map;
- As to parts of legal sub-divisions. (5) Where parts of different legal sub-divisions are included in the same transfer, the map shall represent the whole of such legal sub-divisions, and shall indicate the location of the lands to be transferred; this shall not be necessary in the case of lots in a city, town or village the plan of which has been registered.
- (R. S. O., c. 111, s. 82; Mills, s. 36 *et seq.* Rule 50 & 51, made under 38 & 39 V. c. 83.)

Summonses and Production of Public Documents.

51. Upon any summons being issued under section 112 of the Act, the affidavit verifying the service thereof shall also prove that the reasonable charges of the attendance of the person summoned, and of his production of the documents (if any) required to be produced, have been paid or tendered to him. (Rule 52, made under Imp. Act 38 & 39 V. c. 87.)

Notices, Preparation and Service of.

52. All notices and summonses required to be given or served for any purpose shall be prepared by the applicant on the official forms and under the stamp of the office.

(2) If the service of the notices or summonses be personal, it shall be proved by affidavit.

(3) If the service be through the post, it shall be made by registered letter. In such case open official envelopes, duly stamped and addressed, and marked outside, "Office of Land Registry," and "to be returned to The Land Registry Office, Toronto, if not called for or delivered in ten days," and with the word "Registered," and containing the notices stamped, shall be left at the office for posting.

(4) Every notice required to be given shall, if sent through the post, unless returned, be deemed to have been received by the person addressed within seven days, exclusive of the day of posting.

(5) On the return of any letter containing any notice, the Master of Titles shall act in the matter requiring such notice to be given, in such manner as he shall think fit. (Rule 53, made under Imp. Act 38 & 39 V. c. 87.)

Substituted Service

53. Substituted service on the solicitor or agent of any person shall be deemed good service on such person if the Master of Titles shall so direct. (Rule 54, made under Imp. Act 38 & 39 V. c. 87.)

Discretionary Power of Master.

54. The Master of Titles, if he so think fit, may extend the time limited by general rules for any purpose, and where the signing or execution of any document or instrument, or any act is required by such rules to be attested and verified or done by a solicitor, may accept such document or instrument though not so attested or verified, and may give such directions in respect of such act though not so done, as he may think fit, and upon such terms and conditions (if any) in every such case as he may think proper.

(2) If at any time the Master of Titles is of opinion that any further or other evidence is necessary or desirable, he may refuse to complete any dealing with the register until such further or other evidence has been produced. (Rule 55, made under Imp. Act 38 & 39 V. c. 87.)

The Register.

55. The register shall be made and kept in such mode that in every case where there is a registered owner of land, such land and any transactions relating thereto authorized to be entered on the register shall form a separate folium of the register.

(2) The Master of Titles may withdraw from the register, by cancellation or otherwise, any notice or entry which he is satisfied no longer affects the registered land.

(3) No entry in the register shall be set aside or called in question by reason of any irregularity or informality in any proceeding previous to the making thereof.

(Rule 56, made under Imp. Act 38 & 39 V. c. 87.)

(4) The Master of Titles shall note upon the register of the title of the transferor the number of the register of the transferee's title, and upon that of the transferee the number of the register of the transferor, so that reference can be readily made from one to the other as occasion may require.

Indexes and Inspection.

56. There shall be kept by the Master of Titles indexes corresponding as nearly as may be to the indexes provided for by the Registry Act; and any person may inspect the same. (R. S. O., c. 111, ss. 33 and 35.)

57. ~~57.~~ All copies or extracts from any register or document in the custody of the Master of Titles relating to any land or charge, shall be made by a clerk in the office. No document not referred to in the register of the existing ownership shall, without the consent of the Master of Titles, be inspected by any person other than the registered owner or any one having his written consent. (See rule 57 made under Imp. Act 38 and 39 V. c. 87.)

Forms.

58. The forms in the schedule hereto shall be used in all matters to which they refer or are capable of being applied or adapted, with such alterations and additions only as are necessary to meet the circumstances of each case; but no recital, reservation, covenant, declaration or other provision not referred to in or required by such forms, shall be inserted therein.

(2) Official copies of the forms may be supplied through the office, and may, where practicable, be used in all matters to which the forms relate.

(3) The Master of Titles may reject any document which is informal, or which he may consider is not in accordance with this rule. (Rule 58, made under Imp. Act 33 & 39 V. c. 87.)

Appeal.

59. Upon any application to the Court being made on the requirement of or appeal from the Master of Titles, or for the rectification of the register under section 97, a statement shall be prepared by the applicant and settled and signed by the Master of Titles, and forwarded to the Court through the office before the hearing.

(2) All applications to the Court and appeals from the Master of Titles shall be in the same manner and subject to the same regulations (as nearly as may be) as appeals from the Master in Ordinary or Master in Chambers under the Judicature Act and Rules.

(3) No appeal from a decision or order of the Master of Titles, or of the Court, shall affect any dealing for valuable consideration duly registered before a notice in writing of such appeal has been lodged in the office on the part of the appellant, and a note thereof made, on his application, in the register.

(4) No appeal shall be brought from a decision or order of the Master of Titles, or of the Court, after 28 days from the date of such decision or order, without leave of the Court.

(5) Service of any order, or official copy order, of any Court on the Master of Titles, shall be made by leaving the same in the office, and an application shall be left at the same time for the rectification of the register being made, or any other act being done, in accordance with such order, and the matter shall be proceeded with as the Master of Titles shall direct. (Rule 59, made under Imp. Act 33 & 39 V. c. 87.)

Hours of Attendance

60. The office of the Master of Titles shall be open from the hour of ten in the forenoon until four in the afternoon every day in the year, Sundays and holidays excepted.

SCHEDULE OF FORMS.

1.—*Form of Register on first entry of Ownership.*

LAND TITLES ACT, 1885.

A. B., of _____ is the owner in fee simple of (*description of property*), subject to the exceptions and qualifications mentioned in section 10 of *The Land Titles Act, 1885*, and numbered therein (*as the case may be, if the title is free from some of them.*)

In witness whereof I have hereunto subscribed my name and affixed my seal this _____ day of _____, A.D., 18 _____.

(Signed)

Where title is Possessory, say:

The title of *A. B.* is subject to the claims (if any) which can be enforced to the said land by reason of any defect in the title of (*name of the first registered owner*).

When the land is subject to a life estate, say :

The title of *A. B.* is subject to the life estate of *G. H.*, of _____ in the said land.

And if subject to a mortgage, say :

The title of *A. B.* is subject to a mortgage dated the _____ day of _____, made by *A. B.* to *W. B.*, to secure \$3,000 and interest at the rate of 7 per cent. per annum from the 17th day of July, 1882, payable as herein mentioned. (If mortgage is discharged, say :) Discharged by Certificate No. *B.*, 1602.

Where the land is subject to a lease, say :

The title of *A. B.* is subject to a lease, dated the _____ day of _____, made by *A. B.* to *Y. Z.*, for the term of ten years.

2.—Form of Register of Partial Interests.

LAND TITLES ACT, 1885.

A. B., of _____, is entitled to an estate for the term of his natural life in (description of land) mentioned and described in the Register of Owners, No. 1,500, but subject to the exceptions mentioned in section _____ of the Land Titles Act, 1885, and to such charges and partial interests as may be recorded hereon.

In witness whereof, etc.

(Where title of original registered proprietor is possessory add) The title of *A. B.* is subject to the claims (if any) which can be enforced against the said land by reason of any defect in the title of the said *A. B.* (or other person who was the first registered proprietor).

(Where life estate is mortgaged, say) The title of *A. B.* is subject to a mortgage dated the _____ day of _____, made by the said *A. B.* to *C. D.* to secure \$800 and interest at the rate of 7 per cent. per annum as therein mentioned.

(If transfer made of mortgage, say :) The mortgage _____ was transferred by *C. D.* to *E. F.* by transfer dated _____ (by way of mortgage to secure \$_____).

(If the dealings in reference to any particular incumbrance are numerous, the incumbrance can be transferred to a new folio to which reference can be made.)

3.—Form of Certificate of Ownership.

LAND TITLES ACT, 1885.

This is to certify that *A. B.* is the owner (i.e., in terms of the entry in the register).

4.—Form of Application for first Registration of Ownership.

LAND TITLES ACT, 1885.

A. B., of etc., being entitled for his own benefit to an estate in fee simple in the land, in the township of _____, in the county of York, called or known as _____, containing by estimation _____ (or as the case may be, according to sections 6, 72 or 73 of the Act), and described in the schedule hereto, or described as follows, as the case may be, applies to be registered _____ (or where applicable, to have registered in his stead *C. D.*, of etc.), as owner of such land (or leasehold land) with (in the case of freehold land), a Possessory title (or with an Absolute title, or, in the

he appears to be the owner thereof in fee, free from all incumbrances (except, stating the incumbrances if any); wherefore any other person having or pretending to have any title to or interest in the said land or any part thereof is required on or before _____ day the _____ day of now next ensuing, to file a statement of his claim in my office in the City of Toronto, and to serve a copy on the said *A. B.* or on *J. H.*, of &c., his solicitor, and in default every such claim will be barred and the title of the said *A. B.* become absolute and indefeasible at Law and in Equity, subject only to the reservations mentioned in the _____ section of the said Act.

Dated this _____ day of _____ 18 _____
 _____ X. Y.,
 Master of Titles.

10.—*Form of Objection.*

LAND TITLES ACT, 1885.

In the matter of the application of

C. D., of, &c., hereby gives notice that he objects to the registration of *A. B.*, under the Land Titles Act, as the owner of the land called or known as _____, comprised in the above application.

The particulars of the objection of the said *C. D.*, are (*here state concisely particulars of objection.*)

Dated this _____ day of _____ 18 _____
 _____ (*Signature of the objector or his solicitor.*)

11.—*Notice to Objector.*

LAND TITLES ACT, 1885.

In the matter of the application of

Notice that the objection lodged by you to the registration of *A. B.*, of, &c., under the Land Titles Act, 1885, as owner of the land called or known as _____, is appointed to be heard before the Master of Titles, at his office in Toronto, on the _____ day of _____ 18 _____, at _____ o'clock, and that you may attend and be heard before the said Master at such time and place by yourself, or by your counsel or solicitor, and may then and there show cause, by affidavit or otherwise, in support of your objection.

Dated the _____ day of _____ 18 _____
 _____ (*Signature of applicant or his solicitor.*)

12.—*Notice where the Applicant mentions adverse claim which he disputes.*

LAND TITLES ACT, 1885.

Take notice that *A. B.*, of, &c., has made an application for a certificate under The Land Titles Act 1885, of his Title to the property described below (*or as the case may be*), and take notice that if you claim any interest therein you must lodge your claim in writing, stating the particulars thereof, at my Chambers in Toronto, on or before the _____ day of _____ and serve a copy on the said *A. B.* or on *J. H.* of, &c., his solicitor, and in default thereof any claim, right or interest you may have therein will be for ever barred and extinguished.

Given under my hand this _____ day of _____ 18 _____
 _____ X. Y.,
 Master of Titles.

13.—*Affidavit of Publication of Advertisement.*

LAND TITLES ACT, 1885.

I, *A. B.* of, &c., make oath and say :

1. A true copy of the advertisement now produced and shewn to me and marked as exhibit A, appeared and was published in the issue of the *Ontario Gazette* on the _____ day of _____

2. A true copy of the said advertisement also appeared and was published in each issue of the _____ newspaper on the _____ and _____ days of _____

3. I have examined copies of the said *Gazette* and _____ newspaper issued on each of the said days.

Sworn, &c. _____

14.—*Affidavit of posting up the Advertisement in the Court House.*

LAND TITLES ACT, 1885.

I, A. B. of, &c., make oath and say:

1. I did on the _____ day of _____, post up and affix in a conspicuous place in the Court House in the town of _____, a true copy of the advertisement now produced and shewn to me and marked as exhibit A to this affidavit.

2. The said advertisement so posted up by me as aforesaid remained affixed up in the said place for the full period of one month, as I verily believe, (state the reasons for this belief.)

3. The said Court House is the Court House of the County in which the lands in question in this matter are situated.

Sworn, etc. _____

15.—*Affidavit of Posting up Advertisement at the Nearest Post Office.*

LAND TITLES ACT, 1885.

I, A. B. of, &c., make oath and say:

1. I did on the _____ day of _____, post up in a conspicuous place in the post office, in the village of _____, a true copy of the advertisement in this matter now produced and shewn to me and marked as Exhibit A.

2. The said advertisement remained where it was posted up by me continuously for the full period of one month, as I verily believe, (state the reasons for this belief).

3. The post office in the village of _____ is the post office nearest the land in question in this matter.

Sworn, &c. _____

16.—*Caution (under Section 66) before Registration.*

LAND TITLES ACT, 1885.

I, A. B., of etc., have such an interest in the land particularly described in the statutory declaration bearing even date herewith, and made by me and left in the office of Land Registry, in support of this Caution, as entitles me to object to any disposition thereof being made without my consent, and I am entitled to notice of any application that may be made for the registration of such land. Form 11 made under Imp. Act 38 & 39 V. c. 87.

My address for service of notice is _____, in the _____ of _____, in the county of _____

Dated this _____ day of _____, 18 _____.

(Signature of the cautioner or his solicitor.) _____

17.—*Affidavit under Section 68 in support of Caution lodged under Section 66.*

LAND TITLES ACT, 1885.

I, I, A. B., of etc., make oath and say as follows:

1. The land affected by the caution, dated the _____ day of _____, lodged by me with the Master of Titles, is the land described in the schedule hereto (or as the case may be), or so much thereof as is comprised in Form 12 made under Imp. Act 38 & 39 V. c. 87.

8—93.

2. That my interest in the said land entitles me to object to any disposition of the said land being made without my consent, and that the nature of such my interest is as follows: [*here state particulars of cautioner's interest.*]

The schedule above referred to. [*Here insert ordinary description of land to be affected by the Caution.*]

18.—*Notice to Cautioner (under Sections 66 and 69.)*

LAND TITLES ACT, 1885.

Form 13 made
under Imp.
Act 38 & 39
V. c. 87.

NOTICE.—*C. D.*, of, etc., has applied to be registered (*or to have registered in his stead E. F.*, of etc.) as owner of the land in the _____ of _____, in the county of York, affected by the Caution dated the _____, 18____, lodged by you in the office of the Master of Titles in Toronto; and if you intend to appear and oppose such registration you are to enter an appearance for that purpose at the said office before the expiration of 14 days from the date of the service of this notice.

Dated this _____ day of _____, 18____.

Signature of the Master of Titles and of the applicant or his solicitor.
To _____

19.—*Caution (under Section 59) after Registration.*

LAND TITLES ACT, 1885.

Form 14 made
under Imp.
Act 38 & 39
V. c. 87.

I, A. B., of, etc., being interested in the land registered in the name of _____ under the number _____ in the _____ (*or in the charge registered the _____ day of _____, 18____, in the name of E. F.*, of, etc., on the lands, etc., (*as the case may be,*) require that no dealing with such land (*or charge*) be had on the part of the registered owner until notice has been served upon me.

My address for service of notice is lot _____, in the _____ concession, in the County of York, *and my Post Office address is _____*

Dated this _____ day of _____, 18____.

Signature of the cautioner or his solicitor.

20.—*Affidavit in support of Caution lodged under Section 59.*

LAND TITLES ACT, 1885.

I, A. B., of, etc., make oath and say, as follows:—

Form 15 made
under Imp.
Act 38 & 39
V. c. 87.

1. The land (*or charge*) to which the Caution dated the _____ day of _____, 18____, lodged by me at the office of the Master of Titles in the City of Toronto applies, is the land (*or charge registered the _____ day of _____, 18____, in the name of _____ on the land*) registered in the name of _____ under the N. _____ in the said office.

2. That I am interested in such land (*or charge*), and that the particulars of my interest are as follows [*here state particulars*].

21.—*Notice to Cautioner (under Sections 59 and 60.)*

LAND TITLES ACT, 1885.

Form 16 made
under Imp.
Act 38 and 39
Vic., c. 87.

NOTICE.—The caution lodged by you in the office on the _____ day of _____, 18____, requiring that no dealing with the land (*or charge registered the _____ day of _____, 18____, in the name of _____ on the land*) registered in the name of _____ under the number _____ should be had on the part of the registered owner until notice had been served upon you, will cease to have any effect after the expiration of 14 days next

as the case may be] in consideration of (\$1,500) paid to me, transfer to C. D., of, etc., the land (or lease) hereinafter particularly described, or so much thereof. being part of the land now registered under No. etc.

(Signature of registered owner.)

30.—Form of Transfer by Endorsement.

LAND TITLES ACT, 1885.

I, the within named A. B., in consideration of \$ paid to me by C. D., transfer to C. D. the within mentioned land.
Dated etc.,

(Signature.)
(No Seal necessary.)

Form in schedule 25 & 26 V. c. 96 (Imp.); McCarthy's schedule, I.

Witness (as above).

31.—Form of Transfer of Charge or Mortgage.

LAND TITLES ACT, 1885.

I, the within named A. B., in consideration of \$ paid to me, do transfer to C. D., the within mentioned mortgage.
Dated, &c.,

(Signature.)
(No Seal necessary.)

Form in schedule 25 & 26 V. c. 96 (Imp.); Mill's schedule I, McCarthy's schedule I.

Witness (as above.)

32.—Form of Transfer of Land under Writ of Fieri Facias.

LAND TITLES ACT, 1885.

I, _____, Sheriff of _____, in pursuance of a writ of fieri facias, tested the day of _____ and issued out of (insert name of Court) in an action wherein _____ is the plaintiff, and the defendant _____, which said defendant is registered under the Land Titles Act, as the owner of the land hereinafter described, subject to the exceptions, qualifications, mortgages, and encumbrances (or, as the case may be), notified hereunder, do hereby, in consideration of the sum of _____ paid to me, as Sheriff aforesaid, by E. F. (insert addition), transfer to the said E. F. all that piece of land (here insert a sufficient description of the land, and refer to the registered number of the property.)

Dated the _____ day of _____,

Signature of Sheriff.
(No Seal necessary.)

Exceptions, qualifications, mortgages and encumbrances referred to. (State them.)

33.—Application for Entry to be made in Register, negating Implied Covenants under Section 45.

LAND TITLES ACT, 1885.

A. B., the registered owner of the land No. _____, on the register, and C. D., of, etc., the transferee named in the instrument of transfer dated the _____ day _____, 18 _____, and lodged herewith, request the Master of Titles to make an entry in the register to the effect following: that is to say [here state the implied Covenants to be negatived].

Dated the _____ day of _____, 18 _____.

(Signatures of transferor and transferee.)

Form 25 made under Imp. Act 38 & 39 V. c. 87.

Witness to both signatures.

X. Y.

34.—*Transmission of Registered Ownership on death of Owner.**Application under Section 48 or 50.*

LAND TITLES ACT, 1885.

Form 26 made
under Imp.
Act 38 & 39
V. c. 87.

A. B., the registered owner of the land, (or charge, dated the day of 18 , on the land, etc., *as the case may be*), No. on the register, died on the day of 18 , (or *otherwise, as the case may be, within sections 48 or 50 of the Act*), *C. D.*, of, etc., is entitled to the said land (or charge), and applies to be registered as the owner thereof accordingly.

The evidence in support of the above application consists of [*here state the evidence to be lodged herewith*].

Dated the day of 18 .

Signature of C. D., or his solicitor.

35.—*Transmission of Registered Ownership.**Application under Section 47.*Form 27 made
under Imp.
Act 38 & 39
V. c. 87.

A. B., the registered owner of the land No. on the register, died on the day of , 18 , (or *otherwise, as the case may be*), *C. D.*, of, etc., being interested in the said land, applies to be registered (or to have *E. F.*, of, etc., registered), as owner of the said land.

The interest of the said *C. D.*, (or *E. F.*,) and the existing rights of the several other persons interested in the said land, are stated in the affidavit* of the said *C. D.* and *G. H.*, of, etc., the solicitor of the said *C. D.*, filed herewith, and the other evidence in support of this application is left herewith.

Dated the day of 18 .

(Signature of C. D. or his solicitor.)

* Affidavit, etc., to be left with application.

36.—*Application under Section 58, as to dower or curtesy.*

LAND TITLES ACT, 1885.

Form 28 made
under Imp.
Act 38 & 39
V. c. 87.

C. D., of, etc., being entitled to an estate in dower (or by the curtesy) in the land numbered on the register, and of which land *A. B.* is the registered owner, applies that notice of such estate may be entered on the register.

The existing rights of the several persons interested in the said land are stated in the affidavit* of *C. D.* and *G. H.*, of, etc., the solicitor of the said *C. D.*, filed herewith, and the other evidence in support of this application is left herewith.

Dated this day of 18 .

(Signature of C. D., or his solicitor.)

Affidavit, etc., to be left with application.

37.—*Application to notify Cessation of Incumbrance or Lease entered on the Register on first Registration.*

LAND TITLES ACT, 1885.

Form 29 made
under Imp.
Act 38 & 39
V. c. 87.

A. B., the registered owner of the land No. on the register, hereby requests the Master to notify on the register the cessation of the incumbrance (*describing it*) (or the determination of the lease, *describing it*), entered upon the register, the same being discharged (or determined),

41.—*Application for Land Certificate (or Certificate of Charge or office copy lease.)*

LAND TITLES ACT, 1885.

Form 36 made
under Imp.
Act 38 & 39
V. c. 87.

A. B., the registered owner of a charge dated the _____ day of _____ 18____, and registered the _____ day of _____, 18____, on the freehold (or leasehold) land No. _____ on the register, hereby requests the Master to deliver to him a Land Certificate (or Certificate of Charge, or an office copy of the Registered Lease, *as the case may be*).

* A. B. desires that the certificate of charge shall contain the same particulars as a land certificate (or otherwise according to rule 37).

Dated the _____ day of _____ 18____.

(Signature of A. B. or his solicitor.)

*To be added if application be for Certificate of Charge.

42.—*Affidavit attesting Execution of Instrument and identifying Owner.*

LAND TITLES ACT, 1885.

Form 37 made
under Imp.
Act 38 & 39
V. 87.

I, G. H., of, etc., a solicitor of the Supreme Court of Judicature, do make oath and say that I am well acquainted with A. B., the person named in the within document dated the _____ day of _____ 18____, that I saw him sign the said document; that the name A. B., at the foot thereof, is the handwriting of the said A. B., and that the said A. B., is the same person as A. B. who is named in the register as the owner of (the charge dated the _____ day of _____, 18____, and registered the day of _____,) the land entered on the register under the number _____, and that the said A. B. is of full age and under no legal disability.

And I make, etc.

43.—*Form of a reference to the Court.*

In the High Court of Ontario.

LAND TITLES ACT, 1885.

(Date.)

In the matter of the registration of transfer (or as the case may be) A. B. to C. D.

The Master of Titles under section _____ of the Land Titles Act, 1885, hereby humbly refers the following matter to the Court, to wit: (*Here state briefly the difficulty which has arisen.*)

The parties interested, so far as the Master of Titles knows or has been informed, are: (*Here give the names.*)

Signature of Master of Titles.

L. S.

44.—*Form of Power of Attorney to make Transfers.*

LAND TITLES ACT, 1885.

Form in
schedule 25 &
26 V. c. 96;
(Imp.), Mill's
schedule N.,
McCarthy's
schedule K.

I, A. B., do appoint C. D. my attorney to transfer to E. F. absolutely (or by way of mortgage, *as the case may be*), all my lands as entered and described in the register of estates under No. 129, and my estate therein.

A. B.

Witness (*as above.*)

X. Y.

~~It~~ (If such is the intention, add, that the power shall not be revoked by the death of the said A. B., and the exercise of the same after his death shall be binding on his representatives). ~~It~~

45.—*Form of Revocation of Power.*

LAND TITLES ACT, 1885.

I, *A. B.*, of _____, hereby revoke the power of attorney, given by me
to _____, dated the _____ day of _____
In witness whereof, I have hereunto subscribed my name this
day of _____

(*Signature of A. B.*)

Witness (*as above.*)

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to simplify Titles and to facilitate
the Transfer of Land.

First Reading, 13th February, 1885.
Second " 19th March, 1885.

*(Reprinted as amended by Committee
of the Whole House.)*

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section twenty-three of section six of the Assessment Act, chaptered, is hereby repealed, and the following is substituted therefor: R. S. O., c. 180, s. 6, sub-s. 23, repealed.

(23) The stipend or salary of any clergyman or minister of religion while in actual connection with any church and doing duty as such clergyman or minister, to the extent of one thousand dollars and the parsonage, and if there be no parsonage, the dwelling-house occupied by him with the land thereto attached, to the extent of two acres, and not exceeding two thousand dollars in value. Assessment of ministers' salaries.

No. 95.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Act to secure to Wives
and Children the benefit of Life In-
surance.

First Reading, 16th February, 1885.

Mr. GIBSON
(*Hamilton*).

TORONTO:

PRINTED BY THE "GHR" PRINTING AND PUBLISHING CO.

An Act to amend the Act to secure to Wives and Children the benefit of Life Insurance.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section seven of the Act passed in the forty-seventh ^{47 V. c. 20,} 5 year of Her Majesty's reign, chaptered twenty, and intituled, ^{s. 7, amended.} *An Act to secure to Wives and Children the benefit of Life Insurance*, is hereby amended by adding thereto the following proviso, and such section shall be read as if such proviso had formed a part of such section from the time of the passing 10 thereof:

“Provided always that any such policy may be surrendered or assigned.”

(1) “If where the policy is for the benefit of children only the person insured and all of the surviving children who have 15 been born, and are of the full age of twenty-one years, agree to so surrender or assign; or

(2) “If where the policy is for the benefit of both a wife and children, the said wife (if any) and the person insured, and all of the surviving children who have been born and are of 20 the full age of twenty-one years, agree to so surrender or assign; or

(3) “If where the policy is for the benefit of a wife only, or of a wife and children, and there are no children living, the party insured and said wife agree to so surrender or assign.”


25 2. Where the declaration endorsed upon or attached to any policy of insurance to which the said Act applies, whether such declaration has heretofore been or shall hereafter be made, provides that the policy shall be for the benefit of a person, and in the event of the death of such person for the benefit of 30 another person, such first mentioned person shall, if living, be for the purposes of section 23 of the said Act, deemed the person entitled to be benefited under such policy.



Who deemed person entitled to benefit of policy for purpose of 47 V., c. 20, s. 23.

3. Section 15 of the said Act is hereby amended by adding the following thereto as sub-sections 2 and 3.



47 V., c. 20, s. 15, amended.

(2) If the company does not within four months from the time the claim accrues, either pay the same to some person competent to receive the money under this Act, or pay the same into the High Court, the said Court may upon application made by some one competent to receive the said money, 40 or by some other person, on behalf of the infant, order the in-



insurance money, or any part thereof, to be paid to any trustee, executor or guardian competent to receive the same, or to be paid into Court to be dealt with as the Court may direct, and any such payment shall be a good discharge to the company. 

(3)  The Court may order the costs of the application, 5 and any costs incidental to establishing the claim to be paid out of such moneys, or by the company, or otherwise, as may seem just, and the Court may also order the costs of, and incidental to, obtaining out of Court moneys voluntarily paid in by a company, to be paid out of such moneys.  10



Application of
47 V., c. 20,
ss. 12, 15 and
19.

4.  The provisions of sections 12, 15 and 19 of the said Act shall extend, and are hereby declared to have been intended to extend, and apply to cases where the insured died before the passing of the said Act, as well as to cases arising subsequent thereto, and the amendments of the said sections made by this 15 Act shall likewise apply to all such cases. 

47 V., c. 20,
ss. 8 and 9,
amended.

5.  Sections 8 and 9 of the said Act are hereby amended by the insertion of the word 3 immediately after the word 2 in the first line of each of such sections. 

Application of
47 V., c. 20.

6.  The provisions of the said Act are hereby declared to 20 extend to all contracts of insurance mentioned in the first section thereof; provided that any declaration endorsed thereon or attached thereto, though made before the passing of the Act would, if made after the passing thereof, have been or be within the operation and provisions of the said Act.  25

No. 95.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Act to secure to Wives and Children the benefit of Life Insurance.

First Reading, 16th February, 1885.
Second " 27th " 1885.

(Reprinted as Amended by Select Committee.)

Mr. GIBSON
(Hamilton).

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Act to secure to Wives and Children the benefit of Life Insurance.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section seven of the Act passed in the forty-seventh year of Her Majesty's reign, chapter twenty, and intituled, *An Act to secure to Wives and Children the benefit of Life Insurance*, is hereby amended by adding thereto the following proviso, and such section shall be read as if such proviso had formed a part of such section from the time of the passing thereof:

47 V. c. 20,
s. 7, amended.

Provided always that any such policy may be surrendered or assigned.

(a) Where the policy is for the benefit of children only and the children surviving are all of the full age of twenty-one years, if the person insured and all such surviving children agree to so surrender or assign; or

(b) Where the policy is for the benefit of both a wife and children, and the surviving children are all of the full age of twenty-one years, if the person insured, and his then wife (if any) and all such surviving children agree to so surrender or assign; or

(c) Where the policy is for the benefit of a wife only, or of a wife and children, and there are no children living, if the person insured and his then wife agree to so surrender or assign.

2. Where the declaration endorsed upon or attached to any policy of insurance to which the said Act applies, whether such declaration has heretofore been or shall hereafter be made, provides that the policy shall be for the benefit of a person, and in the event of the death of such person for the benefit of another person, such first mentioned person shall, if living, be for the purposes of section 23 of the said Act, deemed the person entitled to be benefited under such policy.

Who deemed person entitled to benefit of policy for purpose of 47 V., c. 20, s. 23.

3. Section 15 of the said Act is hereby amended by adding the following thereto as sub-sections 2 and 3.

47 V., c. 20,
s. 15, amended.

(2) If the company does not within four months from the time the claim is admitted, either pay the same to some person competent to receive the money under this Act, or pay the same into the High Court, the said Court may upon application made by some one competent to receive the said money, or by some other person, on behalf of the infant, order the in-

surance money, or any part thereof, to be paid to any trustee, executor or guardian competent to receive the same, or to be paid into Court to be dealt with as the Court may direct, and any such payment shall be a good discharge to the company.

(3) The Court may order the costs of the application, and any costs incidental to establishing the authority of the party applying for the order to be paid out of such moneys, or by the company, or otherwise, as may seem just, and the Court may also order the costs of, and incidental to, obtaining out of Court moneys voluntarily paid in by a company, to be paid out of such moneys.

Application of 47 V., c. 20, ss. 12, 15 and 19.

4. The provisions of sections 12, 15 and 19 of the said Act shall extend, and are hereby declared to have been intended to extend, and apply to cases where the insured died before the passing of the said Act, as well as to cases arising subsequent thereto, and the amendments of the said sections made by this Act shall likewise apply to all such cases.

47 V., c. 20, ss. 8 and 9, amended.

5. Sections 8 and 9 of the said Act are hereby amended by the insertion of the word three immediately after the figure 2 in the first line of each of such sections.

Application of 47 V., c. 20.

6. The provisions of the said Act are hereby declared to extend to contracts of insurance mentioned in the first section thereof, where any declaration endorsed thereon or attached thereto, though made before the passing of the Act would, if made after the passing thereof, have been or be within the operation and provisions of the said Act.

2nd Session, 5th Legislature, 48 Vic., 1885.

No. 95.

BILL.

An Act to amend the Act to secure to Wives and Children the benefit of Life Insurance.

First Reading, 16th February, 1885.
Second " 27th " 1885.

(Reprinted as amended by Committee of Whole House.)

MR. GIBSON,
(Hamilton).

An Act to amend the Consolidated Municipal Act,
1883.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Sub-section four of section seventy-three is hereby
5 amended by striking out all the last paragraph thereof. 46 V., c. 18, s.
73, sub-s. 4,
amended.

2. Section one hundred and eighty-three is hereby repealed, Sec. 183 re-
pealed.
and the following inserted instead thereof:

83. The returning officers and deputy returning officers shall
10 receiving the warrant, and the clerk shall appoint a day and
place for the nomination of candidates, and the election shall
in respect to notices and other matters be conducted in the
order and manner of the annual elections.

3. Section five hundred and thirty-two is hereby amended Sec. 532,
amended.
15 by striking out the following words in the ninth line, "The
limits of any incorporated village in."

4. Section five hundred and thirty-four is hereby amended Sec. 534,
amended.
by striking out the following words in eighth and ninth lines,
"the limits of any incorporated village in."

20 5. Section five hundred and thirty-five is hereby repealed, Sec. 535,
repealed.
and the following inserted instead thereof:

535. It shall be the duty of county councils to erect and Bridges be-
tween muni-
cipalities.
25 maintain bridges over rivers forming or crossing boundary lines
between two municipalities (other than in the case of a city or
separated town), within the county; and in case of a bridge
over a river forming or crossing a boundary line between two
counties or a county, city or separated town, such bridge shall
he erected and maintained by the councils of the counties or
county, city and separated town respectively, although such
30 bridge may be wholly in either municipality, but on some
deviation of a road used instead of the boundary; and in case
the councils fail to agree as to the respective portions of the
expense to be borne by the municipalities interested, it shall
be the duty of each to appoint arbitrators as provided by *The*
35 *Consolidated Municipal Act*, to determine the proportionate
amount to be paid by each, and the award made shall be final.

6. In case a road lies wholly or partly between a county, Roads between
municipalities
city, town, township or incorporated village and an adjoining

county or counties, city, town, township or incorporated village, the councils of the municipalities between which the road lies shall have joint jurisdiction over the same, although the road may so deviate as in some places to be wholly or in part within one or either of them, but any bridge over rivers forming or crossing the boundary line between counties, or county, city, or separated town shall be built and maintained jointly by the councils of such counties, city or separated town. 5

No. 96.

2nd Session, 5th Legislature, 48 Vic., 1885

BILL.

An Act to amend the Consolidated Municipal Act, 1883.

First Reading, 16th February, 1885.

Mr. FELL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting Employers' liability to make compensation for personal injuries suffered by workmen in their service.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Where, after the passing of this Act, personal injury is
5 caused to a workman—
- Injuries entitling workmen to compensation.
- (1) By reason of any defect in the condition of the ways, works, machinery or plant connected with or used in the business of the employer ; or
- 10 (2) By reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him whilst in the exercise of such superintendence ; or
- (3) By reason of the negligence of any person in the service of the employer to whose order or directions the workman at the time of the injury was bound to conform and did conform,
15 where such injury resulted from his having so conformed ; or
- (4) By reason of the act or omission of any person in the service of the employer done or made in obedience to the rules or by-laws of the employer, or in obedience to particular instructions given by any person delegated with the authority of the
20 employer in that behalf ; or
- (5) By reason of the neglect of any person in the service of the employer engaged in a branch or department of such source separate or distinct from that in which the workman was engaged ; or
- 25 (6) By reason of the negligence of any person in the service of the employer who has the charge or control of or has any duty to perform in respect of any signal, points, switch, track, locomotive, engine or train of or upon a railway or any other engine, boiler or other machinery ;
- 30 The workman, or in case the injury results in death, the legal personal representatives of the workman, and any person entitled in case of death, shall have the same right of compensation and remedies against the employer as if the workman had not been a workman of or in the service of the employer or
35 engaged in his work.
2. A workman shall not be entitled under this Act to any right of compensation or remedy against the employer in any of the following cases, that is to say :
- Injuries not entitling workmen to compensation.

(1) Under sub-section one of section one, unless the defect therein mentioned arose from or had not been discovered or remedied owing to the negligence of the employer or of some person in the service of the employer and entrusted by him with the duty of seeing that the ways, works, machinery or plant were in proper condition. 5

(2) Under sub-section four of section one, unless the injury resulted from some impropriety or defect in the rules, by-laws or instructions therein mentioned, and where a rule or by-law has been approved of or has been accepted as a proper rule or by-law by any department of the Government under or by virtue of an Act of the Parliament of Canada, or of the Legislature of Ontario having authority in that behalf, it shall be deemed for the purposes of this Act to be an improper or defective rule or by-law. 10 15

(3) In any case where the workman knew of the defect or negligence which caused his injury, and failed within a reasonable time to give or cause to be given information thereof to the employer or some person holding a superior position to himself in the service of the employer, unless he was aware that the employer or such person already knew of the said defect or negligence. 20

Amount of compensation. 3. The amount of compensation recoverable under this Act shall not exceed such sum as may be found to be equivalent to the estimated earnings, during the five years preceding, of a person in the same grade employed during those years in the same employment and in the locality in which the workman is employed at the time of the injury. 25

Notice of injury. 4. An action for the recovery under this Act of compensation for an injury shall not be maintainable unless notice that injury has been sustained is given within six weeks, and the action is commenced within six months from the occurrence of the accident causing the injury, or in case of death within twelve months from the time of death; provided always that in case of death the want of such notice shall be no bar to the maintenance of such action if the judge shall be of opinion that there was reasonable excuse for such want of notice. 30 35

Limitation of action.

Form of notice of injury. 5. Notice in respect of an injury under this Act shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which it was sustained, and shall be served on the employer, or if there is more than one employer, on one of such employers. 40

Service of notice. (2) The notice may be served by delivering it to or at the residence or place of business of the person on whom it is to be served. 45

Proof of service of notice. (3) The notice may also be served by post, by a registered letter addressed to the person on whom it is to be served at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time of mailing thereof at some place in Ontario, and in proving the service of such notice it shall be sufficient to prove that it was properly addressed and registered. 50

(4) Where the employer is a body of persons corporate or unincorporate the notice shall be served by delivering it at or by sending it by post in a registered letter addressed to the office, or if there be more than one office, any one of the offices of such body. Notice to corporations, etc.

(5) A notice under this section shall not be deemed invalid by reason of any defect or inaccuracy therein, unless the judge who tries the action arising from the injury mentioned in the notice shall be of opinion that the defendant in the action is prejudiced in his defence by such defect or inaccuracy, and that the defect or inaccuracy was for the purpose of misleading. Defects in notice not to invalidate it.

6. It shall not be lawful for an employer to agree with his workman for the waiver of any of the rights of the workman under this Act, or that the liability of the employer shall be less than that imposed upon him by this Act, and every agreement contrary to the provisions of this section shall be absolutely void. Waiver of workman's rights prohibited.

7. For the purposes of this Act, unless the context otherwise requires, the expression "employer" includes a body of persons corporate or unincorporate. Interpretation "employer."

(2) The expression "workman," includes any person who being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one years, or of or above that age, who has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be express or implied, oral or in writing, or be a contract of service or a contract personally to execute any work or labour. "Workman."

8. This Act may be cited as *The Employers' Liability Act*, Title of Act. 1885.

No. 97.

2nd Session, 5th Legislature, 48 Vic., 1885

BILL.

An Act respecting Employers' liability to make compensation for personal injuries suffered by workmen in their service.

First Reading, 16th February, 1885.

MR. MEREDITH.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting the Amounts past due and payable by certain Municipalities upon the settlement made by Statute of their Debts to the Municipal Loan Fund.

[The following are the Acts of Ontario dealing with the Municipal Loan Fund: 36 V. c. 47; 38 V. c. 29; 39 V. c. 4; 40 V. c. 13; 45 V. c. 27.]

5 **W**HEREAS, under and by virtue of the Statute of Ontario Preamble.
 passed in the 36th year of Her Majesty's reign, intituled: *An Act respecting the Municipal Loan Fund Debts, and respecting certain payments to Municipalities*; and the Statute of Ontario passed in the 38th year of Her Majesty's reign, intituled: *An Act to amend the Act respecting the Municipal Loan Fund Debts, and certain payments to Municipalities*, debentures were delivered to the Treasurer of the Province, in settlement of certain arrangements made by the said Acts in respect of the debts of the said municipalities on account of the Municipal Loan Fund; and whereas certain of
 10 the said municipalities are indebted to this Province in respect of the said matters; and it is expedient that the Lieutenant-Governor in Council shall have power to give further time for the payment of the sums still outstanding, and due to the Province in respect of any of the said debts;
 15 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council may take and receive the Municipal Debentures of the said municipalities
 25 respectively, for the amount of the debt due by each of them as aforesaid, including interest at the rate of five per cent. per annum, to be computed from the dates of the several defaults in payment according to the tenor of the said debentures heretofore given and the coupons attached thereto, up to the
 30 date of the said debentures so to be taken and received as aforesaid.

Municipal Debentures may be taken for debts due the Municipal Loan Fund.

2. The said debentures so to be taken and received as aforesaid, shall be payable with interest thereon half-yearly, at the rate of five per cent. per annum, and shall be of such amounts,
 35 and payable at such dates or periods and in such manner as the Lieutenant Governor in Council may require.

Form of Debentures.

3. In case the Lieutenant-Governor in Council is willing to accept the said debentures, the councils of the said municipalities shall respectively cause the same to be delivered to the Treas-
 40

Municipalities to deliver the Debentures to the Provincial Treasurer.

sure of Ontario, and such debentures shall be legal, valid and binding upon the said several municipal corporations and the ratepayers thereof.

Priority rights
to inure upon
the Debentures.

4. The same priority and other rights and remedies which by the said recited Acts are given, reserved and secured against the said municipalities in respect of the debt and debentures in the said Acts mentioned, and also the collateral security, lien, and charge reserved by Section 17 of the said first mentioned Act, shall avail and inure upon and in respect of the debentures by this Act authorized to be taken and received; and the Lieutenant-Governor in Council shall have the same powers for the sale of the said debentures as by the said Act provided with respect to the debentures therein mentioned.

No. 98.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the Amounts past due and payable by certain Municipalities upon the settlement made by Statute of their Debts to the Municipal Loan Fund.

First Reading, 16th February, 1885.

Mr. Ross
(*Union*).

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

No. 99.]

BILL.

[1885.

An Act to amend the Municipal Act.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 110 of *The Consolidated Municipal Act, 1883*, is 46 Vic., c. 18,
5 hereby amended by striking out the word “in” in the fourth ^{s. 110,}
line thereof, and inserting the words “either within or with-
out” in lieu thereof, and by striking out the words “in the
township” in the eighth line of the said section and inserting
the words “either within or without the township” in lieu
10 thereof.

No. 99.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Municipal Act.

First Reading, 17th February, 1885.

Mr. YOUNG.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

No. 100.]

BILL.

[1885.

An Act to amend the Public Lands Act.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 36 of *The Public Lands Act* is hereby amended R. S. O., c. 23,
5 by inserting “patented,” after the word “County” secondly s. 36, amended.
occurring in the third line of the said section.

No. 100.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL

An Act to amend the Public Lands Act.

First Reading, 17th February, 1885.

MR. WOOD.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to authorize payment of money in lieu of
Railway Aid Certificates in certain cases.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Where, under the provisions of any statute, or Order in
5 Council, which has been ratified by the Legislative Assembly, a
railway company is entitled to receive Railway Aid Certificates,
the Lieutenant-Governor in Council, instead of directing the
issue of Certificates, may direct the payment to the company of
the equivalent in cash according to the rates and proportion
10 provided for by the Act passed in the forty-second year of Her
Majesty's reign, chaptered twenty-eight, entitled "*An Act to
authorize the issuing of scrip for railway grants in certain
cases.*"
2. Such payment may be made, either out of the Consoli-
15 dated Revenue Fund, or out of the proceeds of the sale of
annuities granted under the provisions of the Act passed in
the forty-seventh year of Her Majesty's reign, entitled "*An
Act to authorize the substitution of terminable annuities for
Railway Aid Certificates.*"

Payment in
cash in lieu
of Railway
Aid Certifi-
cates autho-
rized.

Funds from
which pay-
ments are to
be made.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to authorize payment of money in lieu of Railway Aid Certificates in certain cases.

First Reading, 17th February, 1885.

Mr. ROSS
(*Huron*).

An Act to Regulate the Election of Directors of
Mutual Fire Insurance Companies.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. In all Mutual Fire Insurance Companies the Board of
5 Directors shall, from and after the next ensuing election there-
of, consist of Directors, as shall be determined by
resolution passed at the next ensuing annual meeting or at
a special general meeting of the company called for the pur-
pose of such determination and election. Number of
directors to be
determined by
resolution.
- 10 2. A copy of the resolution specified in section 1, together
with a list of the directors elected thereunder, both documents
being duly certified under the hands of the chairman and
secretary of the annual meeting or special general meeting
15 aforesaid, shall be filed in the office of the Inspector of Insur-
ance and also in the registry office nearest to the head office
of the company. Copy of
resolution and
list of direc-
tors to be
filed.
- 20 3. Of the directors elected as hereinbefore provided
shall retire annually in rotation, and at the first meeting of the
board, or as soon thereafter as possible, it shall be determined
by lot which of them shall hold office for one year respectively. Retirement of
directors in
rotation.
4. At each annual meeting of the company thereafter,
of the total number of directors shall be elected for a
25 period of years, to fill the places of the retiring members,
who shall be eligible for re election. Annual
election to fill
vacancies.
- 30 5. Vacancies occurring in the board of directors may be
filled as prescribed in section 20 of chapter 161 of the Re-
vised Statutes of Ontario, but directors so elected shall only
hold office until the next annual meeting, when the said
vacancies shall be filled for the portion of the term still un-
expired. Filling
vacancies
occurring prior
to annual
meeting.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to regulate the Election of Directors
of Mutual Fire Insurance Companies.

First Reading, 19th February, 1885.

Mr. YOUNG.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to Regulate the Election of Directors of
Mutual Fire Insurance Companies.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. (1) In all Mutual Fire Insurance Companies the Board of
5 Directors shall, from and after the next ensuing election there-
of, consist of *six, nine, twelve or fifteen* Directors, as shall be
determined by resolution passed at the next ensuing annual
meeting or at a special general meeting of the company called
for the purpose of such determination and election. Number of
directors to be
determined by
resolution.
- 10 (2) The number of Directors constituting such Board may
thereafter from time to time be increased or decreased as may
be, and if so decided by and at any special general meeting of
the company called for the purpose, or at any such annual
15 meeting if notice in writing of the intention to move for that
purpose at such annual meeting be given to the Secretary of
the company at least one month before the holding of such
meeting; but such increased or decreased number of Directors
shall in any such case be either six, nine, twelve or fifteen as
aforesaid.
- 20 2. A copy of the resolution specified in section 1, together
with a list of the directors elected thereunder, both documents
being duly certified under the hands of the chairman and
secretary of the annual meeting or special general meeting
aforesaid, shall be filed in the office of the Inspector of Insur-
25 ance and also in the registry office nearest to the head office
of the company. Copy of
resolution and
list of direc-
tors to be
filed.
3. Of the directors elected as hereinbefore provided *one-third*
shall retire annually in rotation, and at the first meeting of the
said Directors, or as soon thereafter as possible, it shall be
30 determined by lot which of them shall hold office for one, *two*
or *three years* respectively, and such determination shall be
entered of record as part of the minutes of said first meeting. Retirement of
directors in
rotation.
4. At each annual meeting of the company thereafter, *one-*
third of the total number of directors shall be elected for a
35 period of *three years*, to fill the places of the retiring members,
who shall be eligible for re election. Annual
election to fill
vacancies.
5. Vacancies occurring in the board of directors may be
filled as prescribed in section 20 of chapter 161 of the Re-
vised Statutes of Ontario, but directors so elected shall only
Filling
vacancies
occurring prior
to annual
meeting.

hold office until the next annual meeting, when the said vacancies shall be filled for the portion of the term still unexpired.

Right of applicants to vote.

6. No applicant for insurance shall be competent to vote or otherwise take part in the company's proceedings until his application has been accepted by the Board of Directors.

5

No. 102.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to regulate the Election of Directors of Mutual Fire Insurance Companies.

First Reading, 19th February, 1885.
Second " 4th March, 1885.

(Reprinted as Amended by Select Committee.)

Mr. YOUNG,

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Liquor License Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following shall be read as section 43b of *The Liquor License Act*:

(43b) Every person, not being the occupant or a member of his family or lodger in his house, who buys or obtains, or attempts to buy or obtain intoxicating liquor during the time prohibited by this Act for the sale thereof, in any place where the same is or may be sold by wholesale or retail, shall be guilty of an offence under this Act.

Obtaining liquor at prohibited time an offence.

2. Section fifty-two of the said Act as amended by section eleven of *The Liquor License Act*, 1884, is hereby amended by adding thereto, as sub-section two, the following:

R. S. O., c. 181, s. 52, (47 V., c. 34, s. 11), amended.

(2) Every person convicted of an offence against section 43b of this Act shall be liable to a penalty for each offence of not more than ten dollars and not less than five dollars with costs.

Penalty for contravention of s. 43b.

3. Notwithstanding anything in the said Act contained, any police magistrate or justice of the peace before whom any information or complaint is laid or made for the prosecution of any offence against the provisions of section forty-three of the said Act may by certificate in that behalf exempt any witness or witnesses from the operation of section 43b of the said Act, and all proceedings and penalties thereunder in respect of the subject matter of such information or complaint.

Power to exempt witness from operation of sect. 43b.

No. 103.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Liquor License Act.

First Reading, 19th February, 1885.

Mr. GIBSON
(*Hamilton*).

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Liquor License Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following shall be read as section 43b of *The Liquor License Act*:

(43b) Every person, not being the occupant or a member of his family or lodger in his house, who buys or obtains, or attempts to buy or obtain intoxicating liquor during the time prohibited by this Act for the sale thereof, in any place where the same is or may be sold by wholesale or retail, shall be guilty of an offence under this Act.

Obtaining liquor at prohibited time an offence.

2. Section 52 of the said Act as amended by section 11 of *The Liquor License Act*, 1884, is hereby amended by adding thereto, as sub-section two, the following:

R. S. O., c. 181, s. 52, (47 V., c. 34, s. 11), amended.

(2) Every person convicted of an offence against section 43b of this Act shall be liable to a penalty for each offence of not more than ten dollars and not less than two dollars with costs.

Penalty for contravention of s. 43b.

3. Notwithstanding anything in the said Act contained, any police magistrate or justice of the peace before whom any information or complaint is laid or made for the prosecution of any offence against the provisions of section forty-three of the said Act may by certificate in that behalf exempt any witness from the operation of section 43b of the said Act, ~~and~~ having regard to his demeanour and his mode of giving his evidence, ~~and~~ all proceedings and penalties thereunder in respect of the subject matter of such information or complaint.

Power to exempt witness from operation of sect. 43b.

4. ~~If~~ If it shall be made to appear to the police magistrate or justices before whom any complaint under this Act is heard, that the person charged with the violation of section 1 of this Act was so acting as an officer whose duty it was to enforce the Liquor License Laws, or under the instructions or authority in writing of any Board of License Commissioners, License Inspector or provincial officer, for the purpose of detecting a known or suspected offender against the Liquor License Laws, and of obtaining evidence upon which he might be brought to justice, the defendant shall not be convicted.

Provision where alleged violation of sect. 1 committed in detecting breach of law.

5. ~~Section~~ Section 8 of the Act passed in the forty-first year of Her Majesty's reign, and chaptered 14, is amended by striking out the words "or General Sessions" in the first line thereof.

41 V., c. 14, s. 8, amended.

47 V., c. 34,
s. 11, amended.

6. Section 11 of the Act passed in the forty-seventh year of Her Majesty's reign, and chaptered 34, is amended by striking out the words "or fifteen days' imprisonment" in the fourth line thereof, and inserting the following after the word "costs" in the said fourth line, "and in default of payment of such fine 5 the offender or offenders may be imprisoned in the county gaol of the county in which the conviction is made, for a period not exceeding fifteen days."

Costs in convictions or orders under 47 V., c. 34, ss. 26-30 and 32.

7. In all cases of conviction, or orders made under and in pursuance of sections 26, 27, 28, 29, 30 and 32 of the said Act 10 passed in the forty-seventh year of Her Majesty's reign, and chaptered 34, the justice or justices making the same may, in his or their discretion, award and order, in and by the conviction or order, that the defendant shall pay to the prosecutor or complainant such costs as to the said justice or justices seem 15 reasonable in that behalf, and not inconsistent with the fees established by law to be taken on proceedings had by and before justices of the peace.

Act to be read with R. S. O., c. 181.

8. This Act shall be read with and as part of the said *Liquor License Act*, and may be cited as *The Liquor License Act, 1885.* 20

No. 103.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Liquor License Act.

First Reading, 19th February, 1885.
Second " 4th March, 1885.

(Reprinted as amended by Select Committee.)

Mr. GIBSON
(Hamilton).

TORONTO:

PRINTED BY THE "GIRD" PRINTING AND PUBLISHING CO.

An Act to amend the Liquor License Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following shall be read as section 43b of *The Liquor License Act*:

(43b) Every person, not being the occupant or a member of his family or lodger in his house, who buys or obtains, or attempts to buy or obtain intoxicating liquor during the time prohibited by this Act for the sale thereof, in any place where the same is or may be sold by wholesale or retail, shall be guilty of an offence under this Act.

2. Section 52 of the said Act, as amended by section 11 of *The Liquor License Act*, 1884, is amended by striking out the words "or fifteen days' imprisonment" in the fourth line thereof, and inserting the following after the word "costs" in the said fourth line, "and in default of payment of such fine and costs the offender or offenders may be imprisoned in the county gaol of the county in which the conviction is made, for a period not exceeding fifteen days."

3. The said section 52 of the said Act, as amended by the said section 11 of *The Liquor License Act*, 1884, is hereby further amended by adding thereto, as sub-section 2, the following:

(2) Every person convicted of an offence against section 43b of this Act shall be liable to a penalty for each offence of not more than ten dollars and not less than two dollars with costs.

4. Notwithstanding anything in the said Act contained, any police magistrate or justice of the peace before whom any information or complaint is laid or made for the prosecution of any offence against the provisions of section 43 of the said Act may, having regard to the demeanour of any witness and his mode of giving his evidence, by certificate in that behalf exempt such witness from the operation of section 43b of the said Act, and from all proceedings and penalties thereunder in respect of the subject matter of such information or complaint.

5. If it shall be made to appear to the police magistrate or justices before whom any complaint under this Act is heard, that the person charged with the violation of section 1 of

Obtaining liquor at prohibited time an offence.

R. S. C., c. 181, s. 52 (47 V., c. 34, s. 11), amended.

R. S. O., c. 181, s. 52, (47 V., c. 34, s. 11), amended.

Penalty for contravention of s. 43b.

Power to exempt witness from operation of sect. 43b.

Provision where alleged violation of sect. 1 com.

mitted in detecting breach of law.

this Act was so acting as an officer whose duty it was to enforce the Liquor License Laws, or under the instructions or authority in writing of any Board of License Commissioners, License Inspector or provincial officer, for the purpose of detecting a known or suspected offender against the Liquor License Laws, and of obtaining evidence upon which he might be brought to justice, the defendant shall not be convicted.

41 V., c. 14, s. 8. amended.

6. Section 8 of the Act passed in the forty-first year of Her Majesty's reign, and chaptered 14, is amended by striking out the words "or General Sessions" in the first line thereof.

Costs in convictions or orders under 47 V., c. 34, ss. 26-30

7. In all cases of conviction, or orders made under and in pursuance of sections 26, 27, 28, 29, 30 and 32 of the said Act passed in the forty-seventh year of Her Majesty's reign, and chaptered 34, the justice or justices making the same may, in his or their discretion, award and order, in and by the conviction or order, that the defendant shall pay to the prosecutor or complainant such costs as to the said justice or justices seem reasonable in that behalf, and not inconsistent with the fees established by law to be taken on proceedings had by and before justices of the peace.

R. S. O., c. 181, ss. 3 and 6, amended.

8. The said *Liquor License Act* is further amended as follows:—By inserting in the fourth line of the third section thereof the words "or License District," immediately after the words "Electoral District" in the fourth line thereof, and by inserting in the third line of the sixth section thereof the words "or License District," immediately after the words "Electoral District" in the third line thereof.

Act to be read with R. S. O., c. 181.

9. This Act shall be read with and as part of the said *Liquor License Act*, and may be cited as *The Liquor License Amendment Act, 1885*.

2nd Session, 5th Legislature, 48 Vic., 1885.

No. 103.

An Act to amend the Liquor License Act.
BILL.

First Reading, 19th February, 1885.
Second " 4th March, 1885.

(Reprinted as amended by Committee of Whole House.)

Mr. GIBSON,
(Hamilton).

TORONTO:
PRINTED BY THE "GLOBE" PRINTING AND FINISHING CO.

An Act to Amend the Fire Insurance Policy Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Condition numbered 16 in the Schedule of Statutory R. S. O., c. 162,
5 conditions to Chapter 162 of the Revised Statutes of Ontario clause 16 of
is hereby amended by inserting in the eighth line of the said schedule
Condition after the word "chosen" the following words: "and amended.
if either party fails to choose an arbitrator within eight days
after the other party has appointed an arbitrator and has
10 served the party so failing, his attorney or agent, with notice
in writing to make the appointment, the party who has chosen
an arbitrator may appoint such arbitrator to act as sole arbi-
trator in the reference;" and by adding to said Condition 16
the following: "If either party shall require such arbitration
15 as aforesaid, and appoint an arbitrator and give notice in
writing of such appointment to the other party, his attorney
or agent, within thirty days after the completion of the proofs
of loss, no action shall be brought or prosecuted against the
company pending such reference unless by leave of the Court
20 or a Judge."

No. 104.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Fire Insurance
Policy Act.

First Reading, February 19th, 1885.

Mr. FRENCH.

TORONTO:

PRINTED BY THE "GAP" PRINTING AND PUBLISHING CO.

An Act to Amend the Fire Insurance Policy Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Condition numbered 16 in the Schedule of Statutory R. S. O., c. 162,
 5 conditions to Chapter 162 of the Revised Statutes of Ontario condition 16 of
 is hereby amended by inserting after the word "chosen" *where* schedule
said word lastly occurs in said condition the following words : amended.
 "and if either party fails to choose an arbitrator within eight
 days after the other party has appointed an arbitrator and has
 10 served the party so failing, his attorney or agent, with notice
 in writing to make the appointment, the party who has chosen
 an arbitrator may appoint such arbitrator to act as sole arbi-
 trator in the reference;" and by adding to said Condition 16 the
 words following : "If either party shall require such arbitration
 15 as aforesaid, and appoint an arbitrator and give notice in
 writing of such appointment to the other party, his attorney
 or agent, within thirty days after the completion of the proofs
 of loss, *any* action brought or prosecuted against the company
 pending such reference *may be stayed by* the Court or a Judge"
 20 upon such terms, and whether as to giving security or
 otherwise, as the Court or Judge may think fit.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL

An Act to amend the Fire Insurance
Policy Act.

First Reading,	10th February,	1885.
Second	" 27th	" 1885.

(Reprinted as amended by Select Committee.)

Mr. FRENCH.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to amend the Voters' Lists Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section nine of the *Voters' Lists Act* is hereby amended R. S. O., c. 9, s. 9, amended.
5 by adding the following sub-section thereto:—

(3) The clerk shall also advertise in some newspaper published in the municipality, or if there be no such paper, then in some newspaper published in the nearest municipality in which a newspaper is published, the time at which the court will Advertise-ment of time of holding Court.
10 be held, and the advertisement (form 10) shall be published at least six days before the time of the holding of such court.

No. 105.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Voters' Lists Act.

First Reading, 19th February, 1885.

Mr. BALFOUR.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to Amend the Act respecting Police Magistrates.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Sub-section 2 of Section 2 of the *Act respecting Police Magistrates* is hereby repealed and the following substituted therefor. R. S. O., c. 72, s. 2, sub-s. 2, repealed.

(2.) No appointment of a salaried Police Magistrate shall in the first instance be made for a town not having more than five thousand inhabitants until two-thirds of the members of the Council do in Council pass a resolution affirming the expediency thereof, and the said Council may by such resolution, and from time to time thereafter by resolution, fix the salary to be paid to such Police Magistrate ; but no Police Magistrate appointed before the 29th day of March, 1873, in a town with a less population than five thousand shall be affected by this section. Salary of Police Magistrate in towns having less than 5,000 inhabitants.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Act respecting Police
Magistrates.

First Reading, 19th February, 1885.

Mr. CLANCY.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act Respecting Receipt Notes, Hire Receipts and Orders for Chattels.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the time appointed for the commencement
 5 of this Act, receipt notes, hire receipts and orders for chattels given by bailees of chattels, where the condition of the bailment is such that the possession of the chattel is to pass without any ownership therein being acquired by the bailee, shall be of no effect whatsoever, as regards judgments, attachments, or executions
 10 without notice made by such bailee, unless the said receipt note, hire receipt or order shall have been within sixty days from the date thereof registered in the office of the clerk of the County Court for the county within which the person making the said
 15 receipt note, hire receipt, or order is resident or carries on business, by filing in the office of such clerk a copy of the said receipt note, hire receipt, or order, for the chattel or chattels, together with the endorsements thereon, verified by affidavit of the owner or his agent as to its correctness; and for filing
 20 the same the said clerk shall be entitled to a fee of ten cents.

Receipt notes, etc., where ownership of goods is not intended to pass with possession, to be registered.

2. The registration or filing of such receipt note, hire receipt
 or order shall have the effect of giving the same precedence
 and priority as is given to chattel mortgages and bills of sale,
 according to the date of its registration or filing, and the
 25 provisions of Chapter 119 of the Revised Statutes of Ontario, intituled *An Act respecting Mortgages and Sales of Personal Property*, and the Acts amending the same, shall apply to such receipt notes, hire receipts or orders for the purposes of this Act, in so far as the provisions thereof may not be incompatible
 30 with or repugnant to the provisions of this Act.

Effect of registration.

3. Any receipt note, hire receipt or order registered or filed
 under the provisions of this Act may be discharged or partially
 discharged by filing in the office in which the said receipt note,
 hire receipt or order is registered, the original thereof, or a
 35 receipt or certificate that the same or any part thereof has been paid, signed by the person to whom such receipt note, hire receipt or order was given, his executors or administrators, or by his or their assignee, or by his or their agent or attorney, together with the signature of a witness thereto, verifying the
 40 genuineness of such receipt or certificate; or in case of an original being filed, setting forth that such original was duly returned to the said bailee, upon payment being made of the

Discharging receipt notes, etc.

price or value, or upon the purchase of the chattels mentioned in the said receipt note, hire receipt or order.

Entry of discharge.

4. The clerk of any County Court shall, upon payment of a fee of ten cents therefor, upon the production of such original, or receipt, or certificate, file and index the same in his office, with a reference to the number of the receipt note, hire receipt, or order affected thereby, in the same manner as required in the case of chattel mortgages. 5

Act not to apply where value under \$30.

5. This Act shall not apply to hire receipts, receipt notes or orders for chattels where the total value mentioned therein is of a less amount than thirty dollars. 10

Act not to apply to instruments made prior to commencement.

6. This Act shall not be held to require the filing of any such receipt note, or hire receipt, or other instrument made, signed or entered into before the time appointed for the commencement of this Act. 15

Commencement of Act.

7. This Act shall not come into force or take effect until the 1st day of January, A. D. 1886.

BILL.

An Act respecting Receipt Notes, Hire Receipts, and Orders for Chattels.

First Reading, 19th February, 1885.

Mr. FRENCH.

TORONTO:

No. 108.]

BILL.

[1885.]

An Act to amend certain clerical errors in the Consolidated Jurors' Act of 1883.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section twenty-three of *The Consolidated Jurors' Act of* ^{46 V., c. 7,}
5 1883, is hereby amended by striking out all the words at the ^{s. 23, amended.}
end thereof after the words "are not properly marked" in the
sixteenth line thereof.

2. Sub-section three of section one hundred and seventy- ^{46 V., c. 7,}
three of the said Act is hereby amended as follows: the words ^{s. 173, sub-s. 3,}
10 "first day of September," where they occur in the seventh ^{amended.}
line thereof, are hereby struck out, and the words "twenty-
fifth day of October" are inserted in lieu thereof.

No. 108.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend certain clerical errors in
the Consolidated Jurors' Act of 1883.

First Reading 20th February, 1885.

Mr. HARDY.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to make further provision respecting Private Asylums for Insane Persons.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In case the Medical Superintendent of any Private Asylum considers it conducive to the recovery of any of the persons confined in such Asylum that any such person should be entrusted for a time to the care of his or her friends, such Medical Superintendent may allow such person to return on trial to his or her friends, upon receiving a written undertaking by one or more of the friends of such person, that he or they will keep an oversight over such person. *See R. S. O. c. 220, sec. 37.*

Medical Superintendent may give patient into custody of his friends.

2. In case, within six months from such probational leave, such patient again becomes dangerous or unfit to be at large, it shall be lawful for the Medical Superintendent by whom such patient was so enlarged with the consent of the Inspector of Asylums and Prisons, to be endorsed on the warrant, by his warrant directed to any person or persons, or to any constable or peace officer, or to all constables or peace officers, to authorize and direct that such patient be apprehended and brought back to the Asylum from which he was probationally enlarged, and such warrant so endorsed shall be an authority to any one acting thereunder to apprehend the person named therein and to bring him back to the said Asylum. *See R. S. O. c. 220, sec. 39.*

Recommittal to asylum.

3. A Medical Superintendent of any Private Asylum may admit to and detain therein any patient from any Province of the Dominion of Canada, who is certified to be insane by two physicians duly authorized to practise as such in the Province where such patient has his domicile, provided such certificates of insanity are made in accordance with the requirements of section forty of chapter two hundred and twenty-one of the Revised Statutes of Ontario, and schedule C therein mentioned, but any patient so admitted and detained in a Private Asylum from any other Province must, within three months of such admission, if any member of the Board of Visitors or the Inspector of Asylums so directs, be examined by two duly qualified physicians of the Province of Ontario. *See Public Statutes of Massachusetts, chap. 87, secs. 28 & 29.*

Admission of patients from other provinces.

4. Section forty of chapter two hundred and twenty-one of the Revised Statutes of Ontario is hereby amended by substituting

R. S. O. c. 221, s. 40, amended.

tuting the word "thirty" for the word "seven" in the eleventh line thereof.

Admission of
per
ing treatment.

5. The Medical Superintendent of any Private Asylum may upon the written application of the person desiring admission, receive and detain therein as a patient, any person who though not insane, is desirous of submitting himself for the treatment of epilepsy, hysteria, chorea-amentia or any nervine or physical ailment, provided that two physicians certify in writing that such patient is afflicted with epilepsy, hysteria, chorea-amentia or some other nervine or physical ailment, and that there is a danger such ailment will develop into mental derangement unless it is properly treated, but no patient thus voluntarily admitted shall be detained more than three days after he has given notice in writing to the Medical Superintendent of his or her intention or desire to leave such Asylum. *Ibid.*

Notice of ad-
mission of per-
son under s. 5
to be given to
Board of
Visitors.

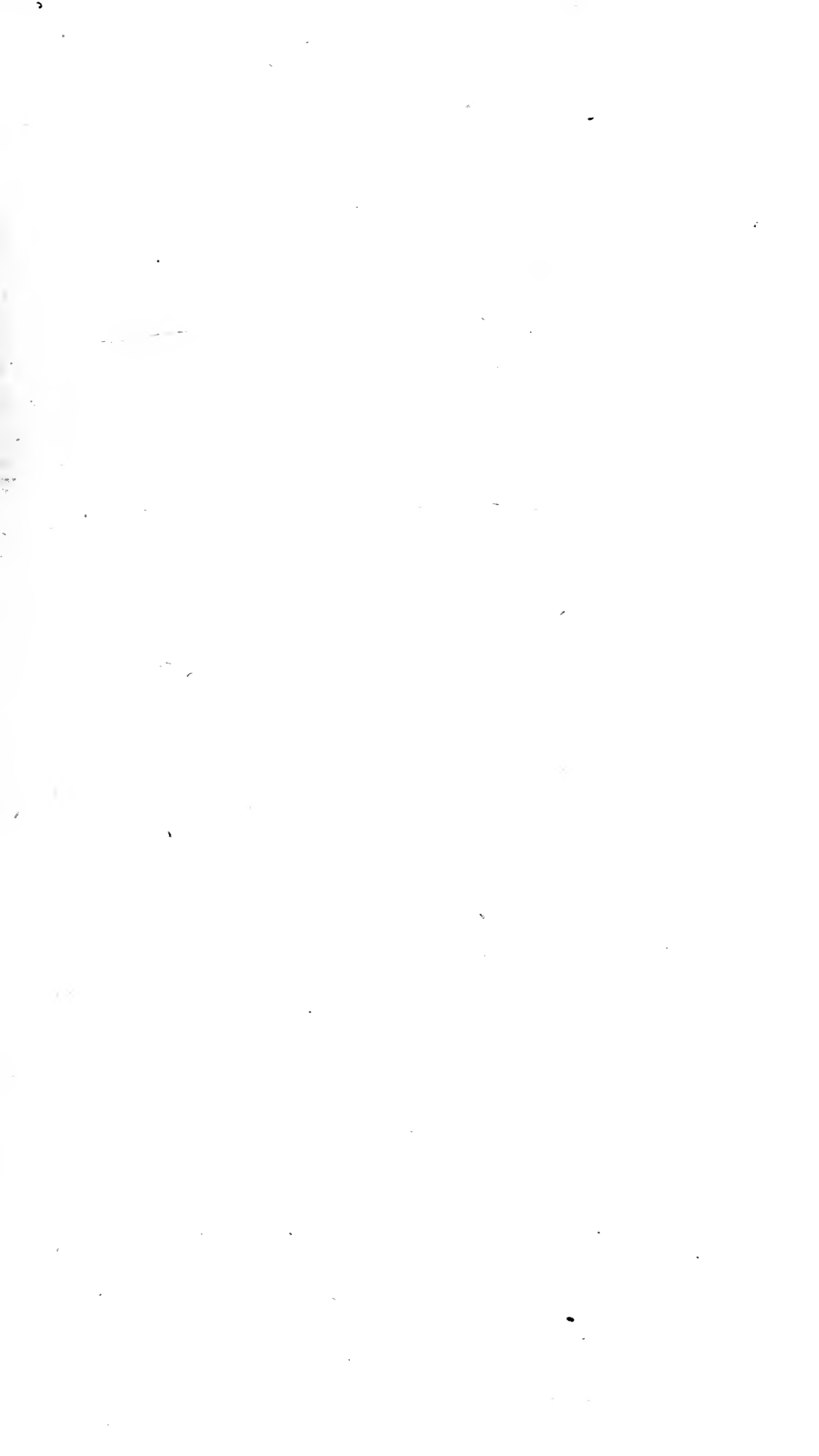
6. When a patient is received into any Private Asylum upon his own application, the Medical Superintendent shall give immediate notice of such reception to the secretary of the Board of Visitors, stating all the particulars of the case; and one or more members of the board or the secretary thereof shall forthwith visit such patient in order to verify the fact of such patient's having been admitted thereto, and all the facts in connection with such case shall be forthwith recorded in the visitors' book by the person making the enquiry.

Penalty on
physician
giving false
certificate
maliciously.

7. Any physician who with express malice, or corruptly, signs any false certificate of insanity for the purpose of aiding to procure the confinement of any sane person in a Private Asylum shall, upon judgment being given against him in the High Court of Justice in an action for damages on account of such malicious or corrupt act, *ipso facto* be incapacitated from practising as a physician in Ontario for the period of five years thereafter, unless the court in which such judgment is recovered shall see fit to remove such incapacity or shorten the limit thereof. During the time of such incapacity to practise the name of such physician shall, upon production of a certified copy of the judgment to the Registrar of the College of Physicians and Surgeons for Ontario, be removed from the register, and shall not be restored thereto during such incapacity.

R. S. O. c. 224,
ss. 7 & 8 to
apply to Pri-
vate Asylums.

8. Sections seven and eight of *The Prison and Asylum Inspection Act* shall hereafter apply to Private as well as Public Asylums for the Insane.



No. 109.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to make further provisions respecting Private Asylums for Insane Persons.

First Reading, 20th February, 1885.

MR. HARDY.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to make further provision respecting Private Asylums for Insane Persons.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In case the Medical Superintendent of any Private Asylum considers it conducive to the recovery of any of the persons confined in such Asylum that any such person should be entrusted for a time to the care of his friends, such Medical Superintendent may allow such person to return on trial to his friends, upon receiving a written undertaking by one or more of the friends of such person, that he or they will keep an oversight over such person. *See R. S. O. c. 220, sec. 37.*

Medical Superintendent may give patient into custody of his friends.

2. In case, within six months from such probational leave, such patient again becomes dangerous or unfit to be at large, it shall be lawful for the Medical Superintendent by whom such patient was so enlarged with the consent of the Inspector of Asylums and Prisons, or one of the visitors, to be endorsed on the warrant, by his warrant directed to any person or persons, or to any constable or peace officer, or to all constables or peace officers, to authorize and direct that such patient be apprehended and brought back to the Asylum from which he was probationally enlarged, and such warrant so endorsed shall be an authority to any one acting thereunder to apprehend the person named therein and to bring him back to the said Asylum. *See R. S. O. c. 220, sec. 39.*

Recommittal to asylum.

3. A Medical Superintendent of any Private Asylum may admit to and detain therein any patient from any Province of the Dominion of Canada, who is certified to be insane by one physician duly authorized to practise in Ontario, and by two physicians duly authorized to practise as such in the Province where such patient has his domicile, provided such certificates of insanity are made in accordance with the requirements of section forty of chapter two hundred and twenty-one of the Revised Statutes of Ontario, and schedule C therein mentioned, but any patient so admitted and detained in a Private Asylum from any other Province must, within three months of such admission, if any member of the Board of Visitors or the Inspector of Asylums so directs, be examined by two duly qualified physicians of the Province of Ontario. *See Public Statutes of Massachusetts, chap. 87, secs. 28 & 29.*

Admission of patients from other provinces.

4. Section forty of chapter two hundred and twenty-one of R. S. O. c. 221, the Revised Statutes of Ontario is hereby amended by substituting s. 40, amended.

tuting the word "*fifteen*" for the word "seven" in the eleventh line thereof.

Admission of person requiring treatment.

5. The Medical Superintendent of any Private Asylum may upon the written application of the person desiring admission, receive and detain therein as a patient, any person who though not insane, is desirous of submitting himself for the treatment of epilepsy, hysteria, chorea-amentia or any nervine or physical ailment, provided that *one* physician certifies in writing that such patient is afflicted with epilepsy, hysteria, chorea-amentia or some other nervine or physical ailment, and that there is a danger such ailment will develop into mental derangement unless it is properly treated, but no patient thus voluntarily admitted shall be detained more than three days after he has given notice in writing to the Medical Superintendent of his or her intention or desire to leave such Asylum. *Ibid.*

Notice of admission of person under s. 5 to be given to Board of Visitors.

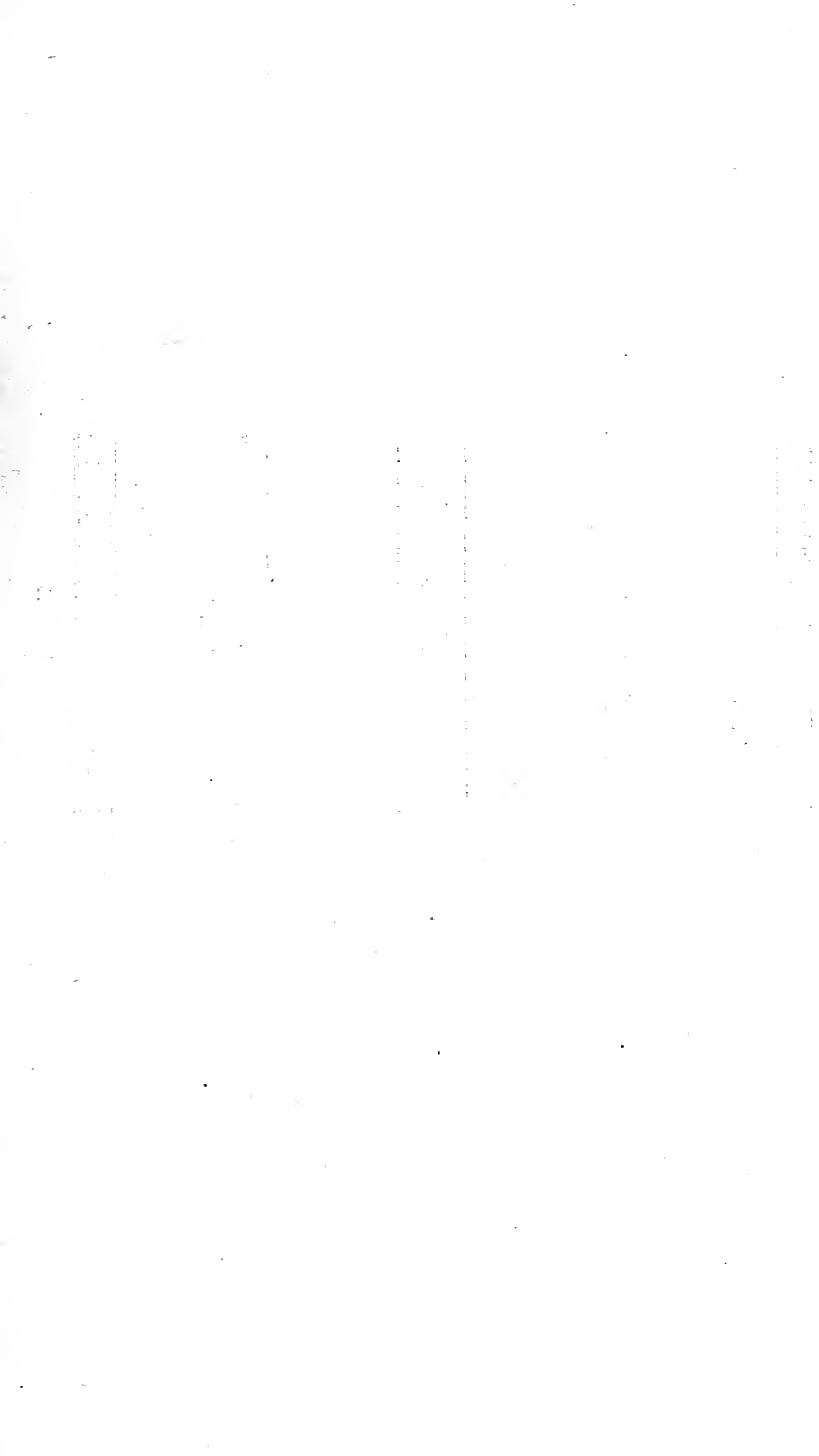
6. When a patient is received into any Private Asylum upon his own application, the Medical Superintendent shall give immediate notice of such reception to the secretary of the Board of Visitors, stating all the particulars of the case; and one or more members of the board or the secretary thereof shall forthwith visit such patient in order to verify the fact of such patient's having been admitted *voluntarily*, and all the facts in connection with such case shall be forthwith recorded in the visitors' book by the person making the enquiry.

Penalty on physician giving false certificate maliciously.

7. Any physician who with express malice, or corruptly, signs any false certificate of insanity for the purpose of aiding to procure the confinement of any sane person in a Private Asylum shall, upon judgment being given against him in the High Court of Justice in an action for damages on account of such malicious or corrupt act, *ipso facto* be incapacitated from practising as a physician in Ontario for the period of five years thereafter, unless the court in which such judgment is recovered shall see fit to remove such incapacity or shorten the limit thereof. The name of such physician shall, upon production of a certified copy of the judgment to the Registrar of the College of Physicians and Surgeons for Ontario, be removed from the register, and shall not be restored thereto during such incapacity.

R. S. O. c. 224, ss. 7 & 8 to apply to Private Asylums.

8. Sections seven and eight of *The Prison and Asylum Inspection Act* shall hereafter apply to Private as well as Public Asylums for the Insane.



2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to make further provision respecting Private Asylums for Insane Persons.

First Reading, 20th February, 1885.
Second " 25th " 1885.

*(Reprinted as amended by Committee of
the Whole House.)*

Mr. HARDY.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting Assignments for the Benefit of Creditors.

WHEREAS great difficulty is experienced in determining Preamble.
 cases arising under the present law relating to the transfer of property by persons in insolvent circumstances or on the eve of insolvency, and it is desirable to remedy the same ;
 5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section two of the Act respecting the fraudulent preference of creditors by persons in insolvent circumstances, R. S. O. c. 118, s. 2, and 47 V. c. 10, s. 3, repealed.
 10 chapter 118 of the Revised Statutes, and section three of the *Administration of Justice Act*, 1884, are hereby repealed, and the following sections are substituted therefor :

2. Every gift, conveyance, assignment or transfer, delivery Gift, transfers, etc., made by insolvents, which defeat or prejudice creditors, to be void.
 15 over or payment of any money, goods, chattels or effects, or of any bills, bonds, notes, securities, or of any shares, dividends, premiums or bonus in any bank, company or corporation, or of
 any other property, real or personal, made by any person at a time when he is in insolvent circumstances, or is unable to pay
 20 his debts in full, or knows that he is on the eve of insolvency, which defeats, delays, or prejudices his creditors, or gives to any one or more of them a preference over the other creditors, or which has such effect, shall, as against them, be utterly void.

3. Nothing in the preceding section shall apply to any Assignments for benefit of creditors and bona fide sales, etc., protected.
 25 assignment made for the purpose of paying ratably and proportionately and without preference or priority all the creditors their just debts ; nor to any *bona fide* sale or payment made
 — in the ordinary course of trade or calling to innocent purchasers or parties ; nor to any payment or provision for payment to
 30 any person for wages or salary, or for services by any person as clerk, agent or servant ; nor to any *bona fide* gift, conveyance, assignment, transfer or delivery over of any goods, securities or property of any kind, as above-mentioned, which is made in consideration of any present actual *bona fide* payment
 35 in money, or by way of security for any present actual *bona fide* advance of money, or which is made in consideration of any present actual *bona fide* sale or delivery of goods or other property bearing a fair and reasonable relative value to the consideration therefor.

40 4. Every assignment made for the general benefit of Form of assignment for
 creditors shall be valid and sufficient if it is in the words fol-

general benefit of creditors. lowing, that is to say, "Of all my property, estate and effects which are or may be seized in and sold under execution," or if it is in words to the like effect.

General assignment not to be void by reason of releasing debtor or being limited to executing creditors.

5. (1) An assignment made for the general benefit of creditors shall not be void by reason of the same containing a clause for the release of the debtor by the executing creditors, nor by reason of the benefit of the assignment being limited to those creditors who shall execute the same. 5

(2) In case the assignment contains a release of the debtor, the release however expressed shall not have any effect whatever if the debtor has theretofore been guilty of any fraud on his creditors, or any violation of the "Act respecting fraudulent preference of creditors by persons in insolvent circumstances," or of the said Act as amended by the third section of "The Administration of Justice Act, 1884." 15

(3) The release, however expressed, shall not operate to discharge the debtor from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, nor from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party, 20

(4) Nor from any debt on a recognizance, nor from any debt with which the debtor may be chargeable at the suit of the Crown or of any person, for an offence against a statute relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence; 25

(5) Nor shall the discharge of the debtor release any person who at the date of the assignment was a partner or co-trustee with the debtor, or was jointly bound or had made any joint contract with him, or was surety or in the nature of a surety for him. 30

(R. S. O. c. 118; 47 V. c. 10, s. 3, Ont.; 38 V. c. 16, s. 56, Dom.; 46 & 47 V. c. 52, s. 28 (3) f.; R. S. O. c. 116, s.s. 2, 3; 19 & 20 V. c. 95, s. 5; Imp. 46 & 47 V. c. 52, s. 30.)

Rights of assignee.

6. The assignee shall have an exclusive right of suing for the rescission of agreements, deeds and instruments or other transactions made or entered into in fraud of creditors, or made or entered into in violation of the "Act respecting the fraudulent preference of creditors by persons in insolvent circumstances," or of the said Act as amended by the third section of "The Administration of Justice Act, 1884." (38 V. c. 16, s. 39, Dom.; *McMaster v. Clare*, 7 Chan. 550 Ont.; *Lumsden v. Scott*, 4 Ont., R. 323.) 35 40

Assignments to take precedence of judgments and executions.

7. An assignment for the general benefit of creditors shall take precedence of all judgments and of all executions not completely executed by payment. 45

Amendment of assignment by court.

8. No advantage shall be taken or gained by any creditor of any mistake, defect or imperfection in any assignment for the general benefit of creditors if the same can be amended or corrected, and if there be any mistake, defect or imperfection therein the same shall be amended by any judge of the High Court of Justice, or of the County Court aforesaid, on application of any creditor of the assignor, or of the assignee, 50

on such notice being given to other parties concerned as the judge shall think reasonable, and such amendment, when made, shall have relation back to the date of the said assignment. Notice of assignment to be published.

9. (1) No such assignment made for the general benefit of 5 creditors shall be within the operation of the Revised Statutes of Ontario, chapter one hundred and nineteen, intituled *An Act respecting Mortgages and Sales of Personal Property*; but a notice of the assignment shall, as soon as conveniently may be, be published in the *Ontario Gazette* and in one newspaper at the 10 least, having a general circulation in the county in which the property assigned is situate; and the publication in each shall be continued therein for at least four times.

(2) A counterpart or copy of every such assignment shall 15 also within five days from the execution thereof be registered, (together with an affidavit of a witness thereto of the due execution of such assignment or of the due execution of the assignment of which the copy filed purports to be a copy), in the office of the clerk of the county court of the county or union 20 of counties where the assignor, if a resident in Ontario, resides at the time of the execution thereof, or if he is not a resident then in the office of the clerk of the county court of the county or union of counties where the property so assigned is at the time of the execution of the assignment; and such clerks shall file all such instruments presented to them respectively for that pur- 25 pose, and shall endorse thereon the time of receiving the same in their respective offices, and the same shall be kept there for the inspection of all persons interested therein. The said clerks respectively shall number and enter such assignments, and be entitled to the same fees for services in the same manner as if 30 such assignments had been registered under the Act respecting Mortgages and Sales of Personal Property. Assignment to be registered.

10. (1) If the said notice is not published in the regular num- 35 ber of the *Ontario Gazette*, and of such newspaper as aforesaid, which shall respectively be issued first after five days from the execution of the assignment by the assignor, or if the assign- 40 ment is not registered as aforesaid within five days from the execution thereof, the assignor shall be liable to a penalty of twenty-five dollars for each and every day which shall pass after the expiration of such five days, and before the publica- 45 tion or registration. Penalty for neglecting publication.

(2) The assignee is to be subject to a like penalty for each and every day which shall pass after the expiration of five days from the delivery of the assignment to him, or of five days after his assent thereto, the burden of proving the time of 45 such delivery or assent being upon the assignee; but the judge may mitigate the penalty as respects the assignee in case the judge is satisfied that the assignee was guilty of no unreasonable delay in registering the assignment, or in procuring notice to be published after his assent thereto.

50 (3) Such penalties may be recovered summarily before a Judge of the High Court, or of the county in which the assignment ought to be published or registered; one-half of the penalty shall go to the party suing, and the other half for the benefit of the estate of the assignor.

Assignment not invalidated by omission to publish, etc.

11. The omission to publish or register as aforesaid, or any irregularity in the publication or registration, shall not invalidate the assignment.

Non-assenting creditors not entitled to share in property assigned.

12. The creditors of the assignor who do not become parties to or assent to the assignment within six calendar months from the time of the publication of the assignment in the *Gazette*, shall not be entitled to share in the property so assigned by the debtor.

Court may make declaration as to validity of release clause in any assignment.

13. The High Court or the County Court aforesaid shall have jurisdiction on petition of the debtor, and on proof of such notice to the creditors as the court shall deem reasonable, to declare whether the release clause in any assignment is valid under this Act, and the order of the court, in that behalf shall be binding on all parties interested, subject to appeal as in other cases.

Commencement of Act.

14. This Act shall not go into force until a day to be named by the Lieutenant-Governor by his proclamation.

BILL.

An Act respecting Assignments for the Benefit of Creditors.

First Reading, March, 1885.

Mr.

An Act respecting Assignments for the Benefit of Creditors.

WHEREAS great difficulty is experienced in determining Preamble.
cases arising under the present law relating to the transfer of property by persons in insolvent circumstances, or on the eve of insolvency, and it is desirable to remedy the same ;
5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section two of the Act respecting the fraudulent preference of creditors by persons in insolvent circumstances, R. S. O. c. 118, s. 2, and 47 V. c. 10, s. 3, repealed.
10 chapter 118 of the Revised Statutes, and section three of the *Administration of Justice Act*, 1884, are hereby repealed, and the following sections are substituted therefor :

2. Every gift, conveyance, assignment or transfer, delivery, Gift, transfers, etc., made by insolvents, which defeat or prejudice creditors, to be void.
15 over or payment of any goods, chattels or effects, or of any bills, bonds, notes, securities, or of any shares, dividends, premiums or bonus in any bank, company or corporation, or of any other property, real or personal, made by any person at a time when he is in insolvent circumstances, or is unable to pay his debts in full, or knows that he is on the eve of insolvency,
20 with intent to defeat, delay, or prejudice his creditors, or to give to any one or more of them a preference over his other creditors, or over any one, or more of them, or which has such effect, shall, as against them, be utterly void.

3. Nothing in the preceding section shall apply to any Assignments for benefit of creditors and bona fide sales, etc., protected.
25 assignment made to the sheriff of the county in which the debtor resides or carries on business, for the purpose of paying ratably and proportionately and without preference or priority all the creditors of the debtor, their just debts ; nor to any bona fide sale or payment made in the ordinary course of
30 trade or calling to innocent purchasers or parties ; nor to any payment of money to a creditor unless an assignment for the general benefit of creditors is made within one month after the payment, or prior to any bona fide gift, conveyance, assignment, transfer or delivery over of any goods, securities or prop-
35 erty of any kind, as above-mentioned, which is made in consideration of any present actual bona fide payment in money, or by way of security for any present actual bona fide advance of money, or which is made in consideration of any present actual bona fide sale or delivery of goods or
40 other property ; Provided that the money paid, or the goods or other property sold or delivered bear a fair and reasonable relative value to the consideration therefor.

(2) In case a payment of money is made to a creditor under the circumstances mentioned in the second section, and within one month before the execution of an assignment for the general benefit of creditors under this Act, the same shall be void as against the assignment, but not as against persons claiming in any other way. 5

Form of assignment for general benefit of creditors.

4. Every assignment made *under this Act* for the general benefit of creditors shall be valid and sufficient if it is in the words following, that is to say "I, all my personal property which may be seized and sold under execution and all my real estate, credits and effects, or if it is in words to the like effect, and an assignment so expressed shall vest in the assignee all the real and personal estate, rights, property, credits and effects, whether vested or contingent belonging at the time of the assignment to the assignor, except such as are by law exempt from seizure, or sale under execution, subject, however, as regards lands, to the provisions of the registry law as to the registration of the assignment." 10 15

5. If any assignor or assignors executing an assignment *under this Act* for the general benefit of his or their creditors owes or owe, debts both individually and as a member of a co-partnership, or as a member of two different co-partnerships, the claims shall rank first upon the estate by which the debts they represent were contracted, and shall only rank upon the other after all the creditors of that other have been paid in full. 38 V. c. 16, sec. 88, D. 20 25

6. A majority in number and value of the creditors who have proved claims to the amount of \$100 or upwards, may at their discretion substitute for the sheriff a person residing in the county in which the debtor resided, or carried on business at the time of the assignment. An assignee may also be removed, and another assignee may be substituted, or an additional assignee may be appointed by a Judge of the High Court, or of the County Court where the assignment is registered. 30

Rights of assignee.

7. The assignee shall have an exclusive right of suing for the rescission of agreements, deeds and instruments or other transactions made or entered into in fraud of creditors, or made or entered into in violation of the "Act respecting the fraudulent preference of creditors by persons in insolvent circumstances," or of *this Act*. (38 V. c. 16, s. 39, Dom.; *McMaster v. Clare*, 7 Chan. 550 Ont.; *Lumsden v. Scott*, 4 Ont. R. 323.) 35 40

8. If at any time any creditor desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the estate, and the trustee under the authority of the creditors or inspectors, refuses or neglects to take such proceeding, after being duly required so to do, such creditor shall have the right to obtain an order of the Judge authorizing him to take such proceedings in the name of the trustee, but at his own expense and risk, upon such terms and conditions as to indemnity to the assignee, as the Judge may prescribe, and thereupon any benefit derived from such proceedings shall belong exclusively to the creditor instituting the same for his 45 50

benefit, but if, before such order is granted, the assignee shall signify to the Judge, his readiness to institute such proceedings for the benefit of the creditors, the order shall prescribe the time within which he shall do so, and in that case the advantage derived from such proceeding, if instituted within such time, shall appertain to the estate. *Insolvent Act, sec. 68.*

9. An assignment for the general benefit of creditors *under this Act* shall take precedence of all judgments and of all executions not completely executed by payment.

Assignments to take precedence of judgments and executions.

10. No advantage shall be taken or gained by any creditor of any mistake, defect or imperfection in any assignment *under this Act* for the general benefit of creditors if the same can be amended or corrected, and if there be any mistake, defect or imperfection therein the same shall be amended by any judge of the High Court of Justice, or of the County Court aforesaid, on application of any creditor or the assignor, or of the assignee, on such notice being given to other parties concerned as the judge shall think reasonable, and such amendment, when made, shall have relation back to the date of the said assignment.

Amendment of assignment by court.

11. The assignee shall receive such remuneration as shall be voted to him by the creditors at any meeting called for the purpose after the first dividend sheet has been prepared, or by the Inspectors, in case of the creditors failing to provide therefor, subject to the review of the County Court of the county in which the assignment is registered or the Judge thereof, if complained of by the assignee or any of the creditors.

Notice of assignment to be published.

12. (1) No assignment made for the general benefit of creditors *under this Act* shall be within the operation of the Revised Statutes of Ontario, chapter one hundred and nineteen, intituled *An Act respecting Mortgages and Sales of Personal Property*; but a notice of the assignment shall, as soon as conveniently may be, be published in the *Ontario Gazette* and in one newspaper at the least, having a general circulation in the county in which the property assigned is situate; and the publication in each shall be continued therein for at least four times.

(2) A counterpart or copy of every such assignment shall also within five days from the execution thereof be registered, (together with an affidavit of a witness thereto of the due execution of such assignment or of the due execution of the assignment of which the copy filed purports to be a copy), in the office of the clerk of the county court of the county or union of counties where the assignor, if a resident in Ontario, resides at the time of the execution thereof, or if he is not a resident then in the office of the clerk of the county court of the county or union of counties where the personal property so assigned is or where the principal part thereof (in case the same includes property in more counties than one) is at the time of the execution of the assignment; and such clerks shall file all such instruments presented to them respectively for that purpose, and shall endorse thereon the time of receiving the same in their respective offices, and the same shall be kept there for

Assignment to be registered.

the inspection of all persons interested therein. The said clerks respectively shall number and enter such assignments, and be entitled to the same fees for services in the same manner as if such assignments had been registered under the Act respecting Mortgages and Sales of Personal Property. 5

Penalty for neglecting publication.

13. (1) If the said notice is not published in the regular number of the *Ontario Gazette*, and of such newspaper as aforesaid, which shall respectively be issued first after five days from the execution of the assignment by the assignor, or if the assignment is not registered as aforesaid within five days from the execution thereof, the assignor shall be liable to a penalty of twenty-five dollars for each and every day which shall pass after the issue of the number of the newspaper in which the notice should have appeared until the same shall have been published; and a like penalty for each and every day which shall pass after the expiration of five days from the execution of the assignment by the assignor until the same shall have been registered. 10 20

(2) The assignee is to be subject to a like penalty for each and every day which shall pass after the expiration of five days from the delivery of the assignment to him, or of five days after his assent thereto, the burden of proving the time of such delivery or assent being upon the assignee; but the judge may mitigate the penalty as respects the assignee in case the judge is satisfied that the assignee was guilty of no unreasonable delay in registering the assignment, or in procuring notice to be published after his assent thereto. 30 40

(3) Such penalties may be recovered summarily before a Judge of the High Court, or of the County Court of the county in which the assignment ought to be published or registered; one-half of the penalty shall go to the party suing, and the other half for the benefit of the estate of the assignor. 45

14. In case the same be not published and registered, an application may be made by any one interested in the assignment to a Judge of the High Court, or of the County Court aforesaid, to compel the publication and registration thereof; and the judge shall make his order on that behalf, and with or without costs, or upon the payment of costs by such person as he may in his discretion direct to pay the same. 50

Assignment not invalidated by omission to publish, etc.

15. The omission to publish or register as aforesaid, or any irregularity in the publication or registration, shall not invalidate the assignment. 55

16. It shall be the duty of the assignee to immediately inform himself, by reference to the debtor and his records of account, of the names and residences of the debtor's creditors, and within five days from the date of assignment to convene a meeting of the creditors for the appointment of inspectors and the giving of directions with reference to the disposal of the estate, by mailing prepaid and registered to every creditor known to him, a circular calling a meeting of creditors to be held in his office or other convenient place to be named in the notices not later than twelve days after the mailing of such notice, and by advertisement in the *Ontario Gazette*; and all other meetings to be held shall be called in like manner. 60 65

17. At any meeting of creditors the creditors may vote in person, or by proxy authorized in writing, but no creditor whose vote is disputed shall be entitled to vote until he has filed with the assignee an affidavit in proof of his claim stating the amount and nature thereof.

18. Subject to the provisions of section 6, all questions discussed at meetings of creditors shall be decided by the majority of votes, and for such purpose the votes of creditors shall be calculated as follows :

10	For every claim over \$100, and not exceeding \$200	..	1	vote.
	“ “ \$200 “ “ \$500	..	2	votes.
	“ “ \$500 “ “ \$1000	..	3	votes.
	“ additional \$1,000, or fraction thereof	1	vote.

(2) No person shall be entitled to vote on a claim acquired after the assignment unless the entire claim is acquired, but this shall not apply to persons acquiring notes, bills or other securities upon which they are liable.

(3) In case of a tie the assignee, if there are two assignees, then the assignee appointed by the creditors, or by the Judge, if none has been appointed by the creditors, shall have a casting vote.

19. Every person claiming to be entitled to rank on the estate assigned shall furnish to the assignee particulars of his claim proved by affidavit and such vouchers as the nature of the case admits of.

(2) A person whose claim has not accrued due shall nevertheless be entitled to prove under the assignment and vote at meetings of creditors, but in ascertaining the amount of any such claim a deduction for interest shall be made for the time which has to run until the claim becomes due.

20. The law of set-off shall apply to all claims made against the estate and also to all suits instituted by the assignee for the recovery of debts due to the assignor, in the same manner and to the same extent as if the assignor were plaintiff or defendant, as the case may be, except in so far as any claim for set-off shall be affected by the provisions of this or any other Act respecting frauds or fraudulent preferences.

21. Any affidavit authorized, or required, under this Act may be sworn before any person authorized to administer affidavits in the High Court, or before a Justice of the Peace, or, if sworn out of Ontario, before a Notary Public.

22. This Act shall not go into force until a day to be named by the Lieutenant-Governor by his proclamation.

Commence-
ment of Act.

BILL.

An Act respecting Assignments for the
Benefit of Creditors.

First Reading,	, 1885.
Second “	“ 1885.

*(Reprinted as proposed to be amended in
Committee.)*

An Act to further amend the Law for the Protection
of Game and Fur-bearing Animals.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section two of the Act passed in the forty-third year of ^{43 V. c. 31, s.}
Her Majesty's reign, and chaptered thirty-one, is hereby ^{2, repealed.}
repealed, and the following substituted therefor :

2. (1) None of the animals or birds hereinafter mentioned, ^{Close period.}
shall be hunted, taken, or killed within the period hereinafter
limited; (1) deer, elk, moose, reindeer or cariboo, between the
10 fifteenth day of December, and the first day of October; (2)
grouse, pheasant, prairie fowl, partridge, woodcock, snipe, water
fowl, known as mallard, gray duck, black duck, wood or sum-
mer duck, between the first day of January and the first day
15 of September; (3) other ducks, swans or geese, between the
first day of May and the fifteenth day of August; (4) wild
turkeys or quail, between the first day of January and the first
day of October; (5) hares, between the first day of March and
the first day of September; (6) wild turkeys and prairie fowl
to be protected during the whole year, for three years.

20 (2) No person shall at any time anchor or place decoy ducks
in open water, lakes or bays, at a greater distance than fifty
yards from the beach or shore of such open water, lakes or
bays; and in case of swampy shores or where rushes or other
natural growth in the water is sufficient to form a natural
25 place of concealment for the sportsman, then not more than
fifty yards from such natural place of concealment.

(3) No shooting of duck of any kind shall take place after
sunset in the evening, or before daybreak in the morning.

2. Section fifteen of said Act is hereby repealed, and the ^{43 V. c. 31, s.}
30 following is substituted therefor:— ^{15, repealed.}

15. (1) The Commissioner of Crown Lands shall have the ^{Appointment}
power of appointing officers to see to the observance of this Act ^{of game in-}
and of any other Act which may hereafter be passed relating to ^{spectors and}
game and fur-bearing animals in this Province. ^{their duties}
^{and powers.}

35 (2) In future no person except farmers shall, at any time,
hunt within the meaning of this Act, without being authorized
thereto by a license to that effect.

(3) A permit to be countersigned by the game Inspector of
the district or division may, upon payment of a fee of twenty-
40 five dollars be granted by the Commissioner of Crown Lands to

any person not domiciled in the Provinces of Ontario and Quebec, and upon payment of the sum of two dollars by any person domiciled in the Provinces of Ontario and Quebec, other than farmers, who applies to him therefor, and shall be valid for the whole of one season's shooting.

(4) Every wood-ranger appointed by the Commissioner of Crown Lands, while in office, as such shall be *ex-officio* game Inspector for the division under his superintendence, and shall not be entitled to any additional salary for such services.

(5) The Commissioner of Crown Lands may also appoint as game Inspectors any other persons besides the wood-rangers and assign to them such territory or division as he may think proper under the circumstances.

(6) Every game Inspector shall, during the last days of the month, forward to the Crown Lands Department a report of his proceedings during the month, and of the infringements of the law which have come to his knowledge during the same period.

(7) It shall be the duty of every such game Inspector appointed as aforesaid, forthwith to seize all animals or portions of animals in the possession of any person contrary to the provisions of this Act, and to bring the person in possession of the same before a justice of the peace, to answer for such illegal possession.

(8) It shall also be the duty of every such game Inspector to institute prosecutions against all persons found infringing the provisions of this Act, or any of them, and every such Inspector may cause to be opened, or may himself open in case of refusal, any bag, parcel, chest, box, trunk, or receptacle in which he has reason to believe that game killed or taken during the close season, or peltries out of season, are hidden.

(9) Every such Inspector, if he has reason to suspect, and does suspect that game killed or taken during the close season, or peltries out of season, are contained or kept in any private house, shed, or other buildings, shall make a deposition in the form A annexed to this Act, and demand a search warrant to search such store, private house, shed, or other building, and thereupon such justice of the peace is bound to issue, and shall be justified in issuing, a search warrant according to form B.

FORM A.

I, _____ undersigned game Inspector for _____ do hereby declare that I have reason to suspect, and do suspect, that game killed or taken during the close season, or furs out of season, etc., etc., (as the case may be) are at present held and concealed (describe the property, occupant, etc., and the place.)

Wherefore I pray that a warrant may be granted and given to me to effect the necessary searches (describe here the property, etc., as above).

Sworn before me at

this

day of

A. D. 188

L.B.

J. F.

N. Y.
Game Inspector.

FORM B.

Province of Ontario, }
County of }

To each and every the constables of
County of

Whereas,

Game Inspector for

has this day declared under oath before me, the undersigned, that he has reason to suspect that (game, or birds killed or taken during the close season, or furs out of season, etc., as the case may be) are at present held and concealed, (describe property, occupant, place. etc.)

Therefore, you are commanded by these presents in the name of Her Majesty, to assist the said Game Inspector, and to diligently help him to make the necessary searches to find the (state the birds or game killed or taken during the close season, or furs out of season, etc..) which he has reason to suspect and does suspect to be held and concealed in (describe the property, etc., as above) and to deliver, if need there be the said birds, etc., (as the case may be) to the said Game Inspector, to be by him brought before me or before any other magistrate to be dealt with according to law:

Given under my hand and seal }
at County of }
this day of }
A.D. 18 }

L. S.

L. B.

J. P.

No. 112.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to further amend the Law for the
Protection of Game and Fur-bearing
Animals.

First Reading, 23rd February, 1885.

Mr. BADGEROW.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

No. 113.]

BILL.

[1885.

An Act to amend The Consolidated Municipal Act,
1883.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 521 of the said Act is hereby amended by adding 46 V., c. 18,
5 thereto the following as sub-sections (6a.) and (6b.) respectively: s. 521,
amended.

(6a) For providing for the making and keeping open of Keeping open
Township Roads during the season of sleighing in each year, township
and for appointing overseers of highways or pathmasters, to roads during
perform that duty; and such overseers and pathmasters, shall the sleighing
10 have full power to call out persons liable to perform statute season.
labour, within their respective municipalities, to assist in keeping
open such roads, and may give to such persons as may be em-
ployed in so doing, certificates of having performed statute
labour to the amount of the days' work done, and such work shall
15 be allowed for to such persons in their next season's statute
labour.

(6b) For providing for the application of so much of the
commutation of statute labour fund as may be necessary for the
keeping open such roads as last aforesaid within such respec-
20 tive municipalities.

No. 113.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Consolidated Municipal Act, 1883.

First Reading, 23rd February, 1885.

Mr. AWREY.

TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to amend the Ontario Joint Stock Companies' Letters Patent Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section two of the Act passed in the forty-fourth year 44 V., c. 13, of Her Majesty's Reign, chaptered eighteen, is hereby repealed. s. 2, repealed.

2. When the name of some locality in the Province of Ontario constitutes part of the name of any Company heretofore incorporated under the *Ontario Joint Stock Companies' Letters Patent Act*, such Company may apply to the Lieutenant-Governor in Council to amend their name by striking out the name of such locality, and such amendment shall be made in all cases where the name of such locality does not form an essential part of the name of such Company ; and upon notice by the Provincial Secretary in the *Ontario Gazette* of such amendment, the name of the Company shall be changed as thereby directed, and such Company under such amended name shall have and possess all the rights, powers, property and franchises, and be subject to all the liabilities of the Company so incorporated.

Amendment of name of company when name of a locality in Ontario forms part of same.

3. Every Company incorporated under the said Act shall be entitled to the benefit of, and be liable upon, any contract made or intended to be made with such Company, although in such contract such Company be not described by its correct incorporated name, and where in any negotiable instrument a Company is incorrectly described, it shall be sufficient to transfer such negotiable instrument, and to make the Company liable thereon, if the same be signed on behalf of the Company, by any agent, officer or servant of the Company in general accordance with his powers as such under the by-laws of the Company.

Liability of company on contracts, etc., though company not described by its correct name.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Ontario Joint Stock
Companies' Letters Patent Act.

First Reading, 24th February, 1885.





MR. GIBSON
(*Hamilton*).

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Ontario Joint Stock Companies' Letters Patent Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section two of the Act passed in the forty-fourth year 44 V., c. 18, of Her Majesty's Reign, chaptered eighteen, is hereby  s. 2, amended, amended by adding thereto the following words, "except in cases where the Lieutenant-Governor in Council otherwise directs." 
2. When the name of some locality in the Province of Ontario constitutes part of the name of any Company heretofore incorporated under the *Ontario Joint Stock Companies' Letters Patent Act*, such Company may apply to the Lieutenant-Governor in Council to amend their name by striking out the name of such locality, and such amendment *may* be made in all cases where the name of such locality does not form an essential part of the name of such Company; and upon notice by the Provincial Secretary in the *Ontario Gazette* of such amendment, the name of the Company shall be changed as thereby directed, and such Company under such amended name shall have *and continue to have* and possess all the rights, powers, property and franchises, and be subject to all the liabilities of the Company so incorporated.
3.  Sub-section two of section twenty-five, of chapter one hundred and fifty of the Revised Statutes of Ontario is hereby amended by adding thereto the following, "and also either by publishing the same in the *Ontario Gazette* or by mailing the same as a registered letter, duly addressed to each shareholder at least ten days previous to such meeting:" Provided, however, that this section shall not apply to companies having a capital not exceeding three thousand dollars. 

Amendment of name of company when name of a locality in Ontario forms part of same.

R. S. O., c. 150, s. 25, s.s. 2, amended.

Proviso.

2nd Session, 5th Legislature, 48 Vic, 1885

BILL.

An Act to amend the Ontario Joint Stock
Companies' Letters Patent Act.

First Reading, 24th February, 1885.
Second " 18th March, 1885.

(Reprinted as amended by Select Committee.)

MR. GIBSON
(Hamilton).

TORONTO :

PRINTED BY THE "G.M.P." PRINTING PUBLISHING AND CO.

No. 116.]

BILL.

[1885.

An Act to amend the Municipal Law.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :

1. Section thirty-three of *The Municipal Amendment Act of*
5 1879, is hereby amended by adding thereto the following sub-^{42 V. c. 31, s.}
section :_{33, amended.}

(5a) The court shall not increase or reduce the amount of
the aggregate assessment where the equalization takes place
after the rate is struck.

No. 116.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL

An Act to amend the Municipal Law.

First Reading, 24th February, 1885.

Mr. ROBILLARD.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Ditches and Watercourses
Act, 1883.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Section ten of the Act passed in the forty-sixth year of the 46 V. c. 27, s.
5 reign of Her Majesty, and chaptered twenty-seven, is amended 10, amended.
by striking out all the words after the word "award" in the
seventh line thereof, and substituting the following:

"Send to each of the persons affected thereby (except when Notice to
there is an agreement in writing rendering it unnecessary), by persons
10 registered letter or personal service, a certified copy of said affected by
award, a notice of the time of filing the same, and of the time
allowed for appeal."

(a) The clerk of the municipality shall be entitled to a fee Fee to clerk.
of ten cents per folio for each such copy of award, such fee to
15 become a part of the costs attendant upon the reference and
award.

2nd Session, 5th Legislature, 48 Vic., 1885

BILL.

• An Act to amend the Ditches and Water-courses Act, 1883.

First Reading, 24th February, 1885.

Mr. MACKENZIE.

An Act to amend the Ditches and Watercourses Act, 1883.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Ditches and Watercourses Act, 1883*, is hereby amended by adding after the word “owners” in the seventh line thereof, the words “whether such ditch or drain passes or is intended to pass or be made through their lands or not.” 46 V. c. 27, s. 3, amended.
2. Section 10 of the said Act is hereby amended by adding thereto the following words, “and the Clerk shall keep a book in which he shall record the names of the parties to whom he has sent such notice, the address to which the same was sent, and the date upon which the same was deposited in the post office or personally served.” 46 V. c. 27, s. 10, amended.
3. Section 11 of the said Act is hereby amended by striking out the word “ten” where it occurs in the second line of the said section and inserting the word “fifteen” in lieu thereof. 46 V. c. 27, s. 11, amended.
4. It shall be the duty of the Judge to hear and determine an appeal under the provisions of the said Act, within one month after receiving notice of the appeal as provided by section 11, but his neglect or omission so to do shall not render invalid the hearing or determining of the appeal after the lapse of that time. Time within which appeal to be heard.
5. A “non-resident” within the meaning of section 16 of the said Act, shall include a person who does not reside within the municipality in which the lands which he owns are situate and in respect of which proceedings are taken or to be taken under the provisions of the said Act; and where the place of abode of a non-resident is not known, notices under the provisions of the said Act requiring to be served on such non-resident may be served in such manner as the Judge of the County Court may direct. Interpretation “non-resident.”
Service of notice.

No. 117.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Ditches and Water-courses Act, 1883.

First Reading, 24th February, 1885.

Second " 4th March, 1885.

(Reprinted as Amended by Select Committee.)

MR. MACKENZIE.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No. 118.]

BILL.

[1885.]

An Act to amend the Act respecting the Incorporation of Joint Stock Companies by Letters Patent.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Sub-section two of section twenty-five, of chapter one hundred and fifty of the Revised Statutes of Ontario is hereby amended by striking out the words "in some newspaper published at or as near as may be to the office or chief place of business of the company," and inserting in lieu thereof the words "in the *Ontario Gazette*." R. S. O. c. 150, s. 25, sub-s. 2, amended.

No. 118.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Act respecting the
Incorporation of Joint Stock Companies
by Letters Patent.

First Reading, 24th February, 1885.

MR. HARCOURT.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO

An Act respecting the Study of Anatomy.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Act respecting the study of Anatomy, chapter one hundred and forty-three of the Revised Statutes, is hereby repealed. R. S. O. c.143, repealed.
2. In all localities coming under the provisions of this Act, the body of any person found dead, publicly exposed, or sent to a public morgue, or who immediately before death had been supported in and by any public institution, shall be delivered to persons qualified as hereinafter mentioned, unless such body be within forty-eight hours after death claimed by persons subscribing to a solemn declaration before a justice of the peace, that they are relatives of the deceased within the degree of cousin-german inclusively, or, being a lunatic, dies in any provincial asylum for the insane. Certain bodies may be delivered for dissection.
3. The persons qualified to receive such unclaimed bodies shall be teachers of anatomy or surgery in recognized medical schools; and if there be any medical school in the locality, such school shall have a preferable claim to the body. To whom such bodies shall be delivered.
4. The Lieutenant-Governor may appoint, during pleasure, a person not being a medical practitioner, nor connected with any school of medicine, to be Inspector of Anatomy for such part of the province, or for such city, town or other locality therein as may be named in the appointment. Appointment of Inspector of Anatomy.
5. It shall be the duty of every Inspector of Anatomy— Duties of Inspector.
- (1) To keep a register of the name, age, sex, birth place and religious denomination, if any, of each unclaimed body received by him, and the name of the school to which delivered, with date of delivery.
- (2) To keep a register of medical schools duly qualified to receive and desirous of receiving bodies for instruction of pupils.
- (3) To distribute all bodies, in rotation, to such schools in proportion to the number of persons actually engaged in the study of human anatomy in each school, as shown by their official registers, which he shall be allowed to inspect.
- (4) To inspect the several authorized practical anatomy rooms in his locality at least once in every six weeks, and to

direct the removal and decent interment of any remains that he deems it advisable to have interred.

(5) To keep his registers open for the inspection of any medical practitioner who may desire to inspect them.

Distribution to different medical schools in same city.

6. When more than one medical school situated in the same city shall have made application for bodies, every Inspector upon sending a body to either school shall notify the Inspector of the city in which such school is situated, and the Inspector for such city in distributing the bodies he receives from his own district shall have regard to the number of bodies each school has received from other Inspectors outside, and if necessary direct them from time to time to which school they shall send bodies, so that each school shall receive from all sources in proportion to the number of persons actually engaged in the study of human anatomy in each school.

Coroner to give notice to Inspector of bodies found exposed.

7. Every coroner, whether he does or does not hold an inquest on any body found publicly exposed, to which his attention has been called, and which is not claimed by relatives entitled to do so, shall give notice to the Inspector of Anatomy of the locality, if there be one, failing which, he shall cause the body to be interred as has been customary.

Notice to be given to Inspector by person in charge of morgue.

8. The person in charge of a public morgue shall, when a body is placed in it of a person not known to have any relatives entitled to claim the body, give notice of such unclaimed body to the Inspector of Anatomy for the locality.

Notice to be given to Inspector by Mayor of city or town.

9. The Mayor of any city or town coming under the provisions of this Act shall direct notice to be given to the Inspector of Anatomy of any adult body that is brought under his notice which is unclaimed by relatives, as set forth in section two of this Act.

Notice to be given to Inspector by superintendents of public institutions.

10. The superintendent of every public institution shall upon the death of any inmate of the institution who is not known to have any relatives entitled to claim the body, immediately give notice of such death to the Inspector of Anatomy for the locality.

Register to be kept by superintendent.

11. Each such superintendent shall keep a register shewing the name, age, sex, birth-place and religious denomination of each person whose body is disposed of under the provisions of this Act, and the school to which such body is delivered, and shall file all declarations furnished by persons claiming bodies, which register and file shall be open for inspection; and no such superintendent shall deliver any body except on the written order of the Inspector of Anatomy for the locality.

Fees of Inspector.

12. The Inspector of Anatomy shall receive five dollars for every body delivered under the provisions of this Act, which sum shall be paid to him by the school on delivery of the body.

Medical schools availing themselves of this Act to give security.

13. Any medical school wishing to avail itself of the benefits of this Act shall appear through its official head, before one of Her Majesty's Justices of the Peace and the Inspector of

Anatomy, and give security in the sum of eighty dollars, with two good and sufficient sureties in the sum of forty dollars each, for the decent interment of the bodies after they have served the purposes required; and upon the due fulfilment of these conditions, the Inspector of Anatomy shall deliver to such school a written authority to open a practical anatomy room entitled to the benefits of this Act.

14. No person shall send or take a body out of the Province of Ontario for surgical or practical anatomy purposes, and every person contravening the provisions of this section shall for each offence incur a penalty of one hundred dollars.

Removal of bodies from Province for purposes of anatomy prohibited.

15. Any Inspector of Anatomy, warden of a public institution, medical practitioner, coroner or other official who neglects to discharge the duties required of him by this Act or infringes any of its provisions, shall be liable to a fine of not less than twenty dollars for every such offence.

Penalty for neglect of duty by Inspector, etc.

16. Every penalty imposed by this Act may be recovered with costs on summary conviction before any two Justices of the Peace or a Police Magistrate.

Recovery of penalties.

No. 119.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the Study of Anatomy.

First Reading, 24th February, 1885.

Mr. BAXTER.

TORONTO:
PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act respecting the Study of Anatomy.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Act respecting the study of Anatomy, chapter 143 of the Revised Statutes, is hereby repealed. R. S. O. c.143, repealed.
2. In all localities coming under the provisions of this Act, the body of any person found dead, publicly exposed, or sent to a public morgue, or who immediately before death had been supported in and by any public institution, shall be delivered to persons qualified as hereinafter mentioned, unless such body be within forty-eight hours after death claimed by ~~his~~ relations or *bona fide* friends, or being a lunatic, dies in any Provincial Asylum for the insane; provided nevertheless, that the authorities in whose care *any* body may be, shall not deliver the same to any person other than a known relative unless such person shall pay to the said authorities the sum of five dollars to defray the funeral expenses of the body so claimed, the said sum to be paid over to the undertaker by the said authorities when satisfied that the body has been properly interred. Certain bodies may be delivered for study of anatomy. Proviso.
3. ~~Any~~ Any medical school obtaining any body as provided by section 2 of this Act, shall keep and preserve the same for a period of not less than five days, and in the event of any relative or *bona fide* friend claiming such body within a period of five days from the receipt thereof by such medical school, the said medical school shall deliver over such body to the said relative or *bona fide* friend upon the receipt of the reasonable costs and charges for preserving and keeping the same, not to exceed the sum of ten dollars. Body delivered to medical school may be claimed by friends.
4. The persons qualified to receive such unclaimed bodies shall be teachers of anatomy or surgery in recognized medical schools; and if there be any medical school in the locality, such school shall have a preferable claim to the body. To whom such bodies shall be delivered.
5. The Lieutenant-Governor may appoint, during pleasure, a person not being a medical practitioner, nor connected with any school of medicine, to be Inspector of Anatomy for such part of the province, or for such city, town or other locality therein as may be named in the appointment. Appointment of Inspector of Anatomy.
6. It shall be the duty of every Inspector of Anatomy— Duties of Inspector.
- (1) To keep a register of the name, age, sex, birth place and religious denomination, if any, of each unclaimed body received

by him, and the name of the school to which delivered, with date of delivery.

(2) To keep a register of medical schools duly qualified to receive and desirous of receiving bodies for instruction of pupils. 5

(3) To distribute all bodies, in rotation, to such schools in proportion to the number of persons actually engaged in the study of human anatomy in each school, as shewn by their official registers, which he shall be allowed to inspect.

(4) To inspect the several authorized practical anatomy 10 rooms in his locality at least once in every six weeks, and to direct the removal and decent interment of any remains that he deems it advisable to have interred.

(5) To keep his registers open for the inspection of any medical practitioner who may desire to inspect them. 15

Distribution to different medical schools in same city.

7. When more than one medical school situated in the same city shall have made application for bodies, every Inspector upon sending a body to either school shall notify the Inspector of the city in which such school is situated, and the Inspector for such city in distributing the bodies he receives from his own district shall have regard to the number of bodies each school has received from other Inspectors outside, and if necessary direct them from time to time to which school they shall send bodies, so that each school shall receive from all sources in proportion to the number of persons actually engaged in the study of human anatomy in each school. 20 25

Coroner to give notice to Inspector of bodies found exposed.

8. Every coroner, whether he does or does not hold an inquest on any body found publicly exposed, to which his attention has been called, and which is not claimed *in accordance with section 2 of this Act*, shall give notice to the Inspector of Anatomy of the locality, if there be one, failing which, he shall cause the body to be interred as has been customary. 30

Notice to be given to Inspector by person in charge of morgue.

9. The person in charge of a public morgue shall, when a body is placed in it of a person not known to have any relatives or friends entitled to claim the body, give notice of such unclaimed body to the Inspector of Anatomy for the locality. 35

Notice to be given to Inspector by Mayor of city or town.

10. The Mayor of any city or town coming under the provisions of this Act shall direct notice to be given to the Inspector of Anatomy of any adult body that is brought under his notice which is unclaimed by relatives or friends, as set forth in section 2 of this Act. 40

Notice to be given to Inspector by superintendents of public institutions.

11. The superintendent of every public institution shall, upon the death of any inmate of the institution who is not known to have any relatives or friends entitled to claim the body, immediately give notice of such death to the Inspector of Anatomy for the locality. 45

Register to be kept by superintendent.

12. Each such superintendent shall keep a register shewing the name, age, sex, birth-place and religious denomination of each person whose body is disposed of under the provisions of this Act, and the school to which such body is delivered, and 50

shall file all *documents* furnished by persons claiming bodies, which register and file shall be open for inspection; and no such superintendent shall deliver any body to a *medical school* except on the written order of the Inspector of Anatomy for the locality.

13. The Inspector of Anatomy shall receive five dollars for every body delivered under the provisions of this Act, which sum shall be paid to him by the school on delivery of the body.

Fees of Inspector.

14. Any medical school wishing to avail itself of the benefits of this Act shall appear through its official head, before one of Her Majesty's Justices of the Peace and the Inspector of Anatomy, and give security in the sum of eighty dollars, with two good and sufficient sureties in the sum of forty dollars each, for the decent interment of the bodies after they have served the purposes required; and upon the due fulfilment of these conditions, the Inspector of Anatomy shall deliver to such school a written authority to open a practical anatomy room entitled to the benefits of this Act.

Medical schools availing themselves of this Act to give security.

15. Any Inspector of Anatomy, warden of a public institution, medical practitioner, coroner or other official who neglects to discharge the duties required of him by this Act or infringes any of its provisions, shall be liable to a fine of not more than twenty dollars for every such offence.

Penalty for neglect of duty by Inspector, etc.

16. No person shall send or take a body out of the Province of Ontario for surgical or practical anatomy purposes, and every person contravening the provisions of this section shall for each offence incur a penalty of one hundred dollars, notwithstanding the provisions of section 15 of this

Removal of bodies from Province for purposes of anatomy prohibited.

Act.

17. Every penalty imposed by this Act may be recovered with costs on summary conviction before any two Justices of the Peace or a Police Magistrate.

Recovery of penalties.

No. 119.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act respecting the Study of Anatomy.

First Reading, 24th February, 1885.
Second " 18th March, 1885.

(Reprinted as amended by Select Committee)

Mr. BAXTER.

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Consolidated Municipal Act, 1883*, is hereby
 5 amended by inserting in sub-section three of section four hundred and ninety-five of the said Act after the word "force" in the ninth line, 46 V. c. 18, s. 495, sub-s. 3, amended.

10 "Persons going from town to town, or to other men's houses carrying to sell, or exposing to sale, any goods, wares, or merchandize, or carrying and exposing samples or patterns of any goods, wares or merchandise to be afterwards delivered, shall
 15 be deemed to be hawkers, and petty chapmen within the meaning of this Act, and shall be subject and liable to all the duties, provisions, regulations, pains and penalties in and by this Act
 20 imposed or contained with reference to the persons, matters and things aforesaid," and by further inserting in said sub-section three after the word "officer" in the twenty-fifth line, "provided that nothing herein contained shall extend to subject commercial travellers or other persons to the duties
 25 and provisions of this section, by reason merely of their selling or seeking orders for goods, wares, or merchandise to or from persons who are dealers therein, and who buy to sell again, nor to persons who are the real workers or makers of any goods or wares, or the servants of such persons seeking orders for any of such goods or wares." (Imp. 24 & 25 V. c. 21 s. 9.) Who to be deemed hawkers and petty chapmen.

No. 120.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Municipal Act.

First Reading, 25th February, 1885.

MR. GILLES.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No. 120.]

BILL.

[1885.

An Act to amend the Municipal Act in relation to
Hawkers and Pedlars.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

5 **1.** *The Consolidated Municipal Act, 1883*, is hereby amended
as follows :— 46 V. c. 18, s.
495, sub-s. 3,
amended.

10 (2) ~~It~~ It is hereby declared that the word “hawkers” in
sub-section 3 of section 495 of *The Consolidated Municipal
Act, 1883*, shall include all persons agents for persons not resi-
dent within the county, who sell or offer for sale tea, dry goods
or jewellery, or who carry and expose samples or patterns of
any of such goods to be afterwards delivered to any person
within the county not being a wholesale or retail dealer in
such goods, wares or merchandise. ~~It~~

No. 120.

2nd Session, 5th Legislature, 48 Vic., 1885

BILL.

An Act to amend the Municipal Act in
relation to Hawkers and Pedlars.

First Reading, 25th February, 1885.

Second " 11th March, 1885.

(Reprinted as Amended by Select Committee.)

Mr. GILLIES.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting the Sale of Horses Impounded.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. No sale of any horse, mare or gelding shall be made by virtue of *The Revised Statute respecting Pounds* unless a notice of the impounding of the animal has been once inserted in the *Ontario Gazette* at least one month before such sale, containing particulars of the nature shown in the following form of notice:

Notice of sale to be published.

10 Notice is hereby given that upon the _____ day of _____, 18____, Form of a horse (or mare or gelding or otherwise according to the fact) of the description given below was impounded at _____, in the township of _____ (or as the case may be). The animal is a dark brown, with black tail and mane, is _____ hands high. His left forefoot is black ; his other feet are dark brown.

15 A. B.,
Pound-keeper,
(Jonesville, P.O.)

2. The notice may be inserted at any time after the animal has been in the pound for a week.

When notice may be inserted.

No. 121.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the Sale of Horses
Impounded.

First Reading, 25th February, 1885.

Mr. GILLIES.

TORONTO:

PRINTED BY THE "GHP" PRINTING AND PUBLISHING CO.

An Act for Further Improving the Administration of
the Law.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Administration of Justice* Short title.
5 *Act*, 1885.

2. No action or proceeding shall be open to objection on the ground that a merely declaratory judgment or order is sought thereby, and the Court may make binding declarations of right, whether any consequential relief is or could be claimed or not. (See Imp. 15 and 16 V. c. 86, s. 50; Holmsted's Orders, 1884, 326; Eng. Jud. Rules, 1883, Order 25, Rule 5.)

3. Part performance of an obligation, either before or after a breach thereof, when expressly accepted by the creditor in satisfaction, or rendered in pursuance of an agreement for that purpose, though without any new consideration, shall be held to extinguish the obligation. (Laws of Maine, 1851, c. 113, s. 1; California Code, 1872; New York Commissioners Report, 1865; *Goddard vs. O'Brien*, 9 Q. B. Division, 37.)

4. Sections 33, 34 and 43 of *The Judicature Act, 1881*, shall apply to actions only, and the said sections are amended by prefacing the same with the following words: "In any action respecting property or civil rights, whether for damages or for specific relief."

5. Where a writ of replevin is sued out for any personal property which had not been previously taken out of the plaintiff's possession, and for which the plaintiff might bring an action of trespass or trover, the defendant shall be entitled, if the plaintiff fails in the action, to be fully indemnified against all damages sustained by the defendant, including any extra costs which he may incur in defending the action; and the bond to be taken by the Sheriff shall be conditioned, not only as required by the *Replevin Act*, but also to indemnify and save harmless the defendant from all loss and damage which he may sustain by reason of the seizure, and of any deterioration of the property in the meantime, in the event of its being returned, and all costs, charges, and expenses which the defendant may incur, including reasonable costs not taxable between party and party. (*Vide Williams vs. Crowe*, 10 Ontario Appeal R. 301.)

6. In any proceeding in respect of which this Legislature has jurisdiction to enact as is in this section enacted, any copy

Declaratory
judgments
and orders.

Satisfaction of
obligations by
performance
in part.

44 V. c. 5,
ss. 33, 34 and
43, amended.

Indemnity of
defendant in
replevin pro-
ceedings.

Copies of On-
tario Orders in
Council, etc.,

printed by Queen's Printer and published with Statutes, to be *prima facie* evidence.

of an Order in Council purporting to be made by the Lieutenant-Governor or Administrator of the Government of Ontario, and any copy of a departmental or other regulation purporting to be made by the said Lieutenant-Governor or Administrator in Council, or by any other person or persons authorized by law to make such regulation, purporting to be printed by the Queen's Printer at Toronto, and published with the Statutes of Ontario, shall be received in any court of justice as *prima facie* evidence of the tenor of such order or regulation. See *R. S. O., cap. 62, sec. 37.*

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Copies of Dominion Orders in Council, etc., printed by Queen's Printer and published with Statutes, to be *prima facie* evidence.

7. In any proceeding in respect of which this Legislature has jurisdiction to enact as is in this section enacted, any copy of an order in Council purporting to be made by the Governor-General of Canada, or his deputy, or other Chief Executive Officer or Administrator of the Government of Canada, or any copy of a departmental or other regulation made by the said Governor-General or his deputy, or other chief executive officer or Administrator of the Government of Canada, or by any other person or persons authorized by law to make such regulation, purporting to be printed by the Queen's Printer at Ottawa, and published with the Statutes of Canada by the said Queen's Printer shall be received in any court of justice as *prima facie* evidence of the tenor of such order or regulation.

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Appointment of Administrator to represent estate in proceedings in High Court.

8. (1) Where no probate of the will of a deceased person, or letters of Administration to his estate, have been granted by a Surrogate Court, and representation of such estate is required in any suit or proceeding in the High Court, the court may appoint some person Administrator or Administrator *ad litem* (according as the case may require) to the estate; and the person so appointed shall give the security required from, and have the rights, authority, and responsibility of, an Administrator or Administrator *pendente lite* (as the case may be) appointed by the Surrogate Court, but the Court may dispense with such security.

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(2) *Where a general Administrator is appointed under this section, the same fees shall be payable in stamps as would be payable to the Crown or to the Judge of the Surrogate Court under any Act then in force, upon the grant of administration of an estate of the same value made by the Surrogate Court.* See *R. S. O. c. 46, secs. 68 and 69.*

(3) Where administration is granted by the High Court under this section, the Registrar shall forthwith transmit by mail, to the Surrogate Clerk, a certified copy of the grant; and in case the grant is with will annexed, he shall, at the same time, also transmit to the said Clerk a certified copy of the will; and the Surrogate Clerk shall make similar entries in respect of the documents so transmitted as he makes in respect of particulars furnished to him under section thirteen of *The Revised Statute respecting the Surrogate Courts.* See *50 R. S. O., cap. 46, sec. 13.*

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Order for account against executor *de son tort.*

9. Where no order for general administration is asked or required, or where it is shown that an executor *de son tort* has taken possession of the bulk of the personal assets belonging to the estate of a deceased person, such executor *de son*

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tort may, on the application of any one interested in the estate of the deceased, and without the appointment of any other personal representative of the estate, be required to account for any assets of the estate which have come to his hands; and where a proper case is made for the appointment by the High Court of a receiver of the estate of a deceased person who has no legally appointed personal representative, the estate may be administered under the direction of the court without the appointment of any person other than the receiver to represent the estate.

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10. (1) The Clerk of the Crown of the Court of Queen's Bench sitting at Chambers, and the Master in Chambers, or any referee sitting for him, shall be held to have heretofore had authority to do all such things, transact all such business, and exercise all such authority and jurisdiction in respect of the same, as, by virtue of any statute or custom, or by the rules of practice of any of the Superior Courts, were, at or before the time of the passing of *The Ontario Judicature Act, 1881*, or are now done, transacted or exercised by any Judge of the High Court sitting at Chambers, save and except in respect to matters excepted by sub-section (a) of Rule 420 in the Schedule to the said Act. See *Rule 548*.

(2) Nothing herein contained shall be construed to affect the authority of the Judges of the Supreme Court under section 54, or any Judges to be appointed under section 55 of the said Act by rules of Court; to extend or limit the authority of the said Master or any referee.

11. A Court of Assize and Nisi Prius and of Oyer and Terminer and General Gaol Delivery shall be held in and for the County of Middlesex, in each year in the vacation between Michaelmas and Hilary Terms, on such days as may be appointed by the Judges of the Supreme Court of Judicature, or a majority of them. See *R. S. O., c. 41, sec. 1, sub-sec. 3 and sec. 2*.

Additional
Court of
Assize in
County of
Middlesex.

12. Where a pecuniary penalty or forfeiture is imposed by any Act of this province now in force or hereafter to be passed, or by any other Act now in force in this province in respect of which it is within the Legislative authority of this province to enact as hereinafter mentioned, the Court having cognizance of the offence, and being a Court of Record but not otherwise, may remit in whole or in part any sum of money by such Act imposed as a penalty or forfeiture on a convicted offender, and may do so whether the money is in whole or in part payable to the Crown or to some person other than the Crown, and whether the same is recovered by indictment, information, summary process, action, or any other process. *Imp. 22 V. c. 32; Imp. 38 and 39 V. c. 80, s. 1; Imp. 16 and 17 V. c. 107, s. 280; Imp. 7 and 8 Geo IV. c. 53, s. 78.*

Power of
Court to remit
penalties.

13. Subject to any rules of court which may be made under the provisions of the 54th or 55th section of *The Ontario Judicature Act, 1881*, the Accountant for the High Court of Justice for Ontario shall be the Accountant of the Supreme Court of Judicature for Ontario, and shall henceforward be so designated. (Jud. Act, rule 479.)

Accountant of
Supreme
Court.

Construction
of 44 V. c. 5,
s. 68.

14. The 68th section of the said Judicature Act shall henceforward apply in all respects, and be read, as if the same had named the Accountant of the Supreme Court, instead of the Accountant of the High Court, wherever the latter officer is referred to in the said section.

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Securities held
by Registrar
of Court of
Appeal to be
transferred to
Accountant of
Supreme
Court.

15. All mortgages, stocks, funds, securities, and all estate therein, and all moneys and effects standing in the name of the Registrar of the Court of Appeal as such Registrar in any cause, matter, or proceeding now, or at any time heretofore pending in the said Court of Appeal are hereby transferred to and vested in the Accountant of the Supreme Court of Judicature for Ontario as such Accountant, subject to the trusts which respectively attach thereto; and the said Registrar and one of the Judges of the said Court of Appeal are to execute all cheques or documents necessary to effect a formal transfer thereof, if any are required; and the Registrar is forthwith to deliver to the said Accountant all books of account and documents in his possession or control relating to the moneys and property hereby transferred to the said Accountant. (*See Rule X., 25th August, 1881.*)

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Payment into
and out of
Court of
Appeal.

16. All moneys required to be paid into or out of the said Court of Appeal under any order, judgment, statute, rule of court, or otherwise, shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in the High Court.

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Payment into
and out of
Supreme
Court.

17. Rule 476 in the schedule to the said Judicature Act is hereby rescinded; and, subject to any rules of court which may be made under the provisions of the 54th or 55th section of the said Act, the General Orders of the Court of Chancery, which regulated the payment of money into and out of the Court of Chancery, and the conduct of business in the office of the Accountant of the Court of Chancery (save so far as such General Orders are at variance with any existing rules of the said Supreme Court) shall, *mutatis mutandis*, be applicable to and regulate the payment of money into and out of the Supreme Court of Judicature, or any Division thereof, and the conduct of business in the office of the Accountant of the Supreme Court. (*See Chy. Ord. 352, 373, 568, 583.*)

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Authority to
make rules
respecting
Surrogate
Courts.

18. (1) The Judges of the Supreme Court of Judicature and of the High Court respectively shall have the same authority to make rules of court with respect to the Surrogate Courts as, by section 54 of *The Ontario Judicature Act, 1881*, they have with respect to the High Court; and the Judges authorized as mentioned in section 55 shall with respect to the Surrogate Courts have the like authority. *See R. S. O., cap. 46, sec. 74, and 45 Vic. cap. 11, sec. 2.*

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(2) The general rules and orders made by the Judges appointed in pursuance of section 14 of *The Surrogate Courts Act, 1858*, are hereby continued until altered under the authority of this section.

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(3) Sections 73, 74 and 75 of *The Surrogate Courts Act*, being chapter 46 of the Revised Statutes, are hereby repealed.

19. In case the municipal council of any county pass a resolution requesting or approving of the appointment of an official interpreter to act at the Courts held in such county, an appointment may be made accordingly in the same manner, and subject to the same terms and conditions, as provided in regard to shorthand writers by the 23rd section of the Act respecting County Court Judges and the local Courts; and the said section shall apply as nearly as may be to such official interpreters. (R. S. O., c. 42.)

Appointment
of official
interpreters.

20. Where at the trial of an election petition under *The Controverted Elections Act*, a shorthand writer belonging to the regular staff of the High Court attends upon the request of the Judge or Judges, for the purpose of taking down the oral evidence given by witnesses, the travelling and hotel expenses of such shorthand reporter shall be costs in the cause; and where on account of the business of the High Court none of the shorthand reporters of the regular staff is able to attend, and another shorthand reporter attends at the request of the Judge or Judges for the purpose aforesaid, the proper charges and expenses of such reporter shall be costs in the cause. (*Vide Dom. Act 37 V., c. 10, s. 51.*)

Costs of shorthand reporters at election trials.

21. Any writs of execution issued out of the District Court of Algoma and being at the time of renewal in the hands of the Sheriff of Thunder Bay for execution, which have been heretofore, or may be hereafter, renewed by the Clerk of the District Court of Thunder Bay shall, if otherwise valid, be held to be validly renewed.

Renewal of writs of execution issued out of District Court of Algoma.

22. Any gaol or lock-up erected in the District of Nipissing under the authority of the Lieutenant-Governor, or any building so declared by Order in Council, shall be a common gaol of such district for the safe custody of persons charged with the commission, within the said district, of crimes, or with the commission therein of offences against any statute of this province, or against any municipal by-law, who may not have been finally committed for trial, or for the safe custody of persons finally committed for trial, charged as aforesaid, who are to be tried within the said district; or for the confinement of persons sentenced within the district for crimes or for offences as aforesaid for periods not exceeding *six months*; or for confinement of persons sentenced as aforesaid for periods exceeding *six months* until such persons can be conveniently removed to any other lawful prison to which they are sentenced, or to which they may be lawfully removed. *See 43 V., cap. 12, sec 13.*

Gaols in District of Nipissing.

23. Where the Inspector of Legal Offices, appointed under section 70 of *The Ontario Judicature Act*, 1881, or any other Officer inspecting legal offices under the authority of an order of the Lieutenant-Governor in Council, finds any paper or proceeding which should have had affixed to it law stamps, to be unstamped, or to be insufficiently stamped, he may require the officer to whom belonged the duty of seeing that such paper was properly stamped, to affix to every such paper or proceeding a stamp or stamps of a sufficient amount to make up the deficiency.

Affixing stamps to papers unstamped or insufficiently stamped.

(2) The Inspector or other officer directing stamps to be affixed as aforesaid shall cancel the stamps so affixed in such manner as shall be directed by the Lieutenant-Governor in Council.

Expenses of
County Court
Judge on
appeals, under
46 V. c. 27.

24. The actual and necessary travelling expenses of a Judge of the County Court, hearing an appeal under *The Ditches and Water-courses Act, 1883*, or any Act amending the same, including an allowance of five dollars for each day occupied by the hearing, to cover expenses while the Judge is staying at the place where the Court is held, shall be paid to the Judge out of the deposit made by the appellant, and the amount so paid shall be added to the appellant's costs in case he succeeds in the appeal.

Allowance to
officers where
sittings of
court prolonged.

25. Where any sittings of the High Court, County Court, or General Sessions of the Peace is continued after eight o'clock p.m., an additional allowance, not exceeding one day's pay, may, upon the certificate of the presiding Judge be made to any officer in attendance upon such Court who is paid for services by a per diem allowance.

Oath of justices of the peace.

26. It shall not be necessary for any Justice of the Peace named in any commission who after his appointment as such Justice by a former commission, took the oath of allegiance and the oath of office as a Justice of the Peace, to again take such oaths, or either of them, before acting under the new commission. (See *R. S. O., cap. 71, sec. 11*. For form of oath of allegiance see *R. S. O., cap 15, sec. 3*. For form of oath of office see *41 Vic., cap 4. Schedule*).

Fees of justices where two required for hearing cases.

27. (1) Where a case requires two justices for the hearing and determining of the same, a second fee of fifty cents shall be allowed to the justices for hearing and determining the case; and the following item is hereby added to each of the schedules A and B of the Revised Statute, chapter 77: "Where one justice alone cannot lawfully hear and determine the case, an additional fee for hearing and determining to be allowed to the associate justice."

(2) In case more justices than two sit upon the hearing of the case, the justice by whom the information was taken (if he sits upon the hearing) shall be entitled to one fee of fifty cents for hearing and determining; and the justice who sat at his request shall be entitled as associate to the said additional fee.

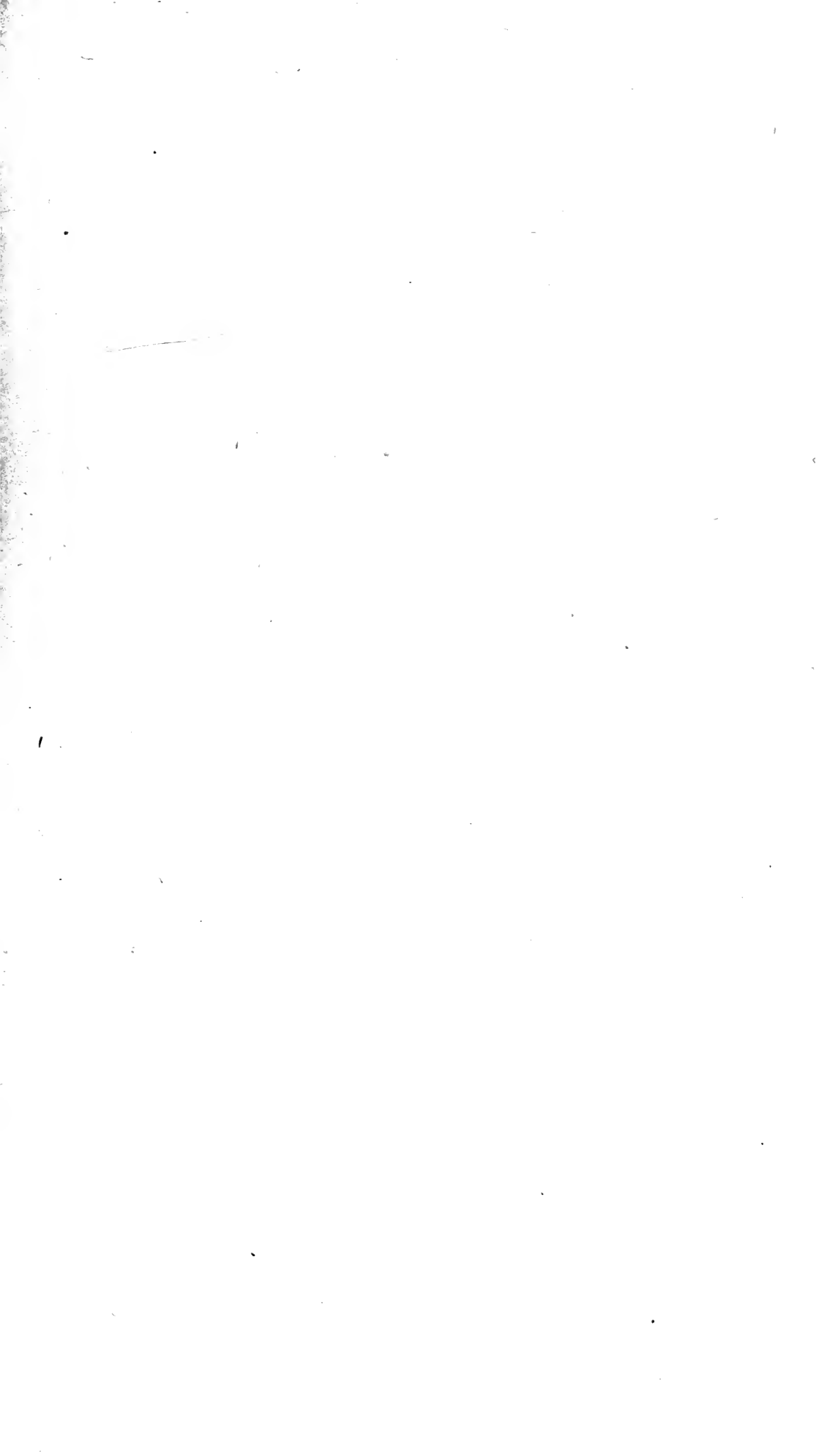
(3) If a case occurs which is not provided for by the preceding sub-sections, the justices shall be entitled to the fees according to their seniority as justices.

(4) The following is substituted for item 6 of schedule B appended to the said Revised Statute.

"For making up every record of conviction returned to the Sessions or on *certiorari*. \$1.00

R. S. O. c. 50,
s. 121, sub-s.
4, repealed in
part.

28. So much of sub-section 4 of section 121 of *The Common Law Procedure Act* as requires the preparation of a yearly statement of the moneys paid in and withdrawn from court during the preceding year, and the transmission to the Provincial Secretary and to the Judges of copies of such statement, is hereby repealed.



No. 122.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act for further improving the Administration of the Law.

First Reading, 25th February, 1885.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO

Corrected copy for use in Committee of the Whole, the same including, in their proper places, the proposed amendments of which notice has been given.

An Act for further improving the Administration of the Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Administration of Justice Act*, 1885. Short title.

2. If at the time of the passing of this Act the number of Judges of the Court of Appeal shall, including the Chief Justice of Ontario, exceed four in the whole, no new judge of the said Court of Appeal shall be appointed in the place of any such Judge of Appeal who shall die or resign while such whole number of Judges of the Court of Appeal shall exceed four, it being intended that the permanent number of Judges of the Court of Appeal shall not exceed four, including therein the Chief Justice of Ontario. (Imp. Jud. Act, 1873, s. 5.)

3. Where the Judges of the Court of Appeal shall be reduced to four, as mentioned in the preceding section, there shall be appointed as provided by *The British North America Act*, 1867, a Judge of the High Court of Justice, in addition to the number of Judges of that Court authorized to be appointed by *The Ontario Judicature Act*, 1881. The Judge appointed in pursuance of this Act shall be attached to the Chancery Division of the said High Court, subject to such power of transfer as is in *The Ontario Judicature Act*, 1881, mentioned.

4. The Judge so appointed shall be in the same position as if he had been appointed a Judge of the said High Court in pursuance of *The Ontario Judicature Act*, 1881; and all the provisions of *The Ontario Judicature Act* in relation to the qualification and appointment of Judges of the said High Court, and to their tenure of office, and all other provisions relating to such Judges shall apply to the additional Judge appointed in pursuance of this section, in the same manner as they apply to the other Judges of the said Court respectively. (Ont. Jud. Act, sec. 3, sub-s. 9; Imp. Jud. Act, 1873, s. 31.)

5. No action or proceeding shall be open to objection on the ground that a merely declaratory judgment or order is sought Declaratory judgments and orders.

thereby, and the Court may make binding declarations of right, whether any consequential relief is or could be claimed or not. (See Inp. 15 and 16 V. c. 86, s. 50; Holmsted's Orders, 1884, 326; Eng. Jud. Rules, 1883, Order 25, Rule 5.)

Satisfaction of obligations by performance in part.

6. Part performance of an obligation, either before or after a breach thereof, when expressly accepted by the creditor in satisfaction, or rendered in pursuance of an agreement for that purpose, though without any new consideration, shall be held to extinguish the obligation. (Laws of Maine, 1851, c. 113, s. 1; California Code, 1872; New York Commissioners Report, 1865; 10 *Goddard vs. O'Brien*, 9 Q. B. Division, 37.)

44 V. c. 5, ss. 33, 34 and 43, amended.

7. Sections 33, 34 and 43 of *The Judicature Act, 1881*, shall apply to actions only, and the said sections are amended by prefacing the same with the following words: "In any action respecting property or civil rights, whether for damages or for specific relief."

Indemnity of defendant in replevin proceedings.

8. Where a writ of replevin is sued out for any personal property which had not been previously taken out of the plaintiff's possession, and for which the plaintiff might bring an action of trespass or trover, the defendant shall be entitled, if the plaintiff fails in the action, to be fully indemnified against all damages sustained by the defendant, including any extra costs which he may incur in defending the action; and the bond to be taken by the Sheriff shall be conditioned, not only as required by the *Replevin Act*, but also to indemnify and save harmless the defendant from all loss and damage which he may sustain by reason of the seizure, and of any deterioration of the property in the meantime, in the event of its being returned, and all costs, charges, and expenses which the defendant may incur, including reasonable costs not taxable between party and party. This section shall not apply to cases of distress for damage-feasant. (*Vide Williams vs. Crowe*, 10 Ontario Appeal R. 301.)

Copies of Ontario Orders in Council, etc., printed by Queen's Printer and published with Statutes, to be prima facie evidence.

9. In any proceeding in respect of which this Legislature has jurisdiction to enact as is in this section enacted, any copy of an Order in Council purporting to be made by the Lieutenant-Governor or Administrator of the Government of Ontario, and any copy of a departmental or other regulation purporting to be made by the said Lieutenant-Governor or Administrator in Council, or by any other person or persons authorized by law to make such regulation, purporting to be printed by the Queen's Printer at Toronto, and published with the Statutes of Ontario, shall be received in any court of justice as prima facie evidence of the tenor of such order or regulation. See *R. S. O., cap. 62, sec. 37*.

Copies of Dominion Orders in Council, etc., printed by Queen's Printer and published with Statutes, to be prima facie evidence.

10. In any proceeding in respect of which this Legislature has jurisdiction to enact as is in this section enacted, any copy of an order in Council purporting to be made by the Governor-General of Canada, or his deputy, or other Chief Executive Officer or Administrator of the Government of Canada, or any copy of a departmental or other regulation made by the said Governor-General or his deputy, or other chief executive officer or Administrator of the Government of Canada, or by any other person or persons authorized by law to make such regu-

lation, purporting to be printed by the Queen's Printer at Ottawa, and published with the Statutes of Canada by the said Queen's Printer shall be received in any court of justice as *prima facie* evidence of the tenor of such order or regulation.

11. (1) Where no probate of the will of a deceased person, or letters of Administration to his estate, have been granted by a Surrogate Court, and representation of such estate is required in any suit or proceeding in the High Court, the court may appoint some person Administrator or Administrator *ad litem* (according as the case may require) to the estate; and the person so appointed shall give the security required from, and have the rights, authority, and responsibility of, an Administrator or Administrator *pendente lite* (as the case may be) appointed by the Surrogate Court, but the Court may dispense with such security.

Appointment of Administrator to represent estate in proceedings in High Court.

(2) Where a general Administrator is appointed under this section, the same fees shall be payable in stamps as would be payable to the Crown or to the Judge of the Surrogate Court under any Act then in force, upon the grant of administration of an estate of the same value made by the Surrogate Court. See R. S. O., c. 46, secs. 68 and 69.

(3) Where administration is granted by the High Court under this section, the Registrar shall forthwith transmit by mail, to the Surrogate Clerk, a certified copy of the grant; and in case the grant is with will annexed, he shall, at the same time, also transmit to the said Clerk a certified copy of the will; and the Surrogate Clerk shall make similar entries in respect of the documents so transmitted as he makes in respect of particulars furnished to him under section thirteen of *The Revised Statute respecting the Surrogate Courts*. See R. S. O., cap. 46, sec. 13.

12. Where no order for general administration is asked or required, or where it is shown that an executor *de son tort* has taken possession of the bulk of the personal assets belonging to the estate of a deceased person, such executor *de son tort* may, on the application of any one interested in the estate of the deceased, and without the appointment of any other personal representative of the estate, be required to account for any assets of the estate which have come to his hands; and where a proper case is made for the appointment by the High Court of a receiver of the estate of a deceased person who has no legally appointed personal representative, the estate may be administered under the direction of the court without the appointment of any person other than the receiver to represent the estate.

Order for account against executor *de son tort*.

13. (1) The Clerk of the Crown of the Court of Queen's Bench sitting at Chambers, and the Master in Chambers, or any referee sitting for him, shall be held to have heretofore had authority to do all such things, transact all such business, and exercise all such authority and jurisdiction in respect of the same, as, by virtue of any statute or custom, or by the rules or practice of any of the Superior Courts, were, at or before the time of the passing of *The Ontario Judicature Act, 1881*, or are now done, transacted or exercised by any Judge of the High

Court sitting at Chambers, save and except in respect to matters excepted by sub-section (a) of Rule 420 in the Schedule to the said Act. This section shall apply to any proceeding, matter or thing heretofore done at Chambers by the said Clerk or Master, or by the referee sitting for the Master. See Rule 548.

(2) Nothing herein contained shall be construed to affect the authority of the Judges of the Supreme Court under section 54, or any Judges to be appointed under section 55 of the said Act by rules of Court; to extend or limit the authority of the said Master or any referee.

Additional Court of Assize in County of Middlesex.

14. A sitting of the High Court of Justice, for the trial of actions, civil and criminal, shall be held in and for the County of Middlesex, in each year in the vacation between Michaelmas and Hilary Terms, on such days as may be appointed by the Judges of the Supreme Court of Judicature, or a majority of them. See R. S. O., c. 41, sec. 1, sub-sec. 3 and sec. 2.

15. The Judges of the High Court of Justice, or a majority of them, may from time to time appoint a sitting of the High Court to be held in any other county of the Province for the trial of actions, civil and criminal, in the vacation between the Michaelmas and Hilary Sittings of the High Court. (R. S. O., c. 41, s. 5.)

46 V., c. 7, s. 23, amended.

16. Section 23 of *The Consolidated Jurors' Act of 1883*, is hereby amended by striking out all the words at the end thereof after the words "are not properly marked" in the sixteenth line thereof.

46 V., c. 7, s. 173, sub-s. 3, amended.

(2) Sub-section five of section 173 of the said Act is hereby amended as follows: the words "fifteenth day of September," where they occur in the twelfth line thereof, are hereby struck out, and the words "twenty-fifth day of October" are inserted in lieu thereof.

Power of Court to remit penalties.

17. Where a pecuniary penalty or forfeiture is imposed by any Act of this province now in force or hereafter to be passed, or by any other Act now in force in this province in respect of which it is within the Legislative authority of this province to enact as hereinafter mentioned, the Court having cognizance of the offence, and being a Court of Record but not otherwise, may at any time after the commencement of the proceeding, remit in whole or in part any sum of money by such Act imposed as a penalty or forfeiture on a convicted offender, and may do so whether the money is in whole or in part payable to the Crown or to some person other than the Crown, and whether the same is recoverable by indictment, information, summary process, action, or any other process. *Imp. 22 V. c. 32; Imp. 38 and 39 V. c. 80, s. 1; Imp. 16 and 17 V. c. 107, s. 280; Imp 7 and 8 Geo IV. c. 53, s. 78.*

(2) The Lieutenant-Governor in Council shall also have power at any time to remit any such penalty or forfeiture, in whole or in part, unless the same is imposed by some Act respecting elections of members of the Legislative Assembly, or is recoverable in respect of an offence committed in connection with an election of a member of the said Assembly.

(3) This section shall apply to any action or proceeding now pending as well as to any action or proceeding which may be hereafter commenced, but shall not be construed to include the power of remitting any costs incurred up to the time of remitting the penalty or forfeiture. ~~57~~


18. Subject to any rules of court which may be made under the provisions of the 54th or 55th section of *The Ontario Judicature Act, 1881*, the Accountant for the High Court of Justice for Ontario shall be the Accountant of the Supreme Court of Judicature for Ontario, and shall henceforward be so designated. (Jud. Act, rule 479.) Accountant of Supreme Court.

(2) ~~58~~ For the purposes of holding the mortgages, stocks, funds, securities, and all estate therein, and any interest in real and personal estate, effects or property, and of all moneys and effects mentioned and described in the 68th section of *The Ontario Judicature Act*, and any amendment thereof and in this Act, or in any rule or order of court, the said accountant shall be a corporation sole by the name of "The Accountant of the Supreme Court of Judicature for Ontario," and all such mortgages, stocks, funds, securities, and all estate therein, and any interest in real and personal estate, effects or property, and all moneys and effects, and all bonds and guarantees now vested in and held by the present accountant in his own name, or in his name of office as such accountant, shall, subject to the same trusts as the same are now respectively subject to, vest in the said corporation sole under the name aforesaid, and the said accountant as such corporation sole shall have perpetual succession, and may sue and be sued, may plead and be impleaded in any of her Majesty's Courts in this Province. ~~59~~



19. The 66th and 68th section of the said Judicature Act shall henceforward apply in all respects, and be read, as if the same had named the Accountant of the Supreme Court, instead of the Accountant of the High Court, wherever the latter officer is referred to in the said section. Construction of 44 V. c. 5, s. 68.

20. All mortgages, stocks, funds, securities, and all estate therein, and all moneys and effects standing in the name of the Registrar of the Court of Appeal as such Registrar in any cause, matter, or proceeding now, or at any time heretofore pending in the said Court of Appeal are hereby transferred to and vested in the Accountant of the Supreme Court of Judicature for Ontario as such Accountant, subject to the trusts which respectively attach thereto; and the said Registrar and one of the Judges of the said Court of Appeal are to execute all cheques or documents necessary to effect a formal transfer thereof, if any are required; and the Registrar is forthwith to deliver to the said Accountant all books of account and documents in his possession or control relating to the moneys and property hereby transferred to the said Accountant. (*See Rule X., 25th August, 1881.*) Securities held by Registrar of Court of Appeal to be transferred to Accountant of Supreme Court.

21. ~~60~~ Subject to any rules of Court to be made under the 57th or 58th section of *The Judicature Act*, all moneys required to be paid into or out of the said Court of Appeal under any order, judgment, statute, rule of court, or otherwise, shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in the High Court. Payment into and out of Court of Appeal.

22.  The Judge of the County Court, and the Local Master of the Supreme Court of Ontario shall, in all actions brought in their county have concurrent jurisdiction with the Master in Chambers, in all proceedings which are now determined in Chambers at Toronto, irrespective of the place of residence or place of business of the parties, or their solicitors; and the orders and decisions of such Judge or Master shall be subject only to appeal to a Judge of the High Court. 5


Payment into
and out of
Supreme
Court.

23.  Subject to any rules of Court which may hereafter be made in this behalf, the Deputy-Clerks of the Crown, Local Masters of the Supreme Court, and Local Registrars respectively, shall, in actions begun or pending in their offices, be entitled to tax all bills of costs, including counsel fees; subject only to appeal to a Judge of the High Court. This section shall not apply to cases in which infants are concerned.  10 15

24. (1) The Judges of the Supreme Court of Judicature and of the High Court respectively shall have the same authority to make rules of court with respect to the Surrogate Courts as, by section 54 of *The Ontario Judicature Act*, 1881, they have with respect to the High Court; and the Judges authorized as mentioned in section 55 shall with respect to the Surrogate Courts have the like authority. See *R. S. O., cap. 46, sec. 74, and 45 Vic. cap. 11, sec. 2.* 20


(2) The general rules and orders made by the Judges appointed in pursuance of section 14 of *The Surrogate Courts Act*, 1858, are hereby continued until altered under the authority of this section. 25

(3) Sections 73, 74 and 75 of *The Surrogate Courts Act*, being chapter 46 of the Revised Statutes, are hereby repealed.

25.  The Board of County Judges appointed under section 238 of *The Division Courts' Act*, or the majority of them, may frame a tariff of costs to be allowed in respect of proceedings in the Courts of General Sessions of the Peace, to solicitors and counsel practising therein, including the County Attorney, and may from time to time alter and amend the same. 30 35

(2) The said Board shall have similar authority in respect of a tariff of costs for the officers of the Surrogate Courts, and for solicitors practising therein, and may frame separate tariffs for contentious and non-contentious business.

(3) The said Board or any three of them shall certify to the judges authorized to make rules under section 54 or section 55 of *The Ontario Judicature Act*, 1881, any tariff so framed, or any alteration thereof, and any judges authorized to make rules under the said Act may approve, disallow or amend any such tariff or alterations. 40 45

(4) Any tariff or alteration so approved of, or amended and approved, shall have the same force and effect as if it had been enacted by the Legislature of this Province. See *R. S. O., cap. 47, secs. 238 to 242; 47 V. cap. 10, sec. 11.* 

Appointment
of official
interpreters.

26. In case the municipal council of any county pass a resolution requesting or approving of the appointment of an official interpreter to act at the Courts held in such county, an 50


appointment may be made accordingly in the same manner, and subject to the same terms and conditions, as provided in regard to shorthand writers by the 23rd section of the Act respecting County Court Judges and the local Courts; and the said section shall apply as nearly as may be to such official interpreters. . (R. S. O., c. 42.)

27. ~~27.~~ In case a sheriff or other officer applies to a court or judge for relief under section 10 of *The Interpleader Act*, or any other provision respecting interpleader which may be in force, and any executing creditor declines to join in contesting the claim of the adverse claimant, the court or judge may direct that such creditor shall be excluded from any benefit which may be derived from the contestation of such claim. See 38 V. c. 16, s. 68 (D).

15 28. ~~28.~~ Chapters 84 and 86 of the Revised Statutes are hereby amended by adding the following items to the Sheriff's Schedule appended thereto respectively :

	For every prisoner discharged from gaol other than prisoners committed by warrant for trial at the Assizes or general Sessions	\$1 00
20	For services performed under 41 V. c. 19, Dom., in each case disposed of under this Act	2 00
	For each day's attendance at an adjournment of the County Judge's Criminal Court in each case	2 00

25 Provided that the Sheriff shall not be allowed more than four dollars in respect of the same day's service.

(2) This section shall not apply to the County of York. 

29. Any gaol or lock-up erected in the District of Nipissing under the authority of the Lieutenant-Governor, or any building so declared by Order in Council, shall be a common gaol of such district for the safe custody of persons charged with the commission, within the said district, of crimes, or with the commission therein of offences against any statute of this province, or against any municipal by-law, who may not have been finally committed for trial, or for the safe custody of persons finally committed for trial, charged as aforesaid, who are to be tried within the said district; or for the confinement of persons sentenced within the district for crimes or for offences as aforesaid for periods not exceeding *six months*; or for confinement of persons sentenced as aforesaid for periods exceeding *six months* until such persons can be conveniently removed to any other lawful prison to which they are sentenced, or to which they may be lawfully removed. See 43 V., cap. 12, sec 13.

Gaols in District of Nipissing.

30. Where the Inspector of Legal Offices, appointed under section 70 of *The Ontario Judicature Act*, 1881, or any other Officer inspecting legal offices under the authority of an order of the Lieutenant-Governor in Council, finds any paper or proceeding which should have had affixed to it law stamps, or be unstamped, or to be insufficiently stamped, he may require the officer to whom belonged the duty of seeing that such paper was properly stamped, to affix to every such paper or proceeding a stamp or stamps of a sufficient amount to make up the deficiency.

Affixing stamps to papers unstamped or insufficiently stamped.

(2) The Inspector or other officer directing stamps to be affixed as aforesaid shall cancel the stamps so affixed in such manner as shall be directed by the Lieutenant-Governor in Council. And the affixing of such stamps by direction of the Inspector shall have the same effect as if the paper or proceeding had been duly stamped in the first instance.

Allowance to officers where sittings of court prolonged.

31. Where any sittings of the High Court, County Court, or General Sessions of the Peace is continued after eight o'clock p.m., an additional allowance, not exceeding one day's pay, may, upon the certificate of the presiding Judge be made to any officer in attendance upon such Court who is paid for services by a per diem allowance.

Oath of justices of the peace.

32. It shall not be necessary for any Justice of the Peace named in any commission who after his appointment as such Justice by a former commission, took the oath of allegiance and the oath of office as a Justice of the Peace, to again take such oaths, or either of them, before acting under the new commission. (See R. S. O., cap. 71, sec. 11. For form of oath of allegiance see R. S. O., cap 15, sec. 3. For form of oath of office see 41 Vic., cap 4. Schedule).

Fees of justices where two required for hearing cases.

33. (1) Where a case requires two justices for the hearing and determining of the same, a second fee of fifty cents shall be allowed to the justices for hearing and determining the case; and the following item is hereby added to each of the schedules A and B of the Revised Statute, chapter 77: "Where one justice alone cannot lawfully hear and determine the case, an additional fee for hearing and determining to be allowed to the associate justice; \$0.50."

(2) In case more justices than two sit upon the hearing of the case, the justice by whom the information was taken (if he sits upon the hearing) shall be entitled to one fee of fifty cents for hearing and determining; and the justice who sat at his request shall be entitled as associate to the said additional fee.

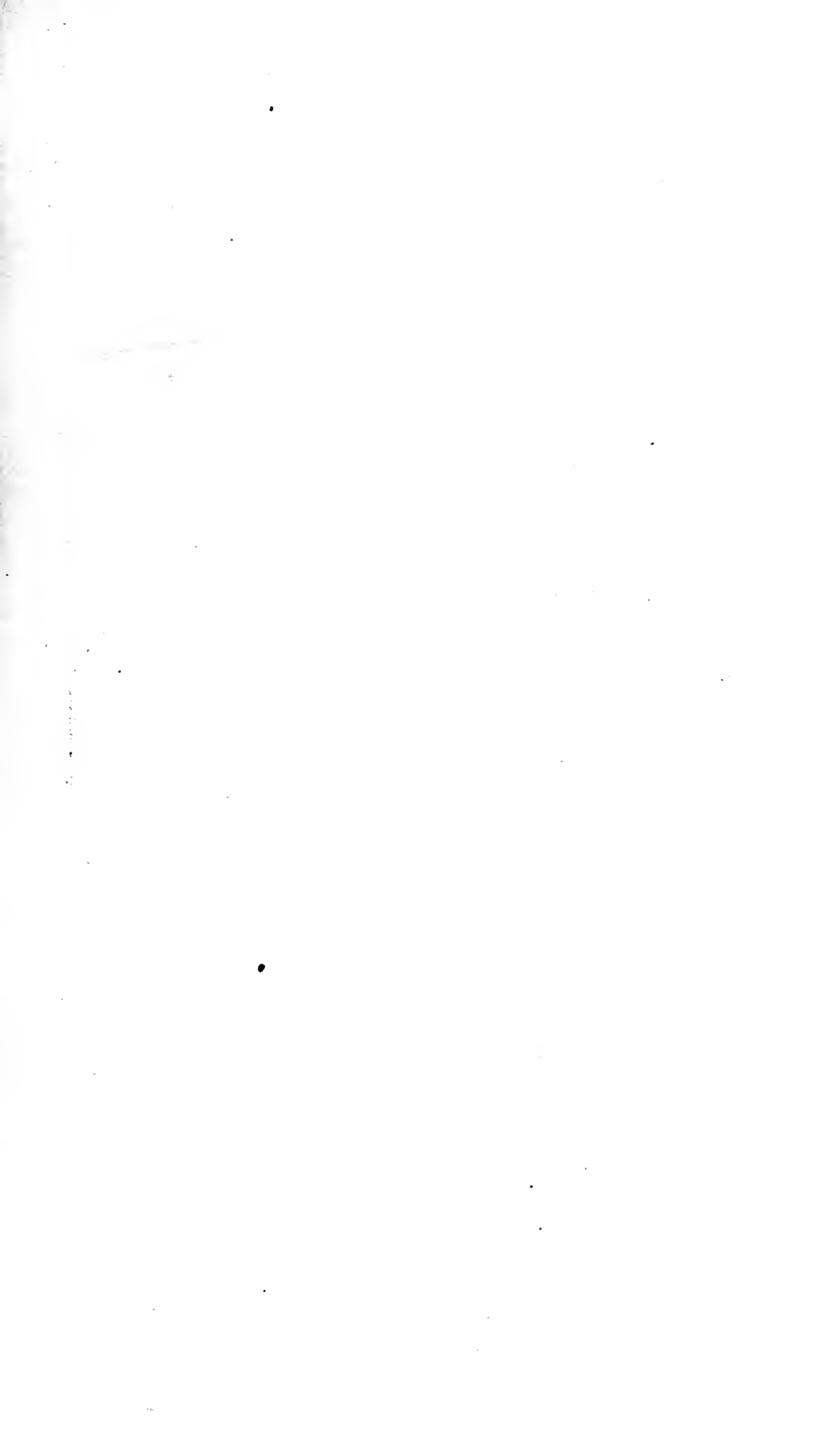
(3) If a case occurs which is not provided for by the preceding sub-sections, the justices shall be entitled to the fees according to their seniority as justices.

34. The following is substituted for item 6 of schedule B appended to the said Revised Statute.

"For making up every record of conviction returned to the Sessions or on *certiorari*.

\$1.00

40



2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act for further improving the Administration of the Law.

First Reading,	, 1885.
Second	" 1885.

*Copy for use in Committee of the Whole,
the same including amendments to be
moved therein.*

Mr.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Division Courts Acts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Sub-section 4c. of section 182 of *The Division Courts Act* R. S. O., c. 47
5 is hereby amended by striking out the word "or" where it s. 182,
secondly occurs in the third line of said sub-section, and sub-
section 5 of said section 182 is hereby repealed. amended.

2. Section 47 of *The Division Courts Act*, 1880, is hereby 43 V., c. 8,
amended by adding after the word "dollar" in the fifth line of s. 47, amended
10 said section the words "and the sum of ten cents per mile for
every mile he necessarily travels from his place of residence to
the said court."

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Division Courts Acts.

First Reading, 26th February, 1885.

MR. O'CONNOR.

An Act to amend the Assessment Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section six of *The Assessment Act* is amended by adding R. S. O. c. 180,
5 thereto the following sub-section : s. 6, amended.

(26) "The interest of licensees from the Crown in Timber Limits."

2. Section six of *The Assessment Act*, sub-section fourteen, is R. S. O. c. 180,
amended by inserting the words: "All timber, lumber, lath, s. 6, further
10 shingles, ties, poles, posts, bark or wood, the produce of the amended.
forest, in yard or in piling ground or dock," after the word
"warehouse," in the second line of the said sub-section.

No. 124.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Assessment Act.

First Reading, 26th February, 1885.

Mr.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

No. 125.]

BILL.

[1885.]

An Act to amend the Municipal Law.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Section 612 of *The Consolidated Municipal Act*, 1883, is ^{46 V. c. 18, s.} hereby amended by adding the following sub-section thereto: ^{612, amended.}

(9) " If the contemplated works or improvements extend or do not extend beyond the limits of the municipality in which they are commenced, but in the opinion of the engineer or surveyor benefit adjoining municipalities, or greatly improve any road or roads lying within any municipality or between two or more municipalities, then the engineer or surveyor aforesaid shall charge the lands to be so benefited, and the corporation, person or company, whose road or roads are improved with such proportion of the costs of the work or improvement as he may deem just ; and the amount so charged for roads or agreed upon by the arbitration shall be paid out of the general funds of such municipalities, or companies, and unless, where contrary to this Act, the provisions of sections 576, 577, 578, 579, 580, 581, 582, 583, 584, 590 and 591 shall apply to any work or improvement constructed under this section.

Cost of certain improvements to be paid in part by persons outside limit of municipality.

An Act to amend the Division Courts Acts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sections 111 and 112 of *The Division Courts Act*, and section 44 of *The Division Courts Act*, 1880, are hereby repealed, and the following substituted therefor: R. S. O. c. 47, ss. 111 and 112 and 43 V. c. 8, s. 44, repealed.

111. All persons whose names appear upon the last revised and certified voters' lists and marked therein as liable to serve upon juries, and resident in the several divisions respectively, shall be jurors for the Division Courts in such divisions. Who may be jurors.

112. The jurors to be summoned to serve at any Division Court shall be selected as follows:—At the sittings of each Division Court held next after the passing of this Act, or at such other convenient time and place as the judge may name, the clerk shall in the presence of the judge select by ballot a number of jurors sufficient for the remainder of the year, from those persons mentioned in the last preceding section as liable to serve as jurors, whose names shall be placed upon a list, and the jurors required at each sittings of the court shall be summoned by the clerk from time to time, in rotation, therefrom. A similar selection shall be made at least once in each year hereafter. Jurors how selected and summoned.

2. Section sixteen of *The Division Courts Act*, 1880, is hereby repealed, and the following substituted therefor:—43 V. c. 8, s. 16, repealed.

Where, in a defended case (whether there has been a trial before the judge or not) for more than \$100, or in an action of *tort* for more than forty dollars, or in an action of replevin or in an interpleader proceeding, where the value of the goods about which such replevin has been brought, or about which such interpleader has been had, exceeds forty dollars, a counsel or solicitor has been retained by the successful party for the conduct of the cause or defence, the judge may, in his discretion, direct a fee of five dollars, to be increased according to the difficulty and importance of the case, to a sum not exceeding ten dollars, to be taxed to the successful party, and the same when so allowed shall be taxed by the clerk, and added to the other costs. Costs in defended cases.

3. Section 133 of *The Division Courts Act*, is hereby amended by adding thereto the following sub-sections: R. S. O. c. 47, s. 133, amended.

(3) Where judgment has not been recovered for the claim of the primary debtor, and by reason of the primary debtor and Attaching orders against garnishees.

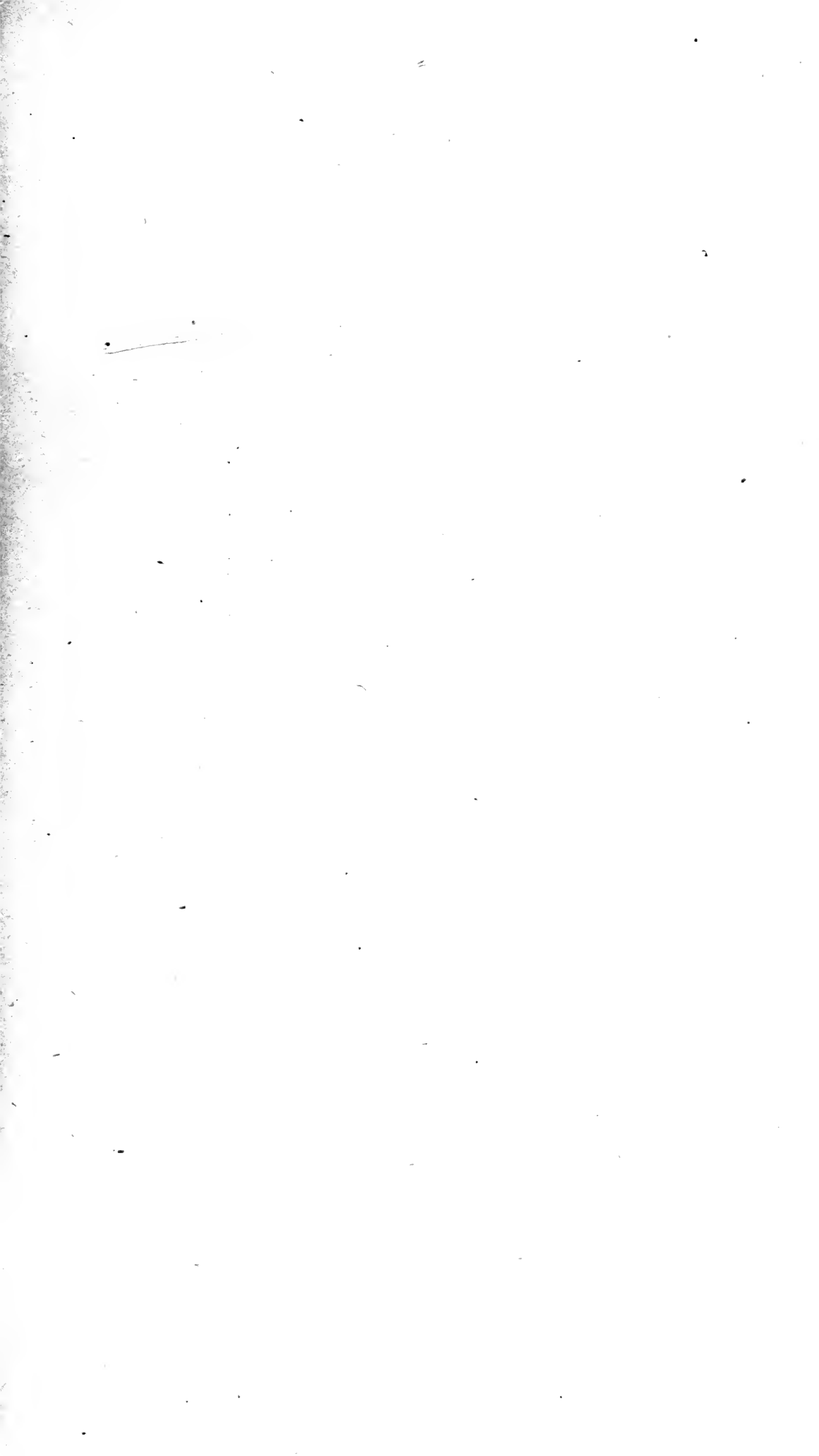
the garnishee not being within reach of the same process—as not living or carrying on business in the same division, or being liable to be sued at the same court; or the court not having jurisdiction over the subject matter, and their not both being liable or subject to the jurisdiction of the same court, or the debts of the primary debtor and of the garnishee not having been contracted in the same division or otherwise—the primary creditor or his agent may make application to a judge of any Division Court, or to the clerk of the Division Court of the division within which such garnishee resides or carries on his business, or in which he contracted the debt, on affidavit of his claim against any debtor, and that the whole or some part, and how much thereof, remains due and unsatisfied, and that the deponent has reason to believe, and does believe, that some one or more parties (naming them, or stating that he is unable to name them) is or are within the jurisdiction of such judge, or living or carrying on business within the division of the court of which the clerk is the clerk, or that such debt was contracted therein, and is or are indebted to the primary debtor, for an attaching order (which such judge or clerk is hereby authorized to make) to the effect that all debts owing to the primary debtor, whether due or not, be attached to satisfy such claim; provided that the said creditor do within a period of two months, or such other time as such judge or clerk shall from time to time designate by any further order or orders, to be made from time to time on a proper application for that purpose, produce to the said garnishee or to the Clerk of the Division Court of the division within which the said garnishee lives or carries on his business, or in which such debt was contracted, a transcript of a judgment recovered by him against such primary debtor since the service of such order; which order may be in the form to be prescribed by any general rule or order in force in the said courts; and unless such transcript is produced to such garnishee or clerk within such period as shall be prescribed, the attaching order shall be *ipso facto* null and void, and vacated without further order.

Effect of
service of
order.

(4) The effect of the service of such order for the purpose of attaching such debt due by the garnishee, shall be in all respects the same as the service of an order under sections one hundred and twenty-eight and one hundred and twenty-nine, and the same practice (so far as the same may be applicable) shall be followed, and the same consequences and results shall follow the service of the said attaching order as is hereinbefore set forth, where the creditors claim is a judgment; subject, nevertheless, to the vacating and making void the said order, by reason of the non-production of the said transcript.

Act to be read
as part of R.
S. O. c. 47.

4. This Act shall be read and taken as forming part of
The Division Courts Act.



No. 126.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Division Courts Acts.

First Reading, 26th February, 1885.

MR. ERMATINGER.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section nine of the *Act respecting Municipal Assessments* 43 V. c. 27,
5 and *Exemptions*, passed in the forty-third year of Her s. 9, repealed.
Majesty's reign, and chaptered twenty-seven, is hereby re-
pealed.
2. Where an appeal against an assessment lies from any Hearing
Court of Revision to the County Court Judge of the county or appeals in
10 to the Stipendiary Magistrate of any district or provisional certain cases.
county in which the assessment is made, and a person, partner-
ship or corporation desiring to appeal, has been assessed on one
or more properties to an amount aggregating twenty thousand
dollars, such person, partnership or corporation shall have the
15 right to appeal from the said Court of Revision, not only
against such assessment and the decision of the Court of Revi-
sion thereon, but also against the omission, neglect or refusal
of such court to hear or decide such appeal, to one of the
judges of the High Court of Justice for Ontario, instead of to
20 the Judge of the said County Court or to the said Stipendiary
Magistrate, the notice of such appeal, the time for bringing on
the same, and the procedure generally, to be the same as in the
case of an ordinary appeal from a Court of Revision to a
County Court Judge, and such judge shall in hearing and
25 deciding on such appeal have all the powers conferred on the
County Judge by the *Assessment Act* and the amendments
thereto.

No. 127.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Assessment Act.

First Reading, 27th February, 1885.

Mr. YOUNG.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sub-section eight of section five hundred and fifty of the *Consolidated Municipal Act*, 1883, is hereby repealed and the following substituted therefor: 46 V. c. 18, s. 550, sub-s. 8, repealed.

(8) For searching for and taking such timber, gravel, stone or other material, or materials (within the municipality) as may be necessary for keeping in repair any road or highway within the municipality; and may, with the consent of the council of an adjoining municipality (by resolution expressed), search for and take gravel within the limits of such adjoining municipality; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such timber or materials, shall, if not agreed upon by the parties concerned, be settled by arbitration under the provisions of this Act. Searching for and taking materials for roads, etc.

(a) But no such timber, gravel, stone or other material shall be taken, cut or removed from the premises of any person until the price or damage has been agreed upon between the parties, or settled by arbitration. Material not to be removed until price determined.

2. Section two hundred and sixty-seven of the said Act is hereby amended by adding the following sub-sections thereto: 46 V., c. 18, s. 267, amended.

(2) In every case when the council by by-law directs that the auditors shall audit the accounts of the then current year, such accounts shall not be audited by the auditors appointed in the following year, unless the council by by-law authorizes the auditors to make such audit. Audit of accounts of current year.

(3) The auditors in municipalities other than cities and towns shall in every case in which a monthly or quarterly examination and audit of the accounts of the corporation are by by-law directed to be made, prepare a half-yearly abstract of the receipts and expenditures, assets and liabilities of the corporation, and submit the same to the council at their meetings held respectively in June and December of each year. Half yearly abstract of receipts, etc., to be laid before the Council.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL

An Act to amend the Municipal Act.

First Reading, 27th February, 1885.

Mr. WATERS.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No. 129.]

BILL.

[1885.

An Act to amend the Municipal Law.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Section 79 of *The Consolidated Municipal Act*, 1883, is ^{46 V. c. 18, s.}
5 hereby amended by adding the following sub-section thereto: ^{79, amended.}

(1) But nothing in this section contained shall entitle any
person who directly receives pecuniary assistance towards the
maintenance of himself, or herself or family from the council
of the municipality in which he resides, to record his or her
10 vote for any of the offices contemplated by this Act.

2. Section 103 of the said Act is hereby amended by ^{46 Vic. c. 18,}
adding thereto the following words, "And that you have not ^{s. 103, amend-}
received from the council of the municipality in which you
15 reside any sum or sums of money towards the maintenance of
yourself or family."

No. 129.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Municipal Act.

First Reading, 3rd March, 1885.

Mr. McMAHON.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Municipal Law.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 624 of *The Consolidated Municipal Act, 1883*, is hereby repealed, and the following substituted therefor: 46 V. c. 18, s. 624, repealed.

624. (1) The council of every city, town and incorporated village may pass by-laws for raising, upon the petition of at least two-thirds of the freeholders and householders resident on any street, square, alley or lane, representing in value not less than one-half of the assessed real and personal property therein, such sums as may be necessary for sweeping, watering or lighting the street, square, alley or lane by means of a special rate on the real and personal property therein, according to the assessed value thereof; but the council may charge the general corporate funds with the expenditure incurred in such sweeping, watering or lighting as aforesaid. Sweeping, lighting and watering streets.

(2) The council may also by by-law define certain areas or sections within the municipality in which the streets should be watered, swept and lighted, and may impose a special rate upon the real and personal property assessed therein in order to pay any expenses incurred in watering, sweeping or lighting such streets.

2nd Session, 5th Legislature, 48 Vic. 1885.

BILL.

An Act to amend the Municipal Law.

First Reading, 3rd March, 1885.

Mr. GOULD.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act relating to the costs of Election Trials.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 100 of *The Controverted Elections Act* is hereby repealed, and the following section is substituted therefor :

R. S. O. c. 11,
s. 100, re-
pealed.

100. (1) Costs may be taxed in the prescribed manner, but according to the same principles as costs are taxed between party and party in the High Court of Justice, and such costs may be recovered in the same manner as the costs of an action at law, or in such other manner as may be prescribed.

Taxation and
recovery of
costs.

(2) No greater counsel fee or fees shall be taxed as between party and party in respect of or in connection with the trial than fifty dollars, and when the trial shall continue beyond one day, a sum not exceeding forty dollars for each additional day the trial shall continue, whether one or more counsel shall be engaged at the trial.

(3) Except as to such witness fees and other actual disbursements in respect of evidence ordinarily taxable between party and party as may be allowed by the judgment or order of the court allowing or apportioning costs, no greater sum (including counsel fee) than two hundred dollars shall be taxed or taxable against either party as costs in the cause, unless the judges, who tried the case, upon motion made for that purpose at or after the trial, shall expressly certify that certain items or costs in respect of particular proceedings or of a particular class to be mentioned in the certificate, in addition to the said last named sum, should in their opinion be taxed and allowed, but in no case to exceed one hundred dollars.

2. The costs of a petition or trial shall not be awarded against the candidate where he is not, by the judgment of the court, unseated; but this section shall not apply to cross petitions

Costs not to be
awarded
against candi-
date who is
not unseated.

3. This Act shall not apply to any case where any candidate incurs the penalties provided by section one hundred and sixty-one of the *Election Act of Ontario* for corrupt practices committed by himself or with his actual knowledge or consent.

Act not to
apply in case
candidate
incurs penalty
under R. S. O.
c. 10, s. 161.

4. This Act shall be read as part of *The Controverted Elections Act*.

Act to be
read as part of
R. S. O. c. 11.

No. 131.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act relating to the costs of Election
Trials.

First Reading, 3rd March, 1885.

Mr. FERRIS.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act relating to the costs of Election Trials.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 100 of *The Controverted Elections Act* is hereby 5 repealed, and the following section is substituted therefor : R. S. O. c. 11, s. 10 repealed.

100. (1) Costs may be taxed in the prescribed manner, but according to the same principles as costs are taxed between party and party in the High Court of Justice, and such costs may be recovered in the same manner as the costs of an action 10 at law, or in such other manner as may be prescribed. Taxation and recovery of costs.

(2) No greater counsel fee or fees shall be taxed as between party and party in respect of or in connection with the trial than fifty dollars, and when the trial shall continue beyond one day, a sum not exceeding forty dollars for each additional day 15 the trial shall continue, whether one or more counsel shall be engaged at the trial.

(3) Except as to such witness fees and other actual disbursements, in respect of evidence taxable in *ordinary suits at law* between party and party, as may be allowed by the judgment or 20 order of the court allowing or apportioning costs, no greater sum (including counsel fee) than *three* hundred dollars shall be taxed or taxable against either party as costs in the cause.

2. The costs of a petition or trial shall not be awarded against the candidate where he is not, by the judgment of the 25 court, unseated; but this section shall not apply to cross petitions. Costs not to be awarded against candidate who is not unseated.

3. *Sub-sections 2 and 3 of section 1 of this Act* shall not apply to any case where any candidate incurs the penalties provided by section 161 of *The Election Act of Ontario* for corrupt 30 practices committed by himself or with his actual knowledge or consent. Act not to apply in case candidate incurs penalty under R. S. O. c. 10, s. 161.

4. This Act shall be read as part of *The Controverted Elections Act*. Act to be read as part of R. S. O. c. 11.

5. All other costs not hereinbefore provided for shall, in 35 the absence of special contract between solicitor and client, be taxed as though incurred and taxable between party and party. Provision as to costs not specially provided for.

BILL.

• An Act relating to the costs of Election Trials.

First Reading, 3rd March, 1885.
Second " 18th " 1885.

(Reprinted as amended by Select Committee.)

Mr. FERRIS.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Municipal Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. (1) In addition to the powers conferred upon the councils of incorporated villages by sections 612 to 623, both inclusive, of the *Consolidated Municipal Act*, 1883, as amended by sections 20 and 21 of *The Municipal Amendment Act*, 1884, the council of any such village may, under and subject to the provisions of the said sections, pass by-laws providing for the construction of water works for the purpose of fire protection.

(2) The said council may by the same or any subsequent by-law, make provision for assessing and levying on the property immediately benefited, the cost of managing and maintaining the said works, and sub-section 3 of section 612 of the said *Consolidated Municipal Act*, 1883, shall not apply to any works constructed under the powers hereby conferred.

No. 132.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Municipal Law.

First Reading, 3rd March, 1885.

Mr. FERRIS.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following shall be added as sub-section (45b) to sub-section 45 of section 496 of *The Consolidated Municipal Act*, 1883. 46 V. c. 18, s. 496, amended.

(45b) For prohibiting or regulating the practice of coasting on the public streets. Prohibiting coasting in streets.

2. Sub-section 36 of section 496 aforesaid is hereby amended by inserting after the word "effect" in the ninth line thereof the words: "unless passed by a vote in favour thereof of at least three-fourths of the whole council, and." 46 V. c. 18, s. 496, sub-s. 36, amended.

3. Section 86 of the said Act is hereby repealed and the following is substituted therefor:

86. Where any real property is owned or occupied jointly by two or more persons either in partnership or as shareholders in a corporation in whose name the property stands and is rated at an amount sufficient, if equally divided between them, to give a qualification to each person or to each of the shareholders in such corporation, then each such person or shareholder shall be deemed a freeholder and rated within this Act, otherwise none of them shall be deemed so rated. Rating of joint owners or occupants.

No. 133.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Municipal Act.

First Reading, 3rd March, 1885.

Mr. GIBSON
(*Hamilton.*)

TORONTO :

PRINTED BY THE "GHP" PRINTING AND PUBLISHING CO.

An Act to render negotiable by endorsement certain
Warehouse receipts issued for crude Petroleum.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

- 5 1. All transportation and warehouse receipts, accepted
orders and certificates for crude petroleum, issued by any com-
pany heretofore, or which may, at any time hereafter, be incor-
porated under *The Ontario Joint Stock Companies' Letters*
Patent Act, authorized to carry on the business of warehousing,
10 shall be transferable by endorsement, either special or in blank,
and upon being endorsed in blank shall become transferable by
delivery, and every such endorsement or transfer by delivery
shall transfer all right of property and possession of the
petroleum mentioned in any such transportation or warehouse
15 receipt, accepted order or certificate, to the endorsee or trans-
feree thereof, subject to the terms and conditions of such trans-
portation or warehouse receipt, accepted order or certificate,
as fully and completely as if a sale of the petroleum mentioned
therein had been made in the ordinary way; and on the
20 delivery of any petroleum mentioned in any such document,
by any such company, in good faith, to a person in possession
of any such transportation or warehouse receipt, accepted
order or certificate, such company shall be freed from all further
liability in respect thereof, and the endorsee, or transferee or
25 holder of every such transportation or warehouse receipt,
accepted order or certificate, to whom the property in the
petroleum mentioned therein passes by reason of any such
endorsement or delivery, shall have transferred to and vested
in him all rights of suit and be subject to the same liabilities
30 in respect of such petroleum as if the contract contained in
such transportation or warehouse receipt, accepted order or
certificate had been made by himself.

2. In the summary required to be made by any company
under the provisions of section 49 of *The Ontario Joint Stock*
35 *Companies' Letters Patent Act*, so long as the company carries
on the business of warehousing crude petroleum, the following
other particulars shall be contained in the said summary:
- Particulars as
to quantity of
petroleum held
by company
to be given in
statement
required by
R. S. O. c. 150,
s. 49.

(1) The total quantity of crude petroleum actually held by
the company.

- 40 (2) The total quantity of crude petroleum in respect of
which the company as warehousemen, or carriers, are liable to
make delivery to other persons.

No. 134.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to render negotiable by endorsement certain warehouse receipts issued for crude Petroleum.

First Reading, 3rd March, 1885

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to render negotiable by endorsement certain
Warehouse receipts issued for crude Petroleum.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. All transportation and warehouse receipts, accepted
5 orders and certificates for crude petroleum, issued by any com-
pany heretofore, or which may, at any time hereafter, be incor-
porated under *The Ontario Joint Stock Companies' Letters Patent*
Act, or by any other company incorporated under com-
petent authority, and authorized to carry on the business of
10 warehousing, shall be transferable by endorsement, either special
or in blank, and upon being endorsed in blank shall become
transferable by delivery, and every such endorsement or trans-
fer by delivery shall transfer all right of property and posses-
sion of the petroleum mentioned in any such transportation or
15 warehouse receipt, accepted order or certificate, to the endorsee
or transferee thereof, subject to the terms and conditions of such
transportation or warehouse receipt, accepted order or certificate,
as fully and completely as if a sale of the petroleum mentioned
therein had been made in the ordinary way; and on the
20 delivery of any petroleum mentioned in any such document,
by any such company, in good faith, to a person in possession
of any such transportation or warehouse receipt, accepted order
or certificate, such company shall be freed from all further liability in respect
25 thereof, and the endorsee, or transferee or holder of every
such transportation or warehouse receipt, accepted order or
certificate, to whom the property in the petroleum mentioned
therein passes by reason of any such endorsement or delivery,
shall have transferred to and vested in him all rights of suit
30 and be subject to the same liabilities in respect of such petro-
leum as if the contract contained in such transportation or
warehouse receipt, accepted order or certificate had been made
by himself.

Transfer of
warehouse
receipts for
crude
petroleum
issued by
incorporated
companies.

2. In the summary required to be made by any company
40 under the provisions of section 49 of *The Ontario Joint Stock*
Companies' Letters Patent Act, so long as the company carries
on the business of warehousing crude petroleum, the following
other particulars shall be contained in the said summary :

Particulars as
to petroleum
held by com-
pany to be
given in state-
ment required
by R. S. O. c.
150, s. 49.

- (1) The total quantity of crude petroleum actually held by
45 the company for the purpose of answering such trans-
portation and warehouse receipts, accepted orders and certi-
ficates as aforesaid.

(2) The total quantity of crude petroleum in respect of which the company as warehousemen, or carriers, are liable to make delivery to other persons.

(3) The said forty-ninth section shall as respects these particulars of the said summary (1) and (2) apply to every other incorporated company carrying on a business of warehousing crude petroleum in this Province, so long as such company carries on the same.

2nd Session, 5th Legislature, 48 Vic., 1885

No. 134

BILL.

An Act to render negotiable by endorsement certain warehouse receipts issued for crude Petroleum.

First Reading, 3rd March, 1885.

Second " 10th March, 1885.

*(Reprinted as amended by Committee
of the Whole House.)*

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of *The Assessment Act* is amended by adding 5 the following thereto:— R. S. O. c. 180,
s. 6, amended.

18a. Policies of life assurance and all bonus additions or profits thereon howsoever payable.

2. Sub-section 20 of section 6 of the said Act, is amended 10 by adding to the end thereof, “And so much of the personal property of any person as is equal to the just debts contracted and owed, or accruing due, or to become due by such person, to enable such person to manufacture or produce such personal property.” R. S. O. c. 180,
s. 6, sub-sec.
20, amended.

3. Sub-section 23 of the same section is hereby amended by 15 adding thereto the following words: “This sub-section shall not apply to a minister or clergyman whose ordinary business or calling at the time of the assessment is not clerical, though he may do occasional clerical work or duty.” R. S. O. c. 180,
sub-sec. 23,
amended.

4. The first sub-section of section 1 of the Act passed in the 20 forty-third year of Her Majesty's reign, and chaptered 27, is amended by adding thereto the words, “but the whole income of the company shall be assessed in the municipality in which the head office of the company is situate.” 43 V. c. 27, s.
1, sub-sec. 1,
amended.

No. 133.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to Amend the Assessment Act.

First Reading, 4th March, 1885.

Mr. HARCOURT.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No. 136.]

BILL.

[1885.

An Act respecting aid to Tile, Timber and Stone Drainage.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The provisions of the Acts passed in the forty-first year
5 of Her Majesty's reign, chaptered nine; in the forty-second
year of Her Majesty's reign, chaptered eight, and in the forty-
third year of Her Majesty's reign, chaptered six, for the
purpose of encouraging the construction of tile, stone or timber
drains, are hereby extended so as to permit the council of any
10 township, village, or town to pass by-laws from time to time,
for borrowing for the purposes authorized by the said Acts,
in sums not less than two thousand dollars, nor exceeding ten
thousand dollars, such moneys as they may consider expedient;
provided that the entire amount of the indebtedness of the
15 municipality in respect of moneys so borrowed and remaining
unpaid, including the amount provided for in any by-law being
passed, does not at any such time exceed the sum of ten
thousand dollars; and provided also that such by-laws are
passed in accordance with the provisions of the said Acts.

Borrowing
powers of
councils
under 41 V.,
c. 9, 42 V.,
c. 8, and 43 V.,
c. 6.

No. 136.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act respecting aid to Tile, Timber and
Stone Drainage.

First Reading, 4th March, 1885.

Mr. CASCADEN.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting aid to Tile, Timber and Stone
Drainage.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 5 of the Act passed in the forty-first year of
the reign of Her Majesty, and chaptered 9, is hereby amended
by striking out all the words after the word "Act" in the
second line thereof. 41 V. c. 9, s. 5,
amended.

2. Section 6 of the said Act is hereby repealed and the
following substituted therefor: 41 V. c. 9,
s. 6, repealed.

6. The council of any township municipality proposing
to borrow money under the provisions of this Act, may, after
the expiration of one month after the final passing of the by-law
deposit with the Commissioner of Agriculture, a copy of the by-
law, with affidavits of the reeve and clerk of the municipality
in the form Schedules B. and C. to this Act, and may at any
time thereafter apply for the sale of the debentures authorized
thereby for such sums as hereinafter provided; such application
to be in writing and sealed with the seal of the municipality
and signed by the reeve thereof, and shall specify the names of
the parties to whom the money is to be loaned. Application
for sale of
debentures.

3. The provisions of the Acts passed in the forty-first year
of Her Majesty's reign, chaptered 9; in the forty-second
year of Her Majesty's reign, chaptered 8, and in the forty-
third year of Her Majesty's reign, chaptered 6, for the
purpose of encouraging the construction of tile, stone or timber
drains, are hereby extended so as to permit the council of any
township, village, or town to pass by-laws from time to time,
for borrowing for the purposes authorized by the said Acts,
in sums not less than two thousand dollars, nor exceeding ten
thousand dollars, such moneys as they may consider expedient;
provided that the entire amount of the indebtedness of the
municipality in respect of moneys so borrowed and remaining
unpaid, including the amount provided for in any by-law being
passed, does not at any such time exceed the sum of ten
thousand dollars; and provided also that such by-laws are
passed in accordance with the provisions of the said Acts and
amendments thereto. Borrowing
powers of
councils
under 41 V.,
c. 9; 42 V.,
c. 8, and 43 V.,
c. 6.
Proviso.
Proviso.

2nd Session, 5th Legislature, 48th Vic., 1885.

BILL.

An Act respecting aid to Tile, Timber and
Stone Drainage.

First Reading,	4th	March,	1885.
Second	“	11th	March, 1885.

(Reprinted as amended by Select Committee.)

Mr. CASCADEN.

TORONTO:

PRINTED BY THE "GHP" PRINTING AND PUBLISHING CO.

An Act to amend the Municipal Law.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 180 of *The Consolidated Municipal Act, 1883*,^{46 V. c. 18, s. 180, amended.} is hereby amended by striking out all the words after the word “vacant,” in the ninth line down to and including the word “clerk” in the tenth line, and by inserting the following subsection:

(2) In case the office of mayor of a city or town becomes vacant by death, resignation or otherwise, unless an election to fill the vacancy has been ordered by a judge in a *quo warranto* suit, the clerk shall call a special meeting of the council, and the chairman or presiding officer appointed by such meeting may issue his warrant to the clerk to hold an election to fill such vacancy, and if at the meeting held for the nomination of candidates more than one candidate be nominated, and a poll demanded, the clerk shall issue warrants to the Deputy Returning officers appointed to hold the last election for the municipality, or any other persons duly appointed to those offices, to hold a new election to fill the vacancy, but if not more than three months of the term of the office vacant remains, such election shall not be held, and the said meeting shall proceed to elect a presiding officer from amongst the members of the council for the remainder of such term, who shall have all the powers of mayor as though elected in the ordinary manner.

2. Section 201 of the said Act is hereby amended by striking out the words “where a disclaimer has been made in accordance with the preceding sections,” in the second and third lines, and by adding the following at the end of said section:

In case of a disclaimer under sections 198 and 200, the judge shall have the power where the seat is claimed, to order a new election or seat the person who claims or for whom it is claimed, as justice may in his opinion require, and where the seat is not claimed the judge shall order a new election, and in either case remove the person disclaiming.

No. 137.

2nd Session, 5 h Legislature, 48 Vic, 1885.

BILL

An Act to amend the Municipal Law.

First Reading, 4th March, 1885.

Mr. FELL.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No 138.]

BILL.

[1885.

An Act to amend the Act respecting Ditches and Watercourses.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sub-section 4 of section 11 of *The Ditches and Watercourses Act*, 46 V., c. 27, 1883, is hereby repealed, and the following sub-section substituted therefor:—
s. 11, s.s. 4. repealed.

10 ²The judge shall hear and determine the appeal or appeals, and set aside, alter or affirm the award, correcting any errors therein, and he may examine parties and witnesses on oath, and if he so pleases inspect the premises, requiring the attendance with him of the engineer, and may order payment of the costs by the parties, the township council or the engineer, or any of them, and fix the amount of such costs. Powers of Judge on appeal.

No. 138.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Act respecting Ditches
and Watercourses.

First Reading, 4th March, 1885.

MR. BRODER.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

No. 139.]

BILL.

[1885.

An Act to amend the Municipal Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 570 of *The Consolidated Municipal Act*, 1883, is, ^{46 V., c. 18,}
5 hereby amended by adding the following sub-section thereto :— <sup>s. 570, amend-
ed.</sup>

(17) In order the better to maintain and operate works constructed under the provisions of sub-section 8 of this section, the council may pass by-laws appointing one or more commissioners from among those whose lands are assessed for the
10 construction of such works, and the commissioners so appointed shall have full power to enter into all such necessary and proper contracts for the purchase of fuel, repairs of buildings and machinery, and may do all other things necessary to facilitate the successful operation of such works as may be set forth
15 in the by-law appointing such commissioners.

No. 139.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Municipal Law.

First Reading, 4th March, 1885.

MR. CLANCY.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO

An Act to Divide the District of Algoma for Electoral Purposes, and otherwise to Readjust the Representation of the people in the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Legislative Assembly shall be composed of eighty-^{Electoral dis-}
 5 nine members, and the Province shall, for the purposes of the election of members to serve in the Legislative Assembly, continue to be divided into the said Electoral Districts established by the Revised Statutes of Ontario, chapter 8, each represented as it now is, except where altered by this Act. ^{tricts to be eighty-n ne.}
- 10 2. The present Electoral District of Algoma shall be divided ^{Algoma.}
 into two Ridings, for the purposes of representation in the Legislative Assembly, and each of such Ridings shall form an Electoral District, to be called respectively Algoma West and Algoma East, and each Riding shall return one member.
- 15 (2) Algoma West shall consist of all that part of said Electoral District situate west of the meridian of eighty-seven degrees of west longitude, being all that part of Algoma District known as the Territorial District of Thunder Bay.
- (3) Algoma East shall consist of all the rest and remainder of
 20 the aforesaid Electoral District of Algoma.
3. The present division of the County of Bruce into two ^{Bruce.}
 Ridings is hereby abolished, and the said County shall be divided into three Ridings, to be called respectively the South, the Centre, and the North Riding of the County of Bruce, and
 25 each Riding shall return one member.
- (2) The South Riding shall consist of the Townships of Brant, Carrick, Culross and Kinloss, the Town of Walkerton, and the Villages of Lucknow and Teeswater.
- (3) The Centre Riding shall consist of the Township of
 30 Greenock, Kincardine, Elderslie and Huron, the Town of Kincardine, and the Villages of Paisley and Chesley.
- (4) The North Riding shall consist of the Township of Bury
 St. Edmunds, Lindsay, Eastnor, Albermarle, Amabel, Arran, Saugeen and Bruce, and the Villages of Southampton, Port
 35 Elgin, Wiarton, Tara and Tiverton.
4. The present three Ridings of the Counties of Leeds and ^{Leeds and}
 Grenville are hereby abolished, and that portion of the said ^{Grenville.}

territory which remains after constituting the Electoral District of Brockville shall be divided into two Counties, to be called respectively the County of Leeds, and the County of Grenville, and each County shall return one member.

(2) The County of Leeds shall consist of the Township called the Front of Leeds and Lansdowne, the Township called the Rear of Leeds and Lansdowne, the Townships of South Crosby, North Crosby, Bastard and South Burgess, Kitley and Elmsley, and the Villages of Gananoque and Newboro'. 5

(3) The County of Grenville shall consist of the Townships of Augusta, Edwardsburgh, Oxford, Wolford and South Gower, the Town of Prescott, and the Villages of Kemptville, Merrickville and Cardinal. 10

Simcoe.

5. The present three Ridings of the County of Simcoe are hereby abolished, and the territory hereinafter mentioned, being that portion of the County of Simcoe which remains after constituting the Electoral District of Cardwell, and Muskoka and Parry Sound, shall be divided into three Ridings, to be called respectively the East, the Centre, and West Riding of the County of Simcoe, and each Riding shall return one member. 20

(2) The East Riding shall consist of the Townships of Tay, Matchedash, Orillia, Medonte and Oro, the Towns of Orillia, and Penetanguishene, and the Village of Midland.

(3) The Centre Riding shall consist of the Townships of Tiny, Vespra, Flos and Sunnidale, and the Town of Barrie. 25

(4) The West Riding shall consist of the Townships of Toronto, Essa and Nottawasaga, the Town of Collingwood, and the Villages of Stayner and Alliston.

Toronto.

6. The present division of the City of Toronto into two Electoral Districts is hereby abolished, and the said city shall hereafter form one Electoral District and shall return three members. 30

(2) The Town of Parkdale adjoining the said city shall, for the purposes of this Act and for the return of the said three members, be added to and included in the said Electoral District of the City of Toronto. 35

(3) At a contested election for said city no person shall vote for more than two candidates.

(4) The fifteenth section of the forty-sixth chapter of the Act passed in the forty-sixth year of Her Majesty's reign, entitled *An Act respecting the City of Toronto and the Village of Yorkville and other matters*, is hereby repealed. 40

Township of
Tuscarora
added to North
Brant.

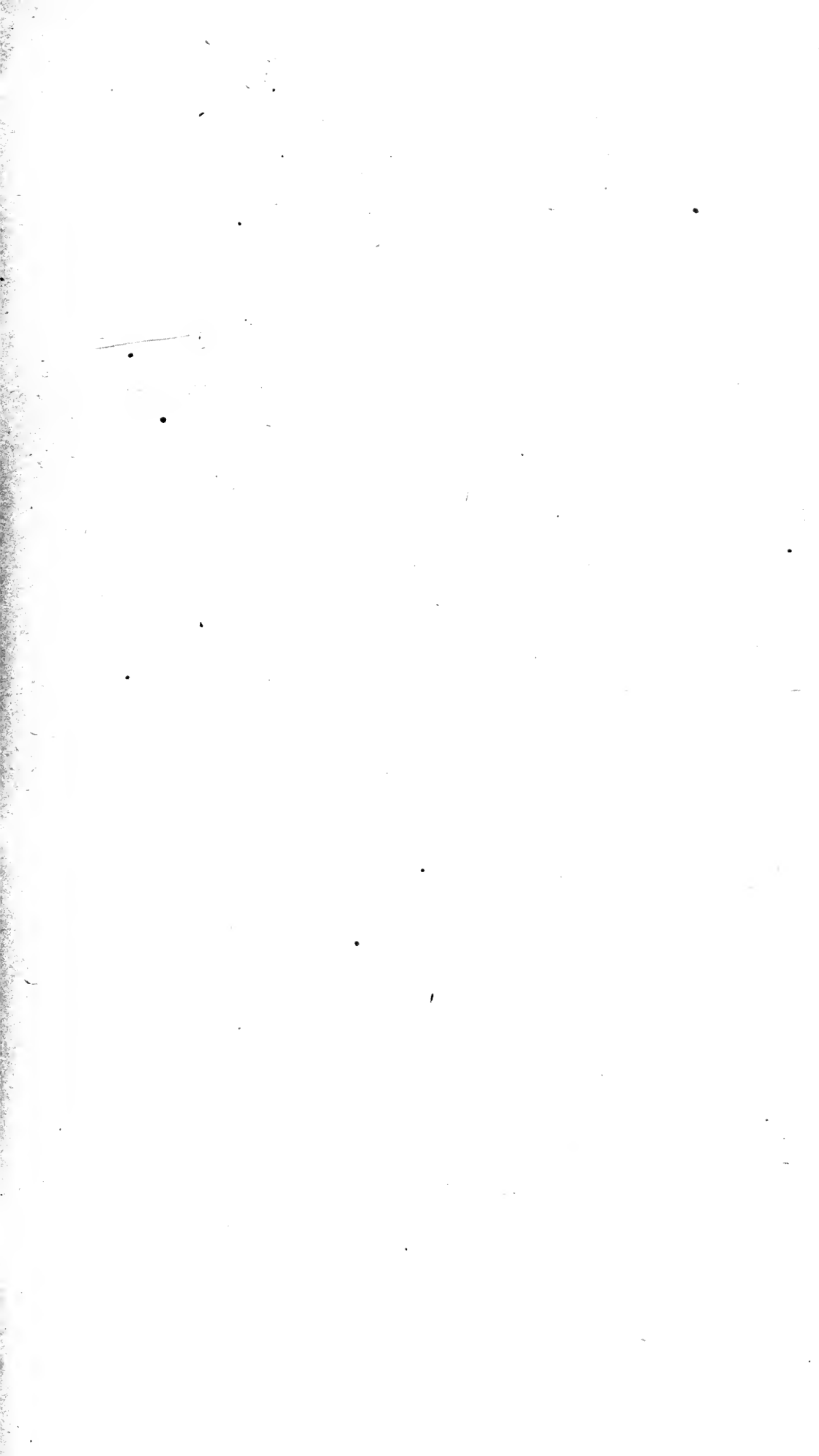
7. The Township of Tuscarora, now belonging to the Electoral District of South Brant, shall be added to and included in the Electoral District of North Brant. 45

Brockville.

8. The Electoral District of Brockville shall consist of the Town of Brockville, and the Township of Elizabethtown, the Township called Front of Yonge, the Township called Rear of Yonge and Escott, and the Township called Front of Escott. 50

- 9.** The Electoral District of Cardwell shall consist of the Cardwell.
Townships of Albion, Adjala, Tecumseth, Innisfil and West
Gwillimbury, and the Villages of Bolton and Bradford.
- 10.** The Township of East Luther, forming part of the Township of
County of Dufferin for municipal purposes, but now belonging East Luther
to the Electoral District of Centre Wellington, shall be added added to
to and included in the Electoral District of the County of Dufferin.
Dufferin.
- 11.** The Township of Caledon, now belonging to the Elec- Township of
toral District of Cardwell, and being part of the County of Caledon added
Peel, shall be added to and included in the Electoral District of to Peel.
the County of Peel.
- 12.** The Electoral District of Cornwall is hereby abolished, Cornwall
and the Town and Township of Cornwall shall be added to added to
and included in the Electoral District of the County of Stormont.
Stormont.
- 13.** The Township of Kingston and the Village of Ports- Township of
mouth, now belonging to the Electoral District of the County Kingston and
of Frontenac, shall be added to and included in the Electoral Village of
District of the City of Kingston. Portsmouth
added to City
of Kingston.
- 14.** The Township of Pilkington, now belonging to the South Wel-
Riding of Centre Wellington, shall be added to and included in lington, East
the Riding of South Wellington, and the Township of Arthur Wellington,
and the Town of Mount Forest now belonging to the Riding West Welling-
of West Wellington, shall be added to and included in the ton.
Riding of Centre Wellington, which said last mentioned Riding
shall hereafter be known as and called the East Riding of the
County of Wellington; the Village of Arthur shall continue to
form part of and be included in the Electoral District of West
Wellington.
- 15.** The Electoral District of the County of Frontenac shall Frontenac.
consist of the Townships of Wolfe Island, Pittsburgh, Howe
Island, Storrington, Loughboro, Portland and Bedford, and the
Village of Garden Island.
- 16.** The Electoral District of the County of Addington shall Addington.
consist of the Townships of Camden, Sheffield, Hinchinbrooke,
Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon,
Palmerston, Effingham, Abinger, Miller, North and South Can-
onto, Ashleigh and Denbigh, and the Village of Newburgh.
- 17.** The Township of Proton, now belonging to the East South Grey
Riding of the County of Grey, shall be added to and included and East Grey.
in the South Riding of the County of Grey, and the Township
of Sullivan, now belonging to the North Riding of the County
of Grey, shall be added to and included in the East Riding of
the County of Grey.
- 18.** The City of St. Thomas, now belonging to the East West Elgin
Riding of the County of Elgin, shall be added to and included and East
in the West Riding of the County of Elgin, and the Village of Elgin.
Port Stanley, now belonging to the West Riding of the County
of Elgin, shall be added to and included in the East Riding of
the County of Elgin.

- Richmond Hill added to East York.** **19.** The Village of Richmond Hill, now belonging to the West Riding of the County of York, shall be added to and included in the East Riding of the County of York.
- North and South Essex.** **20.** The Township of Anderdon now belonging to the South Riding of the County of Essex, shall be added to and included 5 in the North Riding of the County of Essex, and the Township of Tilbury West, now belonging to the North Riding of the County of Essex, shall be added to and included in the South Riding of the County of Essex.
- South Ontario,** **21.** The Township of Reach, the Village of Port Perry, and 10 the Municipality of Scugog Island, now belonging to the North Riding of the County of Ontario, shall be added to and included in the South Riding of the County of Ontario.
- North and South Victoria.** **22.** The Township of Verulam and the Village of Bobcaygeon, now belonging to the South Riding of the County of 15 Victoria, shall be added to and included in the North Riding of the County of Victoria, and the Village of Woodville shall be added to and included in the South Riding of the said County.
- City of London.** **23.** The Town of London East, now belonging to the East 20 Riding of the County of Middlesex, shall be added to and included in the City of London.
- "Village," meaning of,** **24.** The word "Village," where mentioned in this Act, shall mean an incorporated or police village.
- Registration, divisions not affected.** **25.** The County or Riding of a County in which any Muni- 25 cipality was before the passing of this Act situate for the purpose of registry of title to lands, shall continue to be the proper County or Riding of a County respectively of such Municipality for such purpose, notwithstanding anything in this Act. 30
- Act to be read as part of R. S. O., c. 8.** **26.** This Act shall be read with and as part of the Revised Statutes of Ontario, chapter eight.
- Commence- ment of Act** **27.** This Act shall not come into force until the dissolution or end of the present Legislative Assembly, except that portion thereof which relates to the Electoral District of Algoma, and 35 as to that portion, it shall come into force upon the passing hereof.



No. 140.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to Divide the District of Algoma for Electoral Purposes, and otherwise to readjust the Representation of the people in the Legislative Assembly.

First Reading, 4th March, 1885.

Mr. HARDY.

TORONTO :

PRINTED BY THE "GAP" PRINTING AND PUBLISHING CO.

An Act to Divide the District of Algoma for Electoral Purposes, and otherwise to Readjust the Representation of the people in the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Legislative Assembly shall be composed of *ninety* ^{Electoral districts to be} 5 members, and the Province shall, for the purposes of the election of members to serve in the Legislative Assembly, continue to be divided into the said Electoral Districts established by the Revised Statutes of Ontario, chapter 8, each represented as it now is, except where altered by this Act.
- 10 2. The present Electoral District of Algoma shall be divided ^{Algoma.} into two Ridings, for the purposes of representation in the Legislative Assembly, and each of such Ridings shall form an Electoral District, to be called respectively Algoma West and Algoma East, and each Riding shall return one member.
- 15 (2) Algoma West shall consist of all that part of said Electoral District situate west of the meridian of eighty-seven degrees of west longitude, being all that part of Algoma District known as the *Provisional Judicial* District of Thunder Bay.
- 20 (3) Algoma East shall consist of all the rest and remainder of the aforesaid Electoral District of Algoma.
3. The present division of the County of Bruce into two ^{Bruce.} Ridings is hereby abolished, and the said County shall be divided into three Ridings, to be called respectively the South, 25 the Centre, and the North Riding of the County of Bruce, and each Riding shall return one member.
- (2) The South Riding shall consist of the Townships of Brant, Carrick, Culross and Kinloss, the Town of Walkerton, and the Villages of Lucknow and Teeswater.
- 30 (3) The Centre Riding shall consist of the Township of Greenock, Kincardine, Elderslie and Huron, the Town of Kincardine, and the Villages of Paisley and Chesley.
- (4) The North Riding shall consist of the Township of Bury St. Edmunds, Lindsay, Eastnor, Albermarle, Amabel, Arran, 35 Saugeen and Bruce, and the Villages of Southampton, Port Elgin, Wiarton, Tara and Tiverton.
4. The present three Ridings of the Counties of Leeds and ^{Leeds and} ^{Grenville.}

Grenville are hereby abolished, and that portion of the said territory which remains after constituting the Electoral District of Brockville shall be divided into two Counties, to be called respectively the County of Leeds, and the County of 5 Grenville, and each County shall return one member.

(2) The County of Leeds shall consist of the Township called the Front of Leeds and Lansdowne, the Township called the Rear of Leeds and Lansdowne, the Townships of South Crosby, North Crosby, Bastard and South Burgess, Kitley and Elmsley, 10 and the Villages of Gananoque and Newboro'.

(3) The County of Grenville shall consist of the Townships of Augusta, Edwardsburgh, Oxford, Wolford and South Gower, the Town of Prescott, and the Villages of Kemptville, Merrick- 15 ville and Cardinal.

Simcoe.

5. The present three Ridings of the County of Simcoe are hereby abolished, and the territory hereinafter mentioned, being that portion of the County of Simcoe which remains after constituting the Electoral Districts of Cardwell, Muskoka, 20 and Parry Sound, shall be divided into three Ridings, to be called respectively the East, the Centre, and West Riding of the County of Simcoe, and each Riding shall return one member.

Toronto.

(2) The East Riding shall consist of the Townships of 25 Tay, Orillia, Matchedash, Medonte and Oro, the Towns of Orillia, and Penetanguishene, and the Village of Midland.

(3) The Centre Riding shall consist of the Townships of Tiny, Vespra, Flos and Sunnidale, and the Town of Barrie.

(4) The West Riding shall consist of the Townships of Tos- 30 sorontio, Essa and Nottawasaga, the Town of Collingwood, and the Villages of Stayner and Alliston.



6. The present division of the City of Toronto into two Electoral Districts is hereby abolished, and the said city shall hereafter form one Electoral District and shall return three 35 members.



(2) The Town of Parkdale adjoining the said city shall, for the purposes of this Act and for the return of the said three members, be added to and included in the said Electoral Dis- 40 trict of the City of Toronto.

(3) At a contested election for *the electoral district of* said city no person shall vote for more than two candidates.

(4) The fifteenth section of the forty-sixth chapter of the Act passed in the forty-sixth year of Her Majesty's reign, en- 45 titled *An Act respecting the City of Toronto and the Village of Yorkville and other matters*, is hereby repealed.

Muskoka and
Parry Sound.

7.  The Electoral District of Muskoka and Parry Sound is hereby divided into the Electoral District of Muskoka and the Electoral District of Parry Sound, and each district shall return one member  50

(2)  The Electoral District of Muskoka shall consist of all the municipalities and territory comprising the Territorial District of Muskoka. 

(3) The Electoral District of Parry Sound shall consist of all the municipalities and territory comprising the Territorial District of Parry Sound.

8. The present Ridings of North and South Victoria are hereby abolished, and the said county shall be divided into two ridings, to be called respectively West Victoria and East Victoria, and each Riding shall return one member.

(2) The West Riding shall consist of the Townships of Ops, Mariposa, Eldon, Carden and Dalton; the Town of Lindsay and the Village of Woodville.

(3) The East Riding shall consist of the Townships of Emily and Verulam; the Villages of Omamee and Bobcaygeon, and all of the other municipalities, including the Provisional County of Haliburton, which heretofore formed the Riding of North Victoria, except only the aforesaid municipalities of Dalton, Carden, Eldon and Woodville.

9. The Township of Tuscarora, now belonging to the Electoral District of South Brant, shall be added to and included in the Electoral District of North Brant.

10. The Electoral District of Brockville shall consist of the Town of Brockville, and the Township of Elizabethtown, the Township called Front of Yonge, the Township called Rear of Yonge and Escott, and the Township called Front of Escott.

11. The Electoral District of Cardwell shall consist of the Townships of Albion, Adjala, Tecumseth, Innisfil and West Gwillimbury, and the Villages of Bolton and Bradford.

12. The Township of East Luther, forming part of the County of Dufferin for municipal purposes, but now belonging to the Electoral District of Centre Wellington, shall be added to and included in the Electoral District of the County of Dufferin.

13. The Township of Caledon, now belonging to the Electoral District of Cardwell, and being part of the County of Peel, shall be added to and included in the Electoral District of the County of Peel.

14. The Electoral District of Cornwall is hereby abolished, and the Town and Township of Cornwall shall be added to and included in the Electoral District of the County of Stormont.

15. The Township of Kingston and the Village of Portsmouth, now belonging to the Electoral District of the County of Frontenac, shall be added to and included in the Electoral District of the City of Kingston.

16. The Township of Pilkington, now belonging to the Riding of Centre Wellington, shall be added to and included in the Riding of South Wellington, and the Township of Arthur and the Town of Mount Forest now belonging to the Riding

Victoria.

Township of
Tuscarora
added to North
Brant.

Brockville.

Cardwell.

Township of
East Luther
added to
Dufferin.Township of
Caledon added
to Peel.Cornwall
added to
Stormont.Township of
Kingston and
Village of
Portsmouth
added to City
of Kingston.South Wel-
lington, East
Wellington,
West Well-
ington.

of West Wellington, shall be added to and included in the Riding of Centre Wellington, which said last mentioned Riding shall hereafter be known as and called the East Riding of the County of Wellington; the Village of Arthur shall continue to form part of and be included in the Electoral District of West Wellington. 5

Frontenac. 17. The Electoral District of the County of Frontenac shall consist of the Townships of Wolfe Island, Pittsburgh, Howe Island, Storrington, Loughboro, Portland and Bedford, and the Village of Garden Island. 10

Addington. 18. The Electoral District of the County of Addington shall consist of the Townships of Camden, Sheffield, Hinchinbrooke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, North and South Canto, Ashleigh and Denbigh, and the Village of Newburgh. 15

South Grey and Centre Grey. 19. The Township of Proton, now belonging to the East Riding of the County of Grey, shall be added to and included in the South Riding of the County of Grey, and the Township of Sullivan, now belonging to the North Riding of the County of Grey, shall be added to and included in the East Riding of the County of Grey, which latter Riding shall hereafter be called the Riding of Centre Grey. 20

West Elgin and East Elgin. 20. The City of St. Thomas, now belonging to the East Riding of the County of Elgin, shall be added to and included in the West Riding of the County of Elgin, and the Village of Port Stanley, now belonging to the West Riding of the County of Elgin, shall be added to and included in the East Riding of the County of Elgin. 25

Richmond Hill added to East York. 21. The Village of Richmond Hill, now belonging to the West Riding of the County of York, shall be added to and included in the East Riding of the County of York. 30

North and South Essex. 22. The Township of Anderdon now belonging to the South Riding of the County of Essex, shall be added to and included in the North Riding of the County of Essex, and the Township of Tilbury West, now belonging to the North Riding of the County of Essex, shall be added to and included in the South Riding of the County of Essex. 35

South Ontario. 23. The Township of Reach, the Village of Port Perry, and the Municipality of Scugog Island, now belonging to the North Riding of the County of Ontario, shall be added to and included in the South Riding of the County of Ontario. 40

West Huron. 24. That part of the Village of Blythe heretofore belonging to the East Riding of the County of Huron, shall be added to and included in the West Riding of the County of Huron; and that part of the Township of Turnbury heretofore belonging to the West Riding of the County of Huron shall be added to and included in the East Riding of the County of Huron. 45

City of London. 25. The Town of London East, now belonging to the East Riding of the County of Middlesex, shall be added to and included in the City of London. 50

26. The word "Village," where mentioned in this Act, shall mean an incorporated or police village. "Village," meaning of.

27. Nothing in this Act shall be construed as effecting a change in the boundaries of any Riding for the purpose of registry of titles to lands. Registry divisions not affected.

28. Nothing in this Act contained shall affect the Electoral District Agricultural Societies as heretofore constituted, nor shall the change hereby made of a municipality from one Riding or Electoral District to another have the effect of transferring such municipality to another Electoral District Agricultural Society. But nothing in this section contained shall prevent the municipalities forming the Electoral Districts of Algoma East and West and of Muskoka and Parry Sound from forming and constituting new Electoral District Societies. Electoral District Agricultural Societies not affected.

29. This Act shall be read with and as part of the Revised Statutes of Ontario, chapter eight. Act to be read as part of R. S. O., c. 8.

30. This Act shall come into force upon the dissolution or end of the present Legislative Assembly and not before, except that portion thereof which relates to the Electoral District of Algoma, and as to that portion it shall come into force upon the passing hereof. Commencement of Act.

31. From and after the passing of this Act the present Legislative Assembly shall be composed of eighty-nine members. Present Legislative Assembly to consist of 89 members.

BILL.

An Act to Divide the District of Algoma for Electoral Purposes, and otherwise to readjust the Representation of the people in the Legislative Assembly.

First Reading,	4th	March,	1885.
Second	"	17th	March, 1885.

*Reprinted as Amended by Committee of
Whole House.)*

MR. HARDY.

TORONTO :

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to amend the Municipal Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 565 of *The Consolidated Municipal Act, 1883*, ^{46 V. c. 18,}
 5 is hereby amended by adding thereto the following sub-^{s. 565,}
 section:—^{amended.}

(7) For abandoning or otherwise disposing of the whole or any portion of a toll road owned by a county, whether situated wholly within the county, or partly within the county and
 10 partly within an adjoining county or counties, and on the passing of any such By-law the clerk shall forthwith forward a certified copy thereof to the local municipality or municipalities through or along which any portion of said abandoned road shall run or border upon. ^{Abandoning or disposing of toll roads.}

15 2. Sub-section 3 of section 531 of the said Act, added thereto ^{46 V. c. 18,}
 by section 17 of *The Municipal Amendment Act, 1884*, is ^{s. 531, sub-s. 3}
 hereby amended by striking out the following words after the ^{(47 V. c. 32,}
 word "municipality" in the sixth line: "that have been ^{s. 17), amended}
 constructed under *The General Road Companies' Act*."

No. 141.

1st Session, 5th Legislature, 47 Vic., 1885.

BILL.

An Act to amend the Municipal Law.

First Reading, 5th March, 1885.

Mr. WIDDIEFIELD.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Municipal Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. When any unincorporated village or settlement and its
5 immediate neighbourhood lying wholly within the limits of a township, and when the residences of its inhabitants are sufficiently near to each other, as in the opinion of the council of such township municipality, to render the same desirable, the council of the township in which the same are situate may by
10 by-law set such unincorporated village and neighbourhood apart from the remaining portion of the township in which the same is situate, and with boundaries to be respectively defined and declared in such by-law. Setting apart unincorporated village.
2. All the powers given to the council of every township by
15 *The Consolidated Municipal Act*, 1883, and amendments thereto, shall remain in force and are hereby continued and extended to the council of every township wherein the portion thereof is so set apart under the provisions of this Act, except so far as the same are or may be inconsistent with the enactments herein. Jurisdiction of township continued.
- 20 3. In addition to the powers given to the council of every township by *The Consolidated Municipal Act*, 1883, and amendments thereto, the council of every township wherein a portion has been set apart under the provisions of this Act, may
25 pass by-laws which shall apply exclusively and only to that portion of such township so set apart for the following purposes:—
- (1) To compel all persons (resident or non-resident) liable to statute labour within such prescribed limits, to compound for such labour at any sum not exceeding \$1 for each day's labour,
30 and that such sum shall be paid in commutation of such statute labour, and for enforcing the payment of such commutation in money in lieu of such statute labour.
- (2) For all the purposes specified in sections 570, 571, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623 and 624,
35 and the sub-sections thereto of *The Consolidated Municipal Act*, 1883, and amendments thereto.
4. In case any township, city, town, or incorporated village, shall be so situated that in the construction of any sewer or drain therein it becomes necessary to procure an outlet therefor
to extend the same into or through a contiguous municipality, Extension of sewers into adjoining municipality.

such township, city, town, or incorporated village so situated, shall be permitted and have power to so extend such sewer into or through such contiguous municipality, and shall be permitted and have power to unite and connect the same to any already existing sewer or sewers of such contiguous municipality, upon 5 such terms and conditions as shall be agreed upon between the respective municipalities, and in case of a difference then upon such terms and conditions as shall be determined by arbitration, under the provisions of *The Consolidated Municipal Act*, 1883, in that behalf. 10

No. 142.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Municipal Law.

First Reading, 5th March, 1885.

Mr. BADGEROW.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act for the amendment of the Law relating to the
Estates of deceased Persons.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. This Act may be cited as *The Devolution of Estates Act*, Short title.
5 1885.

2. This Act shall commence on the first day of July, 1885, Commence-
and shall apply only to the estates of persons dying on or after ment of Act.
that date.

3. Subject as above, this Act shall apply:—

10 (a) To all estates of inheritance in fee simple, or limited to
the heir as special occupant in any tenements or here-
ditaments in Ontario, whether corporeal or incor-
poreal.

(b) To chattels real in Ontario.

15 (c) To all other personal property of any person who has
died domiciled in Ontario.

Provided, that all real or personal property comprised in any
disposition made by will in exercise of a general testamentary
power of appointment shall be deemed to be within the provi-
20 sions of this section, if otherwise applicable.

4. All such property as aforesaid which is vested in any Person to
person solely, or is comprised in any such disposition as afore- devolve on
said made by him, shall on his death, notwithstanding any personal repre-
testamentary disposition, devolve upon and become vested in sentative.
25 his legal personal representative or representatives from time
to time, and subject to the payment of his debts, and so far as
the said property is not disposed of by deed, will, contract or
other effectual disposition, shall be distributed as personal pro-
perty not so disposed of is hereafter to be distributed.

30 (a) Nothing in this Act shall be construed to take away Saving as to
a widow's right to dower; but a widow may by deed or instru- dower.
ment in writing, attested by at least one witness, elect to take
her interest under this section in lieu of all claims to dower in
respect of real estate of which her husband died seized, or
35 to which he was at any time beneficially entitled; and she
shall not otherwise be entitled to share in the undisposed of
property aforesaid.

Saving as to husband's interest in property of wife.

(b) A husband married before the commencement of *The Married Women's Property Act, 1882*, may by deed or instrument in writing executed within six calendar months after his wife's death, and attested by at least one witness, elect to take such interest in the real and personal property of his deceased wife as he would have taken if this Act had not passed, in which case the husband's interest therein shall be ascertained in all respects as if this Act had not passed, and he shall be entitled to no further interest under this Act.

Distribution of property of married woman dying intestate.

5. The real and personal property of a married woman in respect of which she has died intestate shall be distributed as follows: one-third to her husband if she leave issue, and one-half if she leave none; and subject thereto, shall go and devolve as if her husband had pre-deceased her.

Distribution of estate of person dying intestate and without issue.

6. When a person shall die without leaving issue, and intestate as to the whole or any part of his real or personal property, his father surviving shall not be entitled to any greater share under the intestacy than his mother or any brother or sister surviving; nor shall a grandfather or grandmother of a person dying intestate share in competition with a surviving father, mother, brother or sister.

Application of property in payment of debts.

7. The real and personal property of a deceased person comprised in any residuary devise or bequest shall (except so far as a contrary intention shall appear from his will or any codicil thereto) be applicable ratably, according to their respective values, to the payment of his debts.

Power of personal representative over real property.

8. The legal personal representatives or representative from time to time of a deceased person shall have power to dispose of and otherwise deal with all real property vested in them or him by virtue of this Act, with all the like incidents, but subject to all the like rights, equities, and obligations, as if the same were personal property vested in them or him.



2nd Session, 5th Legislature, 48 Vic., 1885.

BILL

An Act for the amendment of the Law relating to the Estates of deceased Persons.

First Reading,	1885.
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The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to further extend the Franchise.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited and known as *The Extended Franchise Act*, 1885. Short title.

2. Section two of *The Election Act*, and its sub-sections, are hereby repealed, and the following is substituted instead thereof: R. S. O., c. 10, s. 2, repealed.

2. Unless otherwise declared or indicated by the context, Interpretation wherever any of the following words or expressions occur in this Act, they shall have the meanings hereinafter expressed, that is to say:—

(1) The word "owner" shall signify and mean proprietor, Owner. either in his own right or in the right of his wife, of an estate for life, or any greater estate either legal or equitable;

15 (2) The word "occupant" shall signify and mean a person Occupant. *bona fide* occupying property otherwise than as owner or tenant, either in his own right or in the right of his wife, but being in possession of such property and enjoying the revenues and profits arising therefrom to his own use;

20 (3) The word "tenant" shall include any person who in- Tenant. stead of paying rent in money is bound to render to the owner any portion of the produce of such property;

(4) The expression "landholder" shall mean and include: Landholder.

25 (a) Any person who being the owner of and residing and domiciled upon real property of at least twenty acres in extent, or of at least an actual value in cities and towns of four hundred dollars, and in townships and incorporated villages of two hundred dollars, is, in the last revised assessment roll of the municipality where such property is situate, entered and assessed as owner of said property of

30 at least the number of acres or assessed value aforesaid, and

35 (b) Any person actually residing and domiciled in any dwelling house as tenant thereof, where such dwelling house and the land, if any, held therewith by such person as such tenant is of at least an actual value in cities and towns of four hundred dollars, and in townships and incorporated villages of two

40 hundred dollars, and is at not less than such value

entered and assessed in the name of such person in the last revised assessment roll of the municipality wherein the same is situate.

- Landholder's son.** (5) The expression "landholder's son" shall mean and include a son, step son, or grandson, as the case may be, of any father, step-father, mother or step-mother, who is a land-holder; 5
- Wage-earner.** (6) The expression "wage-earner" shall mean any person entered in the last revised assessment roll of a city, town, incorporated village or township, as one having or deriving an annual income or wages of not less than three hundred dollars, but who is not entered or assessed in said roll for a taxable income of at least three hundred dollars; 10
- Dwelling-house.** (7) The expression "dwelling-house" shall mean and include any part of a house when that part is separately occupied and resided in as a dwelling, and also any land where such land is separately occupied or resided upon as and is a part of the premises belonging to and used with such dwelling; 15
- Householder.** (8) The expression "householder" shall mean any person entered in the revised assessment roll of a city, town, township or incorporated village as sole tenant and occupant of and actually resident in a dwelling-house situate therein, but shall not mean nor include, 20
- (a) Any person who is so entered or who is actually a joint tenant or occupant of such dwelling-house with any other person; nor 25
- (b) Any person who is a mere lodger or boarder in a house.
- Father and Mother.** (9) The word "father" shall include step-father, and the word "mother" shall include step-mother;
- Election.** (10) The word "election" shall mean an election of a member to serve in the Legislative Assembly; 30
- To vote.** (11) The expression "to vote" shall mean to vote at the election of a member of the Legislative Assembly;
- Electoral district.** (12) The expression "electoral district" shall mean any county or other place or portion of this Province, entitled to return a member to the Legislative Assembly; 35
- Voters' list.** (13) The expression "voters' list" shall mean the copy of the voters' list furnished in accordance with section fifty-six of this Act;
- Last revised assessment roll.** (14) The expression "last revised assessment roll" shall mean the last revised assessment roll of a city, town, incorporated village or township; 40
- Corrupt practice.** (15) The expression "corrupt practices" or "corrupt practice" shall mean bribery, treating and undue influence, or any of such offences as defined by this or any Act of the Legislature, or recognized by the Common Law of the Parliament of England; also any violation of the one hundred and fifty-first, one hundred and fifty-fourth, or one hundred and fifty-sixth sections of this Act, and any violation of the one hundred and fifty-seventh section of this Act during the hours appointed for polling. 45 50

3. Section seven of *The Election Act*, and its sub-sections, R. S. O., c. 10, are hereby repealed, and the following is substituted there- s. 7, repealed.
for :—

5 7. The following persons, and no others, being males and of the ^{Who may vote}
full age of twenty-one years, and subjects of Her Majesty by birth ^{at elections.}
or naturalization, and not being disqualified under the preced-
ing sections, or otherwise by law prevented from voting, shall,
if duly entered on the list of voters proper, to be used at the
election then pending, according to the provisions of *The Voters'*
10 *Lists Act*, or of this Act, be entitled to vote at elections of
members to serve in the Legislative Assembly of this Province,
that is to say :—

Firstly—Every male person entered on the revised assess- ^{Real property}
ment roll, upon which the voters' list to be used at the election ^{qualification.}
15 is based for any city, town, incorporated village or township,
for real property of the value hereinafter mentioned, and being
at the time of the election, a resident of and domiciled within
the Electoral District for which he claims to vote.

20 (2) Such person must (subject to the provisions here- ^{Value of real}
inafter contained) have been rated on such assess- ^{property}
ment roll as the owner, tenant or occupant of real ^{necessary.}
property of the actual value of not less than the
following :—

In cities and towns, two hundred dollars ;

25 In incorporated villages and townships, one hundred
dollars ;

(3) Where any real property is owned or occupied ^{Joint owners.}
jointly by two or more persons, and is rated at an
amount sufficient, if equally divided between them,
30 to give a qualification to each, then each of them
shall be deemed rated within this Act, otherwise
none of them shall be deemed so rated.

Secondly.—Subject to the provisions hereinafter contained, ^{Income}
every male person who is residing at the time of the election ^{franchise.}
35 in the local municipality in which he tenders his vote, and has
resided therein continuously since the completion of the last
revised assessment roll of the municipality, and derives an
income from some trade, occupation, calling, office or profession
of not less than three hundred dollars annually, and has been
40 assessed for such income in and by the assessment roll of the
municipality, upon which the voters' list used at the election is
based.

Thirdly.—Every male person entered in the last revised ^{Wages}
assessment roll as a wage-earner who is residing at the time of ^{franchise.}
45 the election in the local municipality in which he tenders his
vote, and has resided therein continuously since the completion
of the last revised assessment roll of the municipality, and who
has during the twelve months next prior to being so entered,
derived or earned within this Province wages or income from
50 some trade, occupation, calling, office, or profession of not less
than three hundred dollars.

(2) In estimating or ascertaining the amount of wages
or income so earned or derived by any person so
entered as a wage earner in the assessment roll of

a township, the fair value of any board or lodging furnished or given to or received or had by such person as or in lieu of wages or as part thereof shall be considered or included.

Householder. *Fourthly.*—Every male person entered as a householder 5
in the last revised assessment roll of the local municipality in which he tenders his vote, who is residing at the time of the election in the said municipality, and has resided there continuously since the completion of said last revised assessment roll.

Landholders' sons. *Fifthly.*—Every landholder's son who is resident at the time 10
of the election in the local municipality in which he tenders his vote, and has resided therein with his father or mother in the residence or dwelling of such father or mother for twelve months next prior to the return by the assessors of the assessment roll on which the voters' lists used at the election is 15
based, and who has been duly entered and named in said assessment roll as such landholder's son.

(2) Occasional or temporary absence from such residence or dwelling for a time or times not exceeding in the whole four months of the twelve herein- 20
before mentioned, shall not operate to disentitle a landholder's son to vote under this Act.

Indians. *Sixthly.*—Where there is a voters' list, all Indians, or persons with part Indian blood, who have been duly enfranchised, and all Indians or persons with part Indian blood who do not 25
reside among Indians, though they participate in the annuities, interest, moneys and rents of a tribe, band or body of Indians, subject to the same qualifications in other respects, and to the same provisions and restrictions as other persons in the electoral district ; 30

(2) But the Indians or persons with part Indian blood who are entitled to vote where there is no voters' list shall be only the following, namely:—
“All Indians, or persons with part Indian blood, who have been duly enfranchised, and all unenfranchised Indians or persons with part Indian blood who do not participate in the annuities, interest, moneys, or rents of a tribe, band or body of Indians, and do not reside among Indians, subject to the same qualifications in other respects, and to the 40
same provisions and restrictions, as other persons in the electoral district.”

(2) Where there is no voters' list any person alleged by a candidate, or the agent of a candidate, to be an Indian, or person with part Indian blood, shall, 45
if required by such candidate or agent, or by the returning officer, take the following oath or affirmation in addition to any other oath required by a voter under the law:—

You swear that you do not participate in the annuities, interests, 50
moneys or rents of any tribe, band or body of Indians, and do not reside among Indians.

Or, at his option, the following:—

You swear that you are not an Indian, nor a person with part Indian blood.

Seventhly.—In such of the municipalities, townships and places in the Electoral Districts of Algoma, North Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew and Muskoka and Parry Sound as have no assessment roll, every male person of the full age of twenty-one years, being a subject of Her Majesty by birth or naturalization, and being not otherwise disqualified, who is at the time of the election a resident of and domiciled within the Electoral District for which he claims to vote, and is actually and *bona fide* owner of real estate in such electoral district of the value of two hundred dollars or upwards, or who is at the time of the election a resident householder of such place, and has been such owner or householder for the six months next preceding the election.

In Algoma, etc.

(2) A person is not an owner within the meaning of the said provision designated seventhly, where the land of which he claims to be owner has never been granted or patented by the Crown, and a person who is a mere lodger or boarder in a house is not a "resident householder" in respect of such house.

(3) In any part of the Electoral District of Algoma or Muskoka and Parry Sound in which there is no assessment roll or voters' list, residence by an owner shall be necessary for the same period as residence by a householder, in order to qualify a voter.

(4) No person shall be entitled to vote in unorganized territory on property which is wholly or partly in an organized municipality.

4. Sections 8, 9 and 10 of *The Election Act* and sub-section 3 of section 3 of *The Voters' Lists Finality Act*, and section 14 of the Act passed in the 42nd year of the reign of Her Majesty and chaptered four, and sections 12, 13 and 14 of *The Election Law Amendment Act*, 1884, are hereby repealed.

R. S. O., c. 10, ss. 8-10; 41 V., c. 21, s. 3, sub-s. 3; 42 V., c. 4, s. 14; and 47 V., c. 4, ss. 12-14, repealed

5. Section 5 of *The Election Amendment Act, 1883*, is hereby repealed and the following is substituted therefor:—

46 V., c. 2, s. 5, repealed.

17. The following is substituted for sub-section 2 of section 91 of *The Election Act* as amended by the 17th section of the Act passed in the 42nd year of Her Majesty's reign, chaptered 4:—

(2) Any person whose name is entered upon said list of voters as owner, tenant or occupant of real estate, or as a landholder's son, or as a householder, and who is required to take such oath or affirmation as aforesaid, shall be at liberty to select for himself for that purpose either of the said forms numbered 18 and 20 in Schedule A, whatever may be the description either in the voters' list or assessment roll as to the qualification or character in respect of which he is entered upon the said list or roll; and where the person claims to be entitled to vote in respect of income or as a wage-earner, the oath or affirmation to be taken shall be according to form 19 in said Schedule A, and where the person claims to be entitled to vote in respect of a supplementary voters' list in any of the cases mentioned in sections 75 and 77 of this Act, the oath or affirmation to be taken shall be according to form 21 in said Schedule A.

Voter may select form of oath in certain cases.

Forms of oath. 6. The forms of oaths or affirmations to be taken by voters shall be the forms appended to the Act, and numbered 18, 19, 20 and 21, which are respectively substituted for the forms numbered 18, 19, 20 and 21, in Schedule A to *The Election Act*, as amended

5

(1) By the Act passed in the forty-second year of Her Majesty's reign, chaptered four, and

(2) By *The Election Amendment Act*, 1883;

But nothing in this Act contained shall be deemed or construed as repealing, altering, or affecting any of the provisions of sections twenty-two and twenty-three of *The Election Law Amendment Act*, 1884, or any of the forms of oaths in the schedules to said last mentioned Act contained or set forth.

**Commence-
ment of Act.**

7. This Act shall come into force and have effect on and after the first day of October next after the passing thereof, and shall not be held as applying to or effecting any assessment roll for the year 1885, or any voters' list based on any such assessment roll.

SCHEDULES.

FORM 18.

(Referred to in Section 91.)

FORM OF OATH OF PERSON VOTING AS OWNER, TENANT OR OCCUPANT OF REAL ESTATE, OR AS A HOUSEHOLDER.

You swear (1) that you are the person named or purporting to be named by the name of _____ on the _____ list of voters now shewn to you. (2) That on the (3) _____ day of _____ one thousand eight hundred and _____ you were actually, truly and in good faith possessed to your own use and benefit, as either owner, tenant or occupant, in your own right or in the right of your wife, of the real estate in respect of which your name is as aforesaid entered on the said list of voters, and are as such entitled to vote at this election;

That you are actually and in good faith a resident of and domiciled within this electoral district;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty either by birth or by naturalization;

That you have not voted before at this election, either at this or any other polling place;

That you have not received anything, nor has anything been promised you either directly or indirectly either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "swear" substitute "solemnly affirm."

(2) The Deputy Returning Officer should hereupon show the voters' list to the voter.

(3) The date to be here inserted in administering the oath is AT THE CHOICE OF THE VOTER, to be EITHER the day certified by the Clerk of the Municipality to be

the date of the RETURN by the Assessor of the assessment roll upon which the voters' list used at the election is based; or the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED.

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk or agent VOTING UPON A CERTIFICATE issued under Sec. 87, for “on the list of voters now shewn to you,” substitute “on the list of voters for the Municipality of _____,” naming the municipality mentioned in the certificate.

FORM 19.

(Referred to in Section 91.)

ORDINARY FORM OF OATH OF PERSON VOTING IN RESPECT OF INCOME.

You swear (1) that you are the person named or purporting to be named by the name of _____ on the list of voters now shewn to you; (2) That on the (3) _____ day of _____ one thousand eight hundred and _____ you were, and thenceforward have been continuously and still are a resident of this municipality;

That at the said date, and for twelve months previously, you were in receipt of an income or wages from your trade, occupation, office, calling or profession of a sum not less than three hundred dollars;

That you are of the full age of twenty one years;

That you are a subject of Her Majesty either by birth or by naturalization;

That you have not voted before at this election, either at this or any other polling place;

That you have not received anything, nor has anything been promised to you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for “swear” substitute “solemnly affirm.”

(2) The Deputy Returning Officer should hereupon show the voters' list to the voter.

(3) The date to be here inserted in administering the oath, is the day certified by the clerk of the municipality to be the DATE OF THE FINAL REVISION and correction of the assessment roll upon which the voters' list used at the election is based for the municipality.

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk or agent VOTING UPON A CERTIFICATE issued under sec. 87, for “on the list of voters now shewn to you” substitute “on the list of voters for the municipality of _____,” naming the municipality mentioned in the certificate.

FORM 20.

(Referred to in Section 91.)

FORM OF OATH FOR A LANDHOLDER'S SON.

You swear (1) that you are the person named or purporting to be named by the name of _____ on the list of voters now shewn to you; (2)

That on the (3) _____ day of _____ one thousand eight hundred and _____

_____ A. B. (4) was, as you verily believe actually, truly, and in good faith possessed to his (5) own use as owner, tenant or occupant of the property in respect of which your name is so as aforesaid entered on the said voters' list, and he was then actually and in good faith residing and domiciled upon said property;

That you are a son (6) of the said A. B.; (4)

That you resided on the said property with the said A. B., for, and during the whole of the twelve months next before the return by the Assessor

of the assessment roll on which the voters' list used at this election is based, not having been absent during that period, except temporarily, and not more than four months in all;

That you are still a resident of this Electoral District, and are entitled to vote at this election;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty either by birth or by naturalization;

That you have not voted before at this election, either at this or any other polling place;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm.*"

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is the day certified by the clerk of the municipality to be the date of the RETURN by the assessor of the assessment roll upon which the voters' list used at the election is based;

(4) The name of the voter's father, or step-father, or mother, or step-mother should be inserted here.

(5) If the name of the voter's mother is inserted, then for "*his*" substitute "*her.*"

(6) If the voter is voting as a "stepson," or "grandson," then for the word "son" substitute the word "stepson," or "grandson," as the case may be.

NOTE.—In the oath administered to Deputy Returning Officer, poll-clerk, or agent VOTING UPON A CERTIFICATE issued under Sec. 87, for "*on the list of voters now shewn to you,*" substitute "*on the list of voters for the Municipality of*," naming the municipality mentioned in the certificate.

FORM 21.

(Referred to in Section 91.)

FORM OF OATH TO BE TAKEN BY VOTER ON A SUPPLEMENTARY LIST OF VOTERS, MADE WHERE ADDITIONS HAVE BEEN MADE TO A CITY, TOWN OR VILLAGE, OR A NEW VILLAGE HAS BEEN FORMED COMPOSED OF TERRITORY SITUATED IN TWO OR MORE ELECTORAL DISTRICTS.

You *swear* (1) that you are the person named or purporting to be named by the name of _____ on the supplementary list of voters now shewn unto you; (2)

That on the (3) _____ day of _____ one thousand eight hundred and _____ you were actually, truly and in good faith possessed to your own use and benefit as owner, tenant or occupant, in your own right or in the right of your wife, of the real estate in respect of which your name is entered on the said supplementary list of voters, and are as such entitled to vote in this election;

That you are actually and in good faith a resident of and domiciled within this Electoral District;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty either by birth or by naturalization;

That you have not voted before at this election, either at this or any other polling place;

That you have not received anything nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm.*"

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is AT THE CHOICE OF THE VOTER to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the assessment roll upon which the voters' list used at the election is based ; or the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED.

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk or agent, VOTING UPON A CERTIFICATE issued under Sec. 87, for "*on the list of voters now shewn to you*" substitute "*on the list of voters for the Municipality of*," naming the municipality mentioned in the certificate.

No. 144.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to further extend the Franchise.

First Reading, 5th March, 1885.

Mr. FRASER.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to further extend the Franchise.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited and known as *The Franchise and Representation Act*, 1885. Short title.

2. Section 2 of *The Election Act*, and its sub-sections, are R. S. O., c. 10, hereby repealed, and the following is substituted instead thereof: s. 2, repealed.

2. Unless otherwise declared or indicated by the context, Interpretation
10 wherever any of the following words or expressions occur in
this Act, they shall have the meanings hereinafter expressed,
that is to say:—

(1) The word "owner" shall signify and mean proprietor, Owner.
15 either in his own right or in the right of his wife, of an estate
for life, or any greater estate either legal or equitable;

(2) The word "occupant" shall signify and mean a person Occupant.
bona fide occupying property otherwise than as owner or
tenant, either in his own right or in the right of his wife, but
20 being in possession of such property and enjoying the revenues
and profits arising therefrom to his own use;

(3) The word "tenant" shall include any person who in- Tenant.
stead of paying rent in money is bound to render to the owner
any portion of the produce of such property;

25 (4) The expression "landholder" shall mean and include: Landholder.

(a) Any person who being the owner of and residing
and domiciled upon real property of at least twenty
acres in extent, or of at least an actual value in
30 cities and towns of four hundred dollars, and in
townships and incorporated villages of two hundred
dollars, is, in the last revised assessment roll of the
municipality where such property is situate,
entered and assessed as owner of said property of
at least the number of acres or *the* assessed value
35 aforesaid, and

(b) Any person actually residing and domiciled in any
dwelling house as tenant thereof, where such
dwelling house and the land, if any, held therewith
by such person as such tenant is of at least an actual
value in cities and towns of four hundred dollars,
and in townships and incorporated villages of two
40 hundred dollars, and is at not less than such value

entered and assessed in the name of such person in the last revised assessment roll of the municipality wherein the same is situate.

- Landholder's son. (5) The expression "landholder's son" shall mean and include a son, step-son, grandson, or *son-in-law*, as the case may be, of any land-holder; 5
- Wage-earner. (6) The expression "wage-earner" shall mean any person entered in the last revised assessment roll of a city, town, incorporated village or township, as one having or deriving an annual income or wages of not less than three hundred dollars, but who is not entered or assessed in said roll for a taxable income of at least three hundred dollars; 10
- Dwelling-house. (7) The expression "dwelling-house" shall mean and include any part of a house when that part is separately occupied and resided in as a dwelling, and also any land where such land is separately occupied or resided upon as and is a part of the premises belonging to and used with such dwelling; 15
- Householder. (8) The expression "householder" shall mean any person entered in the revised assessment roll of a city, town, township or incorporated village as sole tenant and occupant of and actually resident in a dwelling-house situate therein, but shall not mean nor include, 20
- (a) Any person who is so entered or who is actually a joint tenant or occupant of such dwelling-house with any other person; nor 25
- (b) Any person who is a mere lodger or boarder in a house.
- Local Municipality, (9) The expression "local municipality" shall mean and include a city, town, incorporated village or township, as the case may be. 30
- Election. (10) The word "election" shall mean an election of a member to serve in the Legislative Assembly;
- To vote. (11) The expression "to vote" shall mean to vote at the election of a member of the Legislative Assembly;
- Electoral district. (12) The expression "electoral district" shall mean any county or other place or portion of this Province, entitled to return a member to the Legislative Assembly; 35
- Voters' list. (13) The expression "voters' list" shall mean the copy of the voters' list furnished in accordance with section fifty-six of this Act; 40
- Last revised assessment roll. (14) The expression "last revised assessment roll" shall mean the last revised assessment roll of a city, town, incorporated village or township;
- Corrupt practice. (15) The expression "corrupt practices" or "corrupt practice" shall mean bribery, treating and undue influence, or any of such offences as defined by this or any Act of the Legislature, or recognized by the Common Law of the Parliament of England; also any violation of sections 151, 154, or 156 of this Act, and any violation of section 157 of this Act during the hours appointed for polling. 45 50

3. Section 7 of *The Election Act*, and its sub-sections, R. S. O., c. 10, are hereby repealed, and the following is substituted there- s. 7, repealed.
for :—

7. The following persons, and no others, being males and of the Who may vote
5 full age of twenty-one years, and subjects of Her Majesty by birth at elections.
or naturalization, and not being disqualified under the preced-
ing sections, or otherwise by law prevented from voting, shall
if duly entered on the list of voters proper, to be used at the
election then pending, according to the provisions of *The Voters'*
10 *Lists Act*, or of this Act, be entitled to vote at elections of
members to serve in the Legislative Assembly of this Province,
that is to say :—

Firstly.—Every male person entered on the revised assess- Real property
ment roll, upon which the voters' list to be used at the election qualification.
15 is based for any city, town, incorporated village or township,
for real property of the value hereinafter mentioned, and being
at the time of the final revision and correction of said as-
sessment roll, and also at the time of the election, a resident
of and domiciled within the Electoral District for which he
20 claims to vote.

(2) Such person must (subject to the provisions here- Value of real
inafter contained) have been rated on such assess- property
ment roll as the owner, tenant or occupant of real necessary.
property of the actual value of not less than the
following :—
25

In cities and towns, two hundred dollars ;
In incorporated villages and townships, one hundred
dollars ;

(3) Where any real property is owned or occupied Joint owners,
30 jointly by two or more persons, and is rated at an
amount sufficient, if equally divided between them,
to give a qualification to each, then each of them
shall be deemed rated within this Act, otherwise
none of them shall be deemed so rated.

Secondly.—Every male person who is residing at the time of Income
the election in the local municipality in which he tenders his vote franchise.
and has resided therein continuously since the completion of the
last revised assessment roll of the municipality, and derives an
income from some trade, occupation, calling, office or profession
40 of not less than three hundred dollars annually, and has been
assessed for such income in and by the assessment roll of the
municipality, upon which the voters' list used at the election is
based.

Thirdly.—Every male person entered in the last revised Wages
assessment roll as a wage-earner who is residing at the time of franchise.
45 the election in the local municipality in which he tenders his
vote, and has resided therein continuously since the completion
of the last revised assessment roll of the municipality, and who
has during the twelve months next prior to being so entered,
50 derived or earned within this Province wages or income from
some trade, occupation, calling, office, or profession of not less
than three hundred dollars.

(2) In estimating or ascertaining the amount of wages
or income so earned or derived by any person so
entered as a wage earner in the assessment roll of
55

a *municipality, not being a city, town or village*, the fair value of any board or lodging furnished or given to or received or had by such person as or in lieu of wages or as part thereof shall be considered or included. 5

Householder. *Fourthly*.—Every male person entered as a householder in the last revised assessment roll of the local municipality in which he tenders his vote, who is residing at the time of the election in the said municipality, and has resided there continuously since the completion of said last revised assessment roll. 10

Landholders' sons. *Fifthly*.—Every landholder's son who is resident at the time of the election in the local municipality in which he tenders his vote, and has resided therein with *and* in the residence or dwelling of *the landholder whose son he is*, for twelve months next prior to the return by the assessors of the assessment roll on which the voters' lists used at the election is based, and who has been duly entered and named in said assessment roll as such landholder's son. 15

(2) Occasional or temporary absence from such residence or dwelling for a time or times not exceeding in the whole four months of the twelve hereinbefore mentioned, shall not operate to disentitle a landholder's son to vote under this Act. 20

Indians. *Sixthly*.—Where there is a voters' list, all Indians, or persons with part Indian blood, who have been duly enfranchised, and all Indians or persons with part Indian blood who do not reside among Indians, though they participate in the annuities, interest, moneys and rents of a tribe, band or body of Indians, subject to the same qualifications in other respects, and to the same provisions and restrictions as other persons in the electoral district; 25 30

(2) But the Indians or persons with part Indian blood who are entitled to vote where there is no voters' list shall be only the following, namely:—
 "All Indians, or persons with part Indian blood, who have been duly enfranchised, and all unenfranchised Indians or persons with part Indian blood who do not participate in the annuities, interest, moneys, or rents of a tribe, band or body of Indians, and do not reside among Indians, subject to the same qualifications in other respects, and to the same provisions and restrictions, as other persons in the electoral district." 35 40

(2) Where there is no voters' list any person alleged by a candidate, or the agent of a candidate, to be an Indian, or person with part Indian blood, shall, if required by such candidate or agent, or by the returning officer, take the following oath or affirmation in addition to any other oath required by a voter under the law:— 45

You swear that you do not participate in the annuities, interests, moneys or rents of any tribe, band or body of Indians, and do not reside among Indians. 50

Or, at his option, the following:—

You swear that you are not an Indian, nor a person with part Indian blood. 55

Seventhly.—In such of the municipalities, townships and places ^{In Algoma, etc.} in the Electoral Districts of ~~the~~ Algoma East, Algoma North, East Victoria, ~~the~~ East Peterborough, North Hastings, North Renfrew, South Renfrew, Muskoka and Parry Sound as have
 5 no assessment roll ~~and~~ subject to the provisions herein after contained, ~~and~~ every male person of the full age of twenty-one years, being a subject of Her Majesty by birth or naturalization, and being no otherwise disqualified, who is at the time of the election a resident of and domiciled within the Electoral District
 10 for which the claims to vote, and is actually and *bona fide* owner of real estate in such electoral district of the value of two hundred dollars or upwards, or who is at the time of the election a resident householder of such place, and has been such owner or householder for the six months next preceding the election.

15 (2) A person is not an owner within the meaning of the said provision designated seventhly, where the land of which he claims to be owner has never been granted or patented by the Crown, and a person who is a mere lodger or boarder in a house
 20 is not a "resident householder" in respect of such house.

(3) In any part of the Electoral District of Algoma *West*, Algoma *East*, Muskoka, or Parry Sound in which there is no assessment roll or voters' list, residence
 25 by an owner shall be necessary for the same period as residence by a householder, in order to qualify a voter.

Eighthly.—No person shall be entitled to vote in unorganized territory on property which is wholly or partly in an organized
 30 municipality.

4. Sections 8, 9 and 10 of *The Election Act* and sub-section 3 of section 3 of *The Voters' Lists Finality Act*, and section 14
 of the Act passed in the 42nd year of the reign of Her Majesty and chaptered four, and section 14 of *The Election Law Amend-*
 35 *ment Act*, 1884, are hereby repealed. R. S. O., c. 10, ss. 8-10; 41 V., c. 21, s. 3, sub-s. 3; 42 V., c. 4, s. 14; and 47 V., c. 4, ss. 12-14, repealed

5. Section 5 of *The Election Amendment Act, 1883*, is hereby repealed and the following is substituted therefor:— 46 V., c. 2, s. 5, repealed.

17. The following is substituted for sub-section 2 of section 91 of *The Election Act* as amended by the 17th section of the
 40 Act passed in the 42nd year of Her Majesty's reign, chaptered 4:—

(5) Any person whose name is entered upon said list of voters as owner, tenant or occupant of real estate, or as a landholder's son, or as a householder, and who is required to take
 45 such oath or affirmation as aforesaid, shall be at liberty to select for himself for that purpose either of the said forms numbered 18 and 20 in Schedule A, whatever may be the description either in the voters' list or assessment roll as to the qualification or character in respect of which he is entered upon the said
 50 list or roll; and where the person claims to be entitled to vote in respect of *taxable* income or as a wage-earner, the oath or affirmation to be taken shall be according to form 19 in said Schedule A, and where the person claims to be entitled to vote in respect of a supplementary voters' list in any of the Voter may select form of oath in certain cases.



cases mentioned in sections 75 and 77 of this Act, the oath or affirmation to be taken shall be according to form 21 in said Schedule A.

Forms of oath. 6. The forms of oaths or affirmations to be taken by voters shall be the forms appended to the Act, and numbered 18, 19, 20 and 21, which are respectively substituted for the forms numbered 18, 19, 20 and 21, in Schedule A to *The Election Act*, as amended 5

(1) By the Act passed in the forty-second year of Her Majesty's reign, chaptered four, and

(2) By *The Election Amendment Act*, 1883; 10



But nothing in this Act contained shall be deemed or construed as repealing, altering, or affecting any of the provisions of sections 22 and 23 of *The Election Law Amendment Act*, 1884, or any of the forms of oaths in the schedules to said last mentioned Act contained or set forth. 15

Electoral districts to be ninety. 7. The Legislative Assembly shall be composed of *ninety* members, and the Province shall, for the purposes of the election of members to serve in the Legislative Assembly, continue to be divided into the Electoral Districts established by the Revised Statutes of Ontario, chapter 8, each represented 20 as it now is, except *as and* where altered by this Act;  Provided always, however, that until section 10 of this Act and its sub-sections are in full force and effect, said Legislative Assembly shall be composed of eighty-nine members only. 

Algoma. 8. The present Electoral District of Algoma shall be divided 25 into two Ridings, for the purposes of representation in the Legislative Assembly, and each of such Ridings shall form an Electoral District, to be called respectively Algoma West and Algoma East, and each Riding shall return one member.

(a) Algoma West shall consist of all that part of said Elec- 30 toral District situate west of the meridian of eighty-seven degrees of west longitude, being all that part of Algoma District known as the *Provisional Judicial District of Thunder Bay*.

(b) Algoma East shall consist of all the rest and remainder 35 of the aforesaid Electoral District of Algoma.

 9. (1) In such of the municipalities, townships and places in the Electoral Districts of Algoma West and Algoma East as have no assessment roll, the only persons entitled to vote at elections of members to serve in the Legislative Assembly of 40 this Province, shall be every male person of the full age of twenty-one years, being a subject of Her Majesty by birth or naturalization, and being not otherwise disqualified, who is at the time of the election a resident of and domiciled within the Electoral District for which he claims to vote, and who is 45 actually and *bona fide* the owner of real estate in such electoral district of the value of two hundred dollars or upwards, or who is at the time of the election a resident householder of such place, and has been such owner or householder for the six months next preceding the election.  50

 (2) A person is not an owner within the meaning of this section, where the land of which he claims to be

owner has never been granted or patented by the Crown, and a person who is a mere lodger or boarder in a house is not a "resident householder" in respect of such house. 🏠

- 5 🏠 (3) In any part of the said Electoral Districts in which there is no assessment roll or voters' list, residence by an owner shall be necessary for the same period as residence by a householder, in order to qualify a voter. 🏠
- 10 🏠 (4) No person shall be entitled to vote in unorganized territory, in either of said Electoral Districts, on property which is wholly or partly in an organized municipality. 🏠

15 **10.** (1) The present division of the County of Bruce into two Ridings is hereby abolished, and the said County shall be divided into three Ridings, to be called respectively the South, the Centre, and the North Riding of the County of Bruce, and each Riding shall return one member. Bruce.

20 (a) The South Riding shall consist of the Townships of Brant, Carrick, Culross and Kinloss, the Town of Walkerton, and the Villages of Lucknow and Teeswater.

25 (b) The Centre Riding shall consist of the Township of Greenock, Kincardine, Elderslie and Huron, the Town of Kincardine, and the Villages of Paisley and Chesley.

30 (c) The North Riding shall consist of the Township of Bury St. Edmunds, Lindsay, Eastnor, Albermarle, Amabel, Arran, Saugeen and Bruce, and the Villages of Southampton, Port Elgin, Wiarton, Tara and Tiverton.

(2) The present three Ridings of the Counties of Leeds and Grenville are hereby abolished, and that portion of the said territory which remains after constituting the Electoral District of Brockville shall be divided into two Counties, to be called Leeds and Grenville.
35 respectively the County of Leeds, and the County of Grenville, and each County shall return one member.

40 (a) The County of Leeds shall consist of the Township called the Front of Leeds and Lunsdowne, the Township called the Rear of Leeds and Lansdowne, the Townships of South Crosby North Crosby, Bastard and South Burgess, Kitley and Elmsley *South*, and the Villages of Gananoque and Newboro'.

45 (b) The County of Grenville shall consist of the Townships of Augusta, Edwardsburgh, Oxford, Wolford and South Gower, the Town of Prescott, and the Villages of Kemptville, Merrickville and Cardinal.

50 (3) The present three Ridings of the County of Simcoe are hereby abolished, and the territory hereinafter mentioned, being that portion of the County of Simcoe which remains after constituting the Electoral Districts of Cardwell, Muskoka, and Parry Sound, shall be divided into three Ridings, to be called respectively the East, the Centre, and West Riding of the County of Simcoe, and each Riding shall return one member. Simcoe.

- (a) The East Riding shall consist of the Townships of Tay, Orillia, Matchedash, Medonte and Oro, the Towns of Orillia, and Penetanguishene, and the Village of Midland.
- (b) The Centre Riding shall consist of the Townships of Tiny, Vespra, Flos and Sunnidale, and the Town of Barrie. 5
- (c) The West Riding shall consist of the Townships of Tossorontio, Essa and Nottawasaga, the Town of Collingwood, and the Villages of Stayner and Alliston. 10

Toronto.

(4) The present division of the City of Toronto into two Electoral Districts is hereby abolished, and the said city shall hereafter form one Electoral District and shall return three members.

- (a) The Town of Parkdale adjoining the said city shall, for the purposes of this Act and for the return of the said three members, be added to and included in the said Electoral District of the City of Toronto. 15
- (b) At a contested election for *the electoral district of* said city no person shall vote for more than two candidates. 20
- (c) The fifteenth section of the forty-sixth chapter of the Act passed in the forty-sixth year of Her Majesty's reign, entitled *An Act respecting the City of Toronto and the Village of Yorkville and other matters*, is hereby repealed. 25

Muskoka and Parry Sound.

(5) The Electoral District of Muskoka and Parry Sound is hereby divided into the Electoral District of Muskoka and the Electoral District of Parry Sound, and each district shall return one member

- (a) The Electoral District of Muskoka shall consist of 30 all the municipalities and territory comprising the Territorial District of Muskoka.
- (b) The Electoral District of Parry Sound shall consist of all the municipalities and territory comprising the Territorial District of Parry Sound. 35

Victoria.

(6) The present Ridings of North and South Victoria are hereby abolished, and the said county shall be divided into two ridings, to be called respectively West Victoria and East Victoria, and each Riding shall return one member.

- (a) The West Riding shall consist of the Townships of Ops, Mariposa, Eldon, Carden and Dalton; the Town of Lindsay and the Village of Woodville.
- (b) The East Riding shall consist of the Townships of Emily and Verulam; the Villages of Omemee and Bobcaygeon, and all of the other municipalities, including the Provisional County of Haliburton, which heretofore formed the Riding of North Victoria, except only the aforesaid municipalities of Dalton, Carden, Eldon and Woodville.

Township of Tuscarora added to North Brant.

(7) The Township of Tuscarora, now belonging to the Electoral District of South Brant, shall be added to and included in the Electoral District of North Brant. 50

- (8) The Electoral District of Brockville shall consist of the **Brockville.**
Town of Brockville, and the Township of Elizabethtown,
the Township called Front of Yonge, the Township called
Rear of Yonge and Escott, and the Township called Front of
5 Escott.
- (9) The Electoral District of Cardwell shall consist of the **Cardwell.**
Townships of Albion, Adjala, Tecumseth, Innisfil and West
Gwillimbury, and the Villages of Bolton and Bradford.
10
- (10) The Township of East Luther, forming part of the **Township of**
County of Dufferin for municipal purposes, but now belonging **East Luther**
to the Electoral District of Centre Wellington, shall be added **added to**
to and included in the Electoral District of the County of **Dufferin.**
15 Dufferin.
- (11) The Township of Caledon, now belonging to the Elec- **Township of**
toral District of Cardwell, and being part of the County of **Caledon added**
Peel, shall be added to and included in the Electoral District of **to Peel.**
20 the County of Peel.
- (12) The Electoral District of Cornwall is hereby abolished, **Cornwall**
and the Town and Township of Cornwall shall be added to **added to**
and included in the Electoral District of the County of **Stormont.**
25 Stormont, and the said District shall hereafter be called the
Electoral District of Cornwall and Stormont.
- (13) The Township of Kingston and the Village of Ports- **Township of**
mouth, now belonging to the Electoral District of the County **Kingston and**
30 of Frontenac, shall be added to and included in the Electoral **Village of**
District of the City of Kingston. **Portsmouth**
added to City
of Kingston.
- (14) The Township of Pilkington, now belonging to the **South Wel-**
Riding of Centre Wellington, shall be added to and included in **lington, East**
35 the Riding of South Wellington, and the Township of Arthur **Wellington,**
and the Town of Mount Forest now belonging to the Riding **West Welling-**
of West Wellington, shall be added to and included in the **ton.**
Riding of Centre Wellington, which said last mentioned Riding
shall hereafter be known as and called the East Riding of the
40 County of Wellington; the Village of Arthur shall continue to
form part of and be included in the Electoral District of West
Wellington.
- (15) The Electoral District of the County of Frontenac shall **Frontenac.**
45 consist of the Townships of Wolfe Island, Pittsburgh, Howe
Island, Storrington, Loughboro, Portland and Bedford, and the
Village of Garden Island.
- (16) The Electoral District of the County of Addington shall **Addington.**
50 consist of the Townships of Camden, Sheffield, Hinchinbrooke,
Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon,
Palmerston, Effingham, Abinger, Miller, North and South Ca-
nonto, Ashby and Denbigh, and the Village of Newburgh.
- 55 (17) The Township of Proton, now belonging to the East **South Grey**
Riding of the County of Grey, shall be added to and included **and Centre**
in the South Riding of the County of Grey, and the Township **Grey.**
of Sullivan, now belonging to the North Riding of the County
of Grey, shall be added to and included in the East Riding of
of

the County of Grey, which latter Riding shall hereafter be called the Riding of Centre Grey.

West Elgin
and East
Elgin.

(18) The City of St. Thomas, now belonging to the East Riding of the County of Elgin, shall be added to and included in the West Riding of the County of Elgin, and the Village of Port Stanley, now belonging to the West Riding of the County of Elgin, shall be added to and included in the East Riding of the County of Elgin. 5

Richmond
Hill added to
East York.

(19) The Village of Richmond Hill, now belonging to the West Riding of the County of York, shall be added to and included in the East Riding of the County of York. 10

North and
South Essex.

(20) The Township of Anderdon now belonging to the South Riding of the County of Essex, shall be added to and included in the North Riding of the County of Essex, and the Township of Tilbury West, now belonging to the North Riding of the County of Essex, shall be added to and included in the South Riding of the County of Essex. 15

South Ontario

(21) The Township of Reach, the Village of Port Perry, and the Municipality of Scugog Island, now belonging to the North Riding of the County of Ontario, shall be added to and included in the South Riding of the County of Ontario. 20

West Huron.

(22) That part of the Village of Blythe heretofore belonging to the East Riding of the County of Huron, shall be added to and included in the West Riding of the County of Huron; and that part of the Township of Turnbury heretofore belonging to the West Riding of the County of Huron shall be added to and included in the East Riding of the County of Huron. 25

City of Lon-
don.

(23) The Town of London East, now belonging to the East Riding of the County of Middlesex, shall be added to and included in the City of London. 35

(24) The Township of Logan, now belonging to the North Riding of the County of Perth, shall be added to and included in the South Riding of the County of Perth. 40

(25) The word "Village," where mentioned in this section, shall mean an incorporated or police village.

11. Sections 7, 8 and 10 of this Act shall, as they respectively come into force and effect, be read with and construed as part of chapter 8 of the Revised Statutes of Ontario. 45

12. (1) Section 3 of chapter 4 of the Acts passed in the forty-second year of Her Majesty's reign is hereby amended by omitting therefrom the word "Algoma" wherever the same occurs in said section, and inserting instead thereof the words, "the Electoral District of Algoma West and the Electoral District of Algoma East." 50

(2) The said section 3 is further amended by omitting therefrom the words "that Electoral Division" where the same occur in the eleventh and twelfth lines of said section, and inserting instead thereof the words, "said Electoral Districts respectively." 55

3 The said section 3 is further amended by omitting therefrom the words "that Electoral District" where the same occur in the fifteenth line of said section, and inserting instead thereof the words "the same."

5 (4) Section 5 of said chapter 4 is also hereby amended by inserting therein after the word "Algoma" the words "West, and the Electoral District of Algoma East," and by omitting therefrom the words "as heretofore."

10 (5) Sections 4 and 6 of said chapter 4, and sub-section 2 of section 30 of *The Election Act*, and section 190 of said last mentioned Act, are also hereby amended by omitting from each of said sections and from said sub-section the words "Algoma, and of Muskoka and Parry Sound," and inserting instead thereof the words "Algoma West, Algoma East, Mus-

15 koka and Parry Sound."

(6) Sections 78 and 92 of *The Election Act*, as amended by *The Election Law Amendment Act, 1884*, are hereby further amended by omitting therefrom respectively the words

20 "Algoma, North Victoria," and inserting instead thereof the words "Algoma East, Algoma West, East Victoria."

(7) Section 17 of *The Election Law Amendment Act, 1884*, is hereby amended by omitting therefrom the words "district of Algoma," and inserting instead thereof the words

25 "Electoral Districts of Algoma West and Algoma East."

13. Nothing in this Act shall be construed as effecting a change in the boundaries of any Riding for the purpose of registry of titles to lands.

30

14. Nothing in this Act contained shall affect the Electoral District Agricultural Societies as heretofore constituted, nor shall the change hereby made of a municipality from one Riding or Electoral District to another have the effect of transferring such municipality to another Electoral District Agricultural Society: but nothing in this section contained shall prevent the municipalities forming the Electoral Districts of Algoma East and West and of Muskoka and Parry Sound from forming and constituting new Electoral District Societies.

35

40

15. Section 57 of *The Controverted Elections Act* is hereby amended by adding thereto the following provisions: "And therein may determine all questions of law or fact which the Judges disagreeing might or should otherwise have determined, and in the same manner as in the opinion of the Court of Appeal the disagreeing Judges should otherwise have done; and in such case the Registrar of the Court of Appeal shall thereupon certify to the Speaker, or if there is no Speaker, to the Clerk of the House, the judgment and decision of the Court upon the case, in the same manner, and to the same effect, as according to the judgment and decision of the Court of Appeal, the trial judges should have done."

45

50

"(2) Or instead of determining all questions of law or fact, the Court of Appeal may refer the case back to the Trial Judges, with such declarations and directions as the said Court of Appeal may think fit; and the Trial Judges shall thereupon dispose of the case (including costs) in accordance with, and so as to give effect to such declarations and directions, and the

55

Registry divisions not affected.

Electoral District Agricultural Societies not affected.

R. S. O. c. 11, s. 57, amended. Powers of Court of Appeal when Judges at trial disagree

said trial judges shall certify to the Speaker or Clerk as the case may require ;”

Effect to be given to R.S. O. c. 11, s. 57, as amended.

16. The said 57th section of *The Controverted Elections Act* shall be construed and have effect in every case which has heretofore arisen, or is now pending, or which shall hereafter arise, as if the words and provisions in the next preceding section set forth were in the said *Act* at the time of the passing thereof; and effect as aforesaid is to be given thereto notwithstanding any order, judgment, or decision heretofore made or pronounced in the case by the Court of Appeal or Trial Judges. 5 10

R. S. O. c. 12, s. 16, amended.

17. (1) Section 16 of the Revised Statute respecting the Legislative Assembly is amended by inserting after the word “Judge,” in the third line, the words “or Judges”; and by inserting after the word “void” in the fourth line the words “or of a certificate of the Registrar of the Court of Appeal, certifying that the election was void.” 15

(2) Section 17 of the said *Act* is hereby amended by striking out the words “from the Judge determining any election petition” in the second line of the said section, and inserting in lieu thereof the following words, “as in the preceding section mentioned.” 20

(3) Sections 16 and 17 of the said *Act* shall be construed and have effect in every case which has heretofore arisen, or is now pending, or which shall hereafter arise as if the said words were in the said Statute at the time of the passing thereof; and notwithstanding any order, or judgment, or decision heretofore made or pronounced in the case by the Court of Appeal or the Trial Judges. 25 30

Construction of R. S. O. c. 10, ss. 161, 162, declared.

18. Sections 161 and 162 of *The Election Act* (Chapter 10 of the Revised Statutes), were intended to be construed as if the said sections had at the time of the passing thereof been expressed as the same were amended by the 28th and 29th sections of *The Election Law Amendment Act, 1884*: 35

And it is hereby declared and enacted that, by the true intention of the said sections, and the 28th section of *The Controverted Elections Act*, the practices mentioned in the 161st section aforesaid were and are such practices only as should be committed with corrupt intent, and involved moral culpability, and as should be so found by the joint decision of the judges trying the petition against the candidate, (in this *Act* called the Trial Judges), or by the Court of Appeal; and the practices so mentioned in the said 161st section did not and do not include any practice not found by such joint decision or by the Court of Appeal, to be of the character aforesaid; and the said practices did not and do not include a practice committed (as provided by the 162nd section) “without any corrupt intent, and in an ignorance which was involuntary and excusable, and where the evidence shewed the candidate to have honestly desired and in good faith endeavoured as far as he could to have the election conducted according to law,” and did not and do not include a practice which is designated in the 164th section of the said *Election Act* as “a merely technical breach of law,” and a practice “not being an 40 45 50 55

intentional violation of law, and not involving moral culpability;”

And the said declarations and enactments of this section are for all purposes to be construed and to have effect from the time of the passing of the said *Revised Statutes*, as if the same had been expressed therein according to the hereby declared intention of the said enactments.

19. Whereas at a court held in pursuance of *The Contro-verted Elections Act* for the trial of a petition against the return of John Francis Dowling as member of the Legislative Assembly for the Electoral Division of the South Riding of the County of Renfrew at the general election held in February, 1883, the election of the said John Francis Dowling was by the said court declared to be void, and it appears by the certificates or reports of the judges who composed the said court, “that there was no reason to believe that corrupt practices extensively prevailed at said election,” and that the said judges differed as to “whether the said John Francis Dowling was guilty of a corrupt practice under section 161 of *The Election Act* ;” one of the said judges certifying that the difference was, “whether the said John Francis Dowling was guilty of a corrupt practice under section 161 of *The Election Act* in paying or consenting to the payment of the travelling expenses of certain voters to convey them to the poll;” the other of the said judges certifying the difference to be as to “whether the said John Francis Dowling was guilty of a corrupt practice under section 161 of *The Election Act*, he having committed an illegal act under section 154 of the said Act in sanctioning the payment of voters’ travelling expenses at such election, but without any corrupt intent, and in ignorance which was involuntary and excusable under a belief that so long as he did not personally bear or pay the said expenses it was not illegal, and under the belief that the said voters were bound or were willing to repay the said expenses, or allow them to be deducted from their wages;” and further, the said judge certified “that the evidence showed the said John Francis Dowling to have honestly desired and in good faith endeavoured as far as he could to have the said election conducted according to law ;” all which more fully appears by the respective certificates or reports of the said judges, entered upon the Journals of the Legislative Assembly, of the 24th January, 1884 ;

J. F. Dowling
declared duly
qualified for
election, etc.

And whereas under these circumstances it would be contrary to the intention of the Legislature, and would therefore be unjust, that the said John Francis Dowling should be subject to the disqualifications and other penalties and consequences intended only for acts found by the joint decision of the two trial judges, or by the Court of Appeal, to have been committed with corrupt intent, and involving moral culpability ;

It is therefore hereby declared and enacted that the said John Francis Dowling was not and is not, by virtue of the said reports or either of them, or of any finding, matter or thing therein contained, or of any judgment or order founded thereupon, to be deemed or held to have been guilty of a corrupt practice within the meaning of the said 161st section, and was not

Act may be
pleaded as a
bar to any
action.

by reason of the said reports or either of them or anything therein contained, or of any judgment or order founded thereupon, rendered incapable of being elected to or of sitting in the Legislative Assembly, or being entered in any voters' list as a voter, or voting at any election, or holding any office at the nomination of the Crown or Lieutenant-Governor of Ontario, or any municipal office, as respectively mentioned in the said 161st section ;

Commence-
ment of Act.

And it is further declared and enacted, that the said John Francis Dowling did not by means of the said reports or any judgment or order founded thereon, become, and was not and is not by reason thereof, incapable, or ineligible, or disqualified, within the meaning of the 11th section of the Act respecting the Legislative Assembly, or of the 161st section of *The Election Act* as aforesaid; and it is hereby declared and enacted that notwithstanding any report, certificate, finding, determination or judgment whatsoever heretofore made, given, rendered, found or adjudged by the said trial judges or either of them, or by the said Court of Appeal, the said John Francis Dowling was and has always been duly qualified to be elected and returned as and to be a member of the Legislative Assembly of the Province of Ontario; and he is hereby indemnified and exonerated from all liability to any penalty or other responsibility, and from any suit, demand or judgment which may have been or may be hereafter brought or rendered against him with respect to any such penalty or responsibility, for sitting or voting in the said Legislative Assembly while not otherwise disqualified than by the said reports, or any judgment, decision or order founded thereupon.

20. This Act may be pleaded as a bar and discharge to any petition or action pending or which may be filed or brought against the said John Francis Dowling for any matter, cause or thing mentioned in this Act, and shall also be a discharge of any judgment, decree or order for any such penalty as is mentioned in the next preceding section, and any costs in such judgment.

(See Dom. Act, 47 V. c. 14, with respect to Sir Charles Tupper's case.)

21. The several sections and provisions of this Act shall come into force and have effect as follows :

(1) Sections 2 to 6 both inclusive of this Act shall come into force and have effect on, from and after the first day of January next after the passing of this Act, except as to any assessment roll or assessment taken or made subsequent to the first day of July next after the passing thereof, under the special provisions of section 44 of *The Assessment Act* ; and with respect to any such last-mentioned assessment roll or assessment, and any list of voters based thereon, the said sections of this Act shall for all purposes, and as regards all matters, liabilities, duties and proceedings therein provided for, be deemed to come into force, and shall have effect on, from and after said first day of July.

(2) Section 10 of this Act and its sub-sections shall come into force and have effect on, from and after the dissolution or end of the present Legislative Assembly.

(3) All the other sections and provisions of this Act shall come into force and have effect on, from and after the passing of this Act.

(4) For the purposes of this section the expression "list of voters" shall mean the alphabetical list of voters prepared and made under and according to the provisions of *The Voters' Lists Act.* and of any Act amending the same.

SCHEDULES.

FORM 18.

(Referred to in Section 91.)

FORM OF OATH OF PERSON VOTING AS OWNER, TENANT OR OCCUPANT OF REAL ESTATE, OR AS A HOUSEHOLDER.

You *swear* (1) that you are the person named or purporting to be named by the name of _____ on the list of voters now shewn to you. (2) That on the (3) _____ day of _____ one thousand eight hundred and _____ you were actually, truly and in good faith possessed to your own use and benefit, as either owner, tenant or occupant, in your own right or in the right of your wife, of the real estate in respect of which your name is as aforesaid entered on the said list of voters, and are as such entitled to vote at this election :

That you ~~are~~ were at the time of the final revision and correction of the assessment roll on which said list of voters is based and are now ~~are~~ actually and in good faith a resident of and domiciled within this electoral district :

That you are of the full age of twenty-one years :

That you are a subject of Her Majesty either by birth or by naturalization ;

That you have not voted before at this election, either at this or any other polling place :

That you have not received anything, nor has anything been promised you either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm.*"

(2) The Deputy Returning Officer should hereupon show the voters' list to the voter.

(3) The date to be here inserted in administering the oath is AT THE CHOICE OF THE VOTER, to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the assessment roll upon which the voters' list used at the election is based ; or the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED.

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk or agent VOTING UPON A CERTIFICATE issued under Sec. 87, for "*on the list of voters now shewn to you,*" substitute "*on the list of voters for the Municipality of _____*" naming the municipality mentioned in the certificate.

FORM 19.

(Referred to in Section 91.)

ORDINARY FORM OF OATH OF PERSON VOTING IN RESPECT OF INCOME, OR AS A WAGE-EARNER.

You *swear* (1) that you are the person named or purporting to be named by the name of _____ on the list of voters now shewn to you : (2)

That on the (3) day of one thousand eight hundred and you were, and thenceforward have been continuously and still are a resident of this municipality ;

That at the said date, and for twelve months previously, you were from your trade, occupation, office, calling or profession, *in receipt of an income or wages amounting to* a sum not less than three hundred dollars ; (4).

That you are of the full age of twenty one years ;

That you are a subject of Her Majesty either by birth or by naturalization ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised to you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "swear" substitute "solemnly affirm."

(2) The Deputy Returning Officer should hereupon show the voters' list to the voter.

(3) The date to be here inserted in administering the oath, is the day certified by the clerk of the municipality to be the DATE OF THE FINAL REVISION and correction of the assessment roll upon which the voters' list used at the election is based for the municipality.

(4) If the municipality in which the voter is voting is a Township, there must be added at the end of this clause of the oath the words following:—"Estimating as part of said income or wages the fair value of any board or lodging had given to or received by me during the said twelve months as or in lieu of wages."

NOTE.--In the oath administered to a Deputy Returning Officer, poll clerk or agent VOTING UPON A CERTIFICATE issued under sec. 87, for "on the list of voters now shewn to you" substitute "on the list of voters for the municipality of" naming the municipality mentioned in the certificate.

FORM 20.

(Referred to in Section 91.)

FORM OF OATH FOR A LANDHOLDER'S SON.

You swear (1) that you are the person named or purporting to be named by the name of on the list of voters now shewn to you ; (2)

That on the (3) day of one thousand eight hundred and , A. B. (4) was, as you verily believe actually, truly, and in good faith possessed to his (5) own use as owner, tenant or occupant of the property in respect of which your name is so as aforesaid entered on the said voters' list, and was then actually and in good faith residing and domiciled upon said property ;

That you are a son (6) of the said A. B. ; (4)

That you resided within this municipality with the said A. B., for, and during the whole of the twelve months next before the return by the Assessor of the assessment roll on which the voters' list used at this election is based, not having been absent during that period, except temporarily and not more than four months in all ;

That you are still a resident of this Electoral District, and are entitled to vote at this election ;

That you are of the full age of twenty-one years ;

That you are a subject of Her Majesty either by birth or by naturalization ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "swear" substitute "solemnly affirm."

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is the day certified by the clerk of the municipality to be the date of the RETURN by the assessor of the assessment roll upon which the voters' list used at the election is based;

(4) The name of the voter's father, or step-father, or mother, or step-mother should be inserted here.

(5) If the name of the voter's mother is inserted, then for "his" substitute "her."

(6) If the voter is voting as a "stepson," or "grandson," or "son in-law," then for the word "son" substitute the word "stepson," or "grandson," or "son in-law" as the case may be.

NOTE.—In the oath administered to Deputy Returning Officer, poll-clerk, or agent VOTING UPON A CERTIFICATE issued under Sec. 87, for "on the list of voters now shewn to you," substitute "on the list of voters for the Municipality of _____," naming the municipality mentioned in the certificate.

FORM 21.

(Referred to in Section 91.)

FORM OF OATH TO BE TAKEN BY VOTER ON A SUPPLEMENTARY LIST OF VOTERS, MADE WHERE ADDITIONS HAVE BEEN MADE TO A CITY, TOWN OR VILLAGE, OR A NEW VILLAGE HAS BEEN FORMED COMPOSED OF TERRITORY SITUATED IN TWO OR MORE ELECTORAL DISTRICTS.

You swear (1) that you are the person named or purporting to be named by the name of _____ on the supplementary list of voters now shewn unto you; (2)

That on the (3) _____ day of _____ one thousand eight hundred and _____ you were actually, truly and in good faith possessed to your own use and benefit as owner, tenant or occupant, in your own right or in the right of your wife, of the real estate in respect of which your name is entered on the said supplementary list of voters, and are as such entitled to vote in this election;

That you are actually and in good faith a resident of and domiciled within this Electoral District;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty either by birth or by naturalization;

That you have not voted before at this election, either at this or any other polling place;

That you have not received anything nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "swear" substitute "solemnly affirm."

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is AT THE CHOICE OF THE VOTER to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the assessment roll upon which the voters' list used at the election is based; or the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED.

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk or agent, VOTING UPON A CERTIFICATE issued under Sec. 87, for "on the list of voters now shewn to you" substitute "on the list of voters for the Municipality of _____," naming the municipality mentioned in the certificate.

2nd Session, 5th Legislature, 48 Vic., 1885

BILL.

An Act to further extend the Franchise.

First Reading, 5th March, 1885.
Second " 24th March, 1885.

*(Reprinted as Amended by Committee of
Whole House.)*

Mr. FRASER.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act to further extend the Franchise.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 This Act may be cited and known as *The Franchise* Short title.
5 *and Representation* Act, 1885.

2. Section 2 of *The Election Act*, and its sub-sections, are R. S. O., c. 10,
hereby repealed, and the following is substituted instead thereof: s. 2, repealed.

2. Unless otherwise declared or indicated by the context, Interpretation
10 wherever any of the following words or expressions occur in
this Act, they shall have the meanings hereinafter expressed,
that is to say:—

(1) The word "owner" shall signify and mean proprietor, Owner.
15 either in his own right or in the right of his wife, of an estate
for life, or any greater estate either legal or equitable;

(2) The word "occupant" shall signify and mean a person Occupant.
bona fide occupying property otherwise than as owner or
tenant, either in his own right or in the right of his wife, but
20 being in possession of such property and enjoying the revenues
and profits arising therefrom to his own use;

(3) The word "tenant" shall include any person who in- Tenant.
stead of paying rent in money is bound to render to the owner
any portion of the produce of such property;

25 (4) The expression "landholder" shall mean and include: Landholder.

(a) Any person who being the owner of and residing
and domiciled upon real property of at least twenty
30 acres in extent, or of at least an actual value in
cities and towns of four hundred dollars, and in
townships and incorporated villages of two hundred
dollars, is, in the last revised assessment roll of the
municipality where such property is situate,
entered and assessed as owner of said property of
35 at least the number of acres or *the* assessed value
aforesaid, and

(b) Any person actually residing and domiciled in any
dwelling house as tenant thereof, where such
dwelling house and the land, if any, held therewith
by such person as such tenant is of at least an actual
40 value in cities and towns of four hundred dollars,
and in townships and incorporated villages of two
hundred dollars, and is at not less than such value

entered and assessed in the name of such person in the last revised assessment roll of the municipality wherein the same is situate.

- Landholder's son.** (5) The expression "landholder's son" shall mean and include a son, step-son, grandson, or *son-in-law*, as the case may be, of any land-holder; 5
- Wage-earner.** (6) The expression "wage-earner" shall mean any person entered in the last revised assessment roll of a city, town, incorporated village or township, as one having or deriving an annual income or wages of not less than three hundred dollars, but who is not entered or assessed in said roll for a taxable income of at least three hundred dollars; 10
- Dwelling-house.** (7) The expression "dwelling-house" shall mean and include any part of a house when that part is separately occupied and resided in as a dwelling, and also any land where such land is separately occupied or resided upon as and is a part of the premises belonging to and used with such dwelling; 15
- Householder.** (8) The expression "householder" shall mean any person entered in the revised assessment roll of a city, town, township or incorporated village as sole tenant and occupant of and actually resident in a dwelling-house situate therein, but shall not mean nor include, 20
- (a) Any person who is so entered or who is actually a joint tenant or occupant of such dwelling-house with any other person; nor 25
- (b) Any person who is a mere lodger or boarder in a house.
- Local Municipality,** (9) The expression "local municipality" shall mean and include a city, town, incorporated village or township, as the case may be. 30
- Election.** (10) The word "election" shall mean an election of a member to serve in the Legislative Assembly;
- To vote.** (11) The expression "to vote" shall mean to vote at the election of a member of the Legislative Assembly;
- Electoral district.** (12) The expression "electoral district" shall mean any county or other place or portion of this Province, entitled to return a member to the Legislative Assembly; 35
- Voters' list.** (13) The expression "voters' list" shall mean the copy of the voters' list furnished in accordance with section 56 of this Act; 40
- Last revised assessment roll.** (14) The expression "last revised assessment roll" shall mean the last revised assessment roll of a city, town, incorporated village or township;
- Corrupt practice.** (15) The expression "corrupt practices" or "corrupt practice" shall mean bribery, treating and undue influence, or any of such offences as defined by this or any Act of the Legislature, or recognized by the Common Law of the Parliament of England; also any violation of sections 151, 154, or 156 of this Act, and any violation of section 157 of this Act during the hours appointed for polling. 45 50

3. Section 7 of *The Election Act*, and its sub-sections, R. S. O., c. 10, are hereby repealed, and the following is substituted there- s. 7, repealed.
for :—

7. The following persons, and no others, being males and of the ^{Who may vote}
5 full age of twenty-one years, and subjects of Her Majesty by birth ^{at elections.}
or naturalization, and not being disqualified under the preced-
ing sections, or otherwise by law prevented from voting, shall,
if duly entered on the list of voters proper to be used at the
election then pending, according to the provisions of *The Voters'*
10 *Lists Act*, or of this Act, be entitled to vote at elections of
members to serve in the Legislative Assembly of this Province,
that is to say :—

Firstly.—Every male person entered on the revised assess- ^{Real property}
ment roll, upon which the voters' list to be used at the election ^{qualification.}
15 is based for any city, town, incorporated village or township,
for real property of the value hereinafter mentioned, and being
at the time of the final revision and correction of said assess-
ment roll, and also ~~at~~ at the time of the election, a resident
of and domiciled within the Electoral District for which he
20 claims to vote.

(2) Such person must (subject to the provisions here- ^{Value of real}
inafter contained) have been rated on such assess- ^{property}
ment roll as the owner, tenant or occupant of real ^{necessary.}
25 property of the actual value of not less than the
following :—

In cities and towns, two hundred dollars ;
In incorporated villages and townships, one hundred
dollars ;

(3) Where any real property is owned or occupied ^{Joint owners.}
30 jointly by two or more persons, and is rated at an
amount sufficient, if equally divided between them,
to give a qualification to each, then each of them
shall be deemed rated within this Act, otherwise
none of them shall be deemed so rated.

35 *Secondly.*—Every male person who is residing at the time of ^{Income}
the election in the local municipality in which he tenders his vote ^{franchise.}
and has resided therein continuously since the completion of the
last revised assessment roll of the municipality, and derives an
income from some trade, occupation, calling, office or profession
40 of not less than *two hundred and fifty* dollars annually, and
has been assessed for such income in and by the assessment
roll of the municipality upon which the voters' list used at
the election is based.

Thirdly.—Every male person entered on the last revised ^{Wages}
45 assessment roll as a wage-earner who is residing at the time of ^{franchise.}
the election in the local municipality in which he tenders his
vote, and has resided therein continuously since the completion
of the last revised assessment roll of the municipality, and who
has during the twelve months next prior to being so entered,
50 derived or earned wages or income from some trade, occupa-
tion, calling, office, or profession of not less than *two hundred*
and fifty dollars.

(2) In estimating or ascertaining the amount of wages
or income so earned or derived by any person so
55 entered as a wage earner in the assessment roll of

a municipality, not being a city, town or village, the fair value of any board or lodging furnished or given to or received or had by such person as or in lieu of wages or as part thereof shall be considered or included.

5

Householder.

Fourthly.—Every male person entered as a householder in the last revised assessment roll of the local municipality in which he tenders his vote, who is residing at the time of the election in the said municipality, and has resided there continuously since the completion of said last revised assessment roll.

10

Landholders' sons.

Fifthly.—Every landholder's son who is resident at the time of the election in the local municipality in which he tenders his vote, and has resided therein with *and* in the residence or dwelling of *the landholder whose son he is*, for twelve months next prior to the return by the assessors of the assessment roll on which the voters' lists used at the election is based, and who has been duly entered and named in said assessment roll as such landholder's son.

15

(2) Occasional or temporary absence from such residence or dwelling for a time or times not exceeding 20 in the whole *six* months of the twelve hereinbefore mentioned, shall not operate to disentitle a landholder's son to vote under this Act.

Indians.

Sixthly.—Where there is a voters' list, all Indians, or persons with part Indian blood, who have been duly enfranchised, and 25 all Indians or persons with part Indian blood who do not reside among Indians, though they participate in the annuities, interest, moneys and rents of a tribe, band or body of Indians, subject to the same qualifications in other respects, and to the same provisions and restrictions as other persons in the elec- 30 toral district ;

(2) But the Indians or persons with part Indian blood who are entitled to vote where there is no voters' list shall be only the following, namely:—
“ All Indians, or persons with part Indian blood, 35 who have been duly enfranchised, and all unenfranchised Indians or persons with part Indian blood who do not participate in the annuities, interest, moneys, or rents of a tribe, band or body of Indians, and do not reside among Indians, subject to the 40 same qualifications in other respects, and to the same provisions and restrictions, as other persons in the electoral district.”

(3) Where there is no voters' list any person alleged by a candidate, or the agent of a candidate, to be 45 an Indian, or person with part Indian blood, shall, if required by such candidate or agent, or by the returning officer, take the following oath or affirmation in addition to any other oath required by a voter under the law:—

50

You swear that you do not participate in the annuities, interests, moneys or rents of any tribe, band or body of Indians, and do not reside among Indians.

Or, at his option, the following:—

You swear that you are not an Indian, nor a person with part 55 Indian blood.

Seventhly.—In such of the municipalities, townships and places in the Electoral Districts of Algoma East, Algoma West, East Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew, Muskoka and Parry Sound as have no assessment roll, and subject to the provisions hereinafter contained, every male person of the full age of twenty-one years, being a subject of Her Majesty by birth or naturalization, and being not otherwise disqualified, who is at the time of the election a resident of and domiciled within the Electoral District for which he claims to vote, and is actually and *bona fide* owner of real estate in such electoral district of the value of two hundred dollars or upwards, or who is at the time of the election a resident householder of such place, and has been such owner or householder for the six months next preceding the election.

15 (2) A person is not an owner within the meaning of the said provision designated seventhly, where the land of which he claims to be owner has never been granted or patented by the Crown, and a person who is a mere lodger or boarder in a house is not a "resident householder" in respect of such house.

20 (3) In any part of the Electoral District of Algoma West, Algoma East, Muskoka, or Parry Sound in which there is no assessment roll or voters' list, residence by an owner shall be necessary for the same period as residence by a householder, in order to qualify a voter.

25 *Eighthly.*—No person shall be entitled to vote in unorganized territory on property which is wholly or partly in an organized municipality.

30 4. Sections 8, 9 and 10 of *The Election Act* and sub-section 3 of section 3 of *The Voters' Lists Finality Act*, and section 14 of the Act passed in the 42nd year of the reign of Her Majesty and chaptered four, and section 14 of *The Election Law Amendment Act, 1884*, are hereby repealed.

R. S. O., c. 10, ss. 8-10; 41 V., c. 21, s. 3, sub-s. 3; 42 V., c. 4, s. 14; and 47 V., c. 4, s. 14, repealed.

5. Section 5 of *The Election Amendment Act, 1883*, is hereby repealed and the following is substituted therefor:—

46 V., c. 2, s. 5, repealed.

40 5. The following is substituted for sub-section 2 of section 91 of *The Election Act* as amended by the 17th section of the Act passed in the 42nd year of Her Majesty's reign, chaptered 4:—

45 (2) Any person whose name is entered upon said list of voters as owner, tenant or occupant of real estate, or as a landholder's son, or as a householder, and who is required to take such oath or affirmation as aforesaid, shall be at liberty to select for himself for that purpose either of the said forms numbered 18 and 20 in Schedule A, whatever may be the description either in the voters' list or assessment roll as to the qualification or character in respect of which he is entered upon the said list or roll; and where the person claims to be entitled to vote in respect of *taxable* income or as a wage-earner, the oath or affirmation to be taken shall be according to form 19 in said Schedule A, and where the person claims to be entitled to vote in respect of a supplementary voters' list in any of the

Voter may select form of oath in certain cases.



cases mentioned in sections 75 and 77 of this Act, the oath or affirmation to be taken shall be according to form 21 in said Schedule A.

Forms of oath. **6.** The forms of oaths or affirmations to be taken by voters shall be the forms appended to *this* Act, and numbered 18, 19, 20 and 21, which are respectively substituted for the forms numbered 18, 19, 20 and 21, in Schedule A to *The Election Act*, as amended 5

(1) By the Act passed in the forty-second year of Her Majesty's reign, chaptered four, and

(2) By *The Election Amendment Act, 1883*; 10



But nothing in this Act contained shall be deemed or construed as repealing, altering, or affecting any of the provisions of sections 22 and 23 of *The Election Law Amendment Act, 1884*, or any of the forms of oaths in the schedules to said last mentioned Act contained or set forth. 15


Legislative Assembly to consist of ninety members. **7.** The Legislative Assembly shall be composed of *ninety* members, and the Province shall, for the purposes of the election of members to serve in the Legislative Assembly, continue to be divided into the Electoral Districts established by the Revised Statutes of Ontario, chapter 8, each represented as it now is, except *as and* where altered by this Act;  Provided always, however, that until section 10 of this Act and its sub-sections are in full force and effect, said Legislative Assembly shall be composed of eighty-nine members only.  20


Algoma. **8.** The present Electoral District of Algoma shall be divided into two Ridings, for the purposes of representation in the Legislative Assembly, and each of such Ridings shall form an Electoral District, to be called respectively Algoma West and Algoma East, and each Riding shall return one member. 25



(a) Algoma West shall consist of all that part of said Electoral District situate west of the meridian of eighty-seven degrees of west longitude, being all that part of Algoma District known as the *Provisional Judicial* District of Thunder Bay. 30



(b) Algoma East shall consist of all the rest and remainder of the aforesaid Electoral District of Algoma. 35

 **9.** (1) In such of the municipalities, townships and places in the Electoral Districts of Algoma West and Algoma East as have no assessment roll, the only persons entitled to vote at elections of members to serve in the Legislative Assembly of this Province, shall be every male person of the full age of twenty-one years, being a subject of Her Majesty by birth or naturalization, and being not otherwise disqualified, who is at the time of the election a resident of and domiciled within the Electoral District for which he claims to vote, and who is actually and *bona fide* the owner of real estate in such electoral district of the value of two hundred dollars or upwards, or who is at the time of the election a resident householder of such place, and has been such owner or householder for the six months next preceding the election.  40

 (2) A person is not an owner within the meaning of this section, where the land of which he claims to be 50

owner has never been granted or patented by the Crown, and a person who is a mere lodger or boarder in a house is not a "resident householder" in respect of such house. 

5  (3) In any part of the said Electoral Districts in which there is no assessment roll or voters' list, residence by an owner shall be necessary for the same period as residence by a householder, in order to qualify a voter. 

10  (4) No person shall be entitled to vote in unorganized territory, in either of said Electoral Districts, on property which is wholly or partly in an organized municipality. 

15 **10.** (1) The present division of the County of Bruce into two Bruce. Ridings is hereby abolished, and the said County shall be divided into three Ridings, to be called respectively the South, the Centre, and the North Riding of the County of Bruce, and each Riding shall return one member.

20 (a) The South Riding shall consist of the Townships of Brant, Carriek, Culross and Kinloss, the Town of Walkerton, and the Villages of Lucknow and Teeswater.

25 (b) The Centre Riding shall consist of the Townships of Greenock, Kincardine, Elderslie and Huron, the Town of Kincardine, and the Villages of Paisley and Chesley.

30 (c) The North Riding shall consist of the Townships of Bury St. Edmunds, Lindsay, Eastnor, Albermarle, Amabel, Arran, Saugeen and Bruce, and the Villages of Southampton, Port Elgin, Wiarton, Tara and Tiverton.

(2) The present three Ridings of the Counties of Leeds and Leeds and Grenville. Grenville are hereby abolished, and that portion of the said territory which remains after constituting the Electoral District of Brockville shall be divided into two Counties, to be called Grenville. respectively the County of Leeds, and the County of Grenville, and each County shall return one member.

40 (a) The County of Leeds shall consist of the Township called the Front of Leeds and Lansdowne, the Township called the Rear of Leeds and Lansdowne, the Townships of South Crosby, North Crosby, Bastard and South Burgess, Kitley and Elmsley *South*, and the Villages of Gananoque and Newboro'.

45 (b) The County of Grenville shall consist of the Townships of Augusta, Edwardsburgh, Oxford, Wolford and South Gower, the Town of Prescott, and the Villages of Kemptville, Merrickville and Cardinal.

50 (3) The present three Ridings of the County of Simcoe are Simcoe. hereby abolished, and the territory hereinafter mentioned, being that portion of the County of Simcoe which remains after constituting the Electoral Districts of Cardwell, Muskoka, and Parry Sound, shall be divided into three Ridings, to be called respectively the East, the Centre, and West Riding of the County of Simcoe, and each Riding shall return one member.



- (a) The East Riding shall consist of the Townships of Tay, Orillia, Matchedash, Medonte and Oro, the Towns of Orillia, and Penetanguishene, and the Village of Midland.
- (b) The Centre Riding shall consist of the Townships of Tiny, Vespra, Flos and Sunnidale, and the Town of Barrie. 5
- (c) The West Riding shall consist of the Townships of Tossorontio, Essa and Nottawasaga, the Town of Collingwood, and the Villages of Stayner and Alliston 10





Toronto.

(4) The present division of the City of Toronto into two Electoral Districts is hereby abolished, and the said city shall hereafter form one Electoral District and shall return three members.



- (a) The Town of Parkdale adjoining the said city shall, 15 for the purposes of this Act and for the return of the said three members, be added to and included in the said Electoral District of the City of Toronto.
- (b) At a contested election for *the electoral district of said city* no person shall vote for more than two candidates. 20
- (c) The fifteenth section of the forty-sixth chapter of the Acts passed in the forty-sixth year of Her Majesty's reign, entitled *An Act respecting the City of Toronto and the Village of Yorkville and other matters*, is hereby repealed. 25





Muskoka and Parry Sound.

(5)  The Electoral District of Muskoka and Parry Sound is hereby divided into the Electoral District of Muskoka and the Electoral District of Parry Sound, and each district shall return one member .

- (a)  The Electoral District of Muskoka shall consist of 30 all the municipalities and territory comprising the Territorial District of Muskoka. .
- (b)  The Electoral District of Parry Sound shall consist of all the municipalities and territory comprising the Territorial District of Parry Sound.  35

Victoria.

(6)  The present Ridings of North and South Victoria are hereby abolished, and the said county shall be divided into two ridings, to be called respectively West Victoria and East Victoria, and each Riding shall return one member. .

- (a)  The West Riding shall consist of the Townships of 40 Ops, Mariposa, Eldon, Carden and Dalton; the Town of Lindsay and the Village of Woodville. .
- (b)  The East Riding shall consist of the Townships of Emily and Verulam; the Villages of Omemee and Bobcaygeon, and all of the other municipalities, includ- 45 ing the Provisional County of Haliburton, which heretofore formed the Riding of North Victoria, except only the aforesaid municipalities of Dalton, Carden, Eldon and Woodville. .

Township of Tuscarora added to North Brant.

(7) The Township of Tuscarora, now belonging to the Elec- 50 toral District of South Brant, shall be added to and included in the Electoral District of North Brant.

(8) The Electoral District of Brockville shall consist of the Brockville.
Town of Brockville, and the Township of Elizabethtown,
the Township called Front of Yonge, the Township called
Rear of Yonge and Escott, and the Township called Front of
5 Escott.

(9) The Electoral District of Cardwell shall consist of the Cardwell.
Townships of Albion, Adjala, Tecumseth, Innisfil and West
Gwillimbury, and the Villages of Bolton and Bradford.

(10) The Township of East Luther, forming part of the Township of
10 County of Dufferin for municipal purposes, but now belonging East Luther
to the Electoral District of Centre Wellington, shall be added added to
to and included in the Electoral District of the County of Dufferin.
Dufferin.

(11) The Township of Caledon, now belonging to the Elec- Township of
15 toral District of Cardwell, and being part of the County of Caledon added
Peel, shall be added to and included in the Electoral District of to Peel.
the County of Peel.

(12) The Electoral District of Cornwall is hereby abolished, Cornwall
and the Town and Township of Cornwall shall be added to and
20 and included in the Electoral District of the County of Stormont.
Stormont, and the said District shall hereafter be called the
Electoral District of Cornwall and Stormont.

(13) The Township of Kingston and the Village of Ports- Township of
25 mouth, now belonging to the Electoral District of the County Kingston and
of Frontenac, shall be added to and included in the Electoral Village of
District of the City of Kingston. Portsmouth
added to City
of Kingston.

(14) The Township of Pilkington, now belonging to the South Wel-
Riding of Centre Wellington, shall be added to and included in lington, East
the Riding of South Wellington, and the Township of Arthur Wellington,
30 and the Town of Mount Forest now belonging to the Riding West Welling-
of West Wellington, shall be added to and included in the ton.
Riding of Centre Wellington, which said last mentioned Riding
shall hereafter be known as and called the East Riding of the
County of Wellington; the Village of Arthur shall continue to
35 form part of and be included in the Electoral District of West
Wellington.

(15) The Electoral District of the County of Frontenac shall Frontenac.
consist of the Townships of Wolfe Island, Pittsburgh, Howe
Island, Storrington, Loughboro, Portland and Bedford, and the
40 Village of Garden Island.

(16) The Electoral District of the County of Addington shall Addington.
consist of the Townships of Camden, Sheffield, Hinchinbrooke,
Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon,
Palmerston, Effingham, Abinger, Miller, North and South Ca-
45 nonto, Ashby and Denbigh, and the Village of Newburgh.

(17) The Township of Proton, now belonging to the East South Grey
Riding of the County of Grey, shall be added to and included and Centre
in the South Riding of the County of Grey, and the Township Grey.
of Sullivan, now belonging to the North Riding of the County
of Grey, shall be added to and included in the East Riding of
50 of Grey, shall be added to and included in the East Riding of

the County of Grey, which latter Riding shall hereafter be called the Riding of Centre Grey.

West Elgin
and East
Elgin.

(18) The City of St. Thomas, now belonging to the East Riding of the County of Elgin, shall be added to and included in the West Riding of the County of Elgin, and the Village of Port Stanley, now belonging to the West Riding of the County of Elgin, shall be added to and included in the East Riding of the County of Elgin. 5

Richmond
Hill added to
East York.

(19) The Village of Richmond Hill, now belonging to the West Riding of the County of York, shall be added to and included in the East Riding of the County of York. 10

North and
South Essex.

(20) The Township of Anderdon now belonging to the South Riding of the County of Essex, shall be added to and included in the North Riding of the County of Essex, and the Township of Tilbury West, now belonging to the North Riding of the County of Essex, shall be added to and included in the South Riding of the County of Essex. 15

South Ontario.

(21) The Township of Reach, the Village of Port Perry, and the Municipality of Scugog Island, now belonging to the North Riding of the County of Ontario, shall be added to and included in the South Riding of the County of Ontario. 20

West Huron.

(22) That part of the Village of Blythe heretofore belonging to the East Riding of the County of Huron, shall be added to and included in the West Riding of the County of Huron; and that part of the Township of Turnbury heretofore belonging to the West Riding of the County of Huron shall be added to and included in the East Riding of the County of Huron. 25

City of London.

(23) The Town of London East, now belonging to the East Riding of the County of Middlesex, shall be added to and included in the City of London. 30

(24) The Township of Logan, now belonging to the North Riding of the County of Perth, shall be added to and included in the South Riding of the County of Perth.

(25) The word "Village," where mentioned in this section, shall mean an incorporated or police village. 35

11. Sections 7, 8 and 10 of this Act shall, as they respectively come into force and effect, be read with and construed as part of chapter 8 of the Revised Statutes of Ontario.

Amendments
of particular
sections.

12. (1) Section 3 of chapter 4 of the Acts passed in the forty-second year of Her Majesty's reign is hereby amended by 40 omitting therefrom the word "Algoma" wherever the same occurs in said section, and inserting instead thereof the words, "the Electoral District of Algoma West and the Electoral District of Algoma East."

(2) The said section 3 is further amended by omitting therefrom the words "that Electoral Division" where the same occur in the eleventh and twelfth lines of said section, and inserting instead thereof the words, "said Electoral Districts respectively." 45

☞ (3) The said section 3 is further amended by omitting therefrom the words "that Electoral District" where the same occur in the fifteenth line of said section, and inserting instead thereof the words "the same."

5 ☞ (4) Section 5 of said chapter 4 is also hereby amended by inserting therein after the word "Algoma" the words "West, and the Electoral District of Algoma East," and by omitting therefrom the words "as heretofore."

10 ☞ (5) Sections 4 and 6 of said chapter 4, and sub-section 2 of section 30 of *The Election Act*, and section 190 of said last mentioned Act, are also hereby amended by omitting from each of said sections and from said sub-section the words "Algoma, and of Muskoka and Parry Sound," and inserting instead thereof the words "Algoma West, Algoma East, Mus-

15 koka and Parry Sound."

☞ (6) Sections 78 and 92 of *The Election Act*, as amended by *The Election Law Amendment Act, 1884*, are hereby further amended by omitting therefrom respectively the words "district of Algoma," and inserting instead thereof the

20 words "Algoma East, Algoma West, East Victoria."

☞ (7) Section 17 of *The Election Law Amendment Act, 1884*, is hereby amended by omitting therefrom the words "district of Algoma," and inserting instead thereof the words "Electoral Districts of Algoma West and Algoma East."

25 **13.** ☞ Nothing in this Act shall be construed as effecting a change in the boundaries of any Riding for the purpose of registry of titles to lands. Registry divisions not affected.

30 **14.** ☞ Nothing in this Act contained shall affect the Electoral District Agricultural Societies as heretofore constituted, nor shall the change hereby made of a municipality from one Riding or Electoral District to another have the effect of transferring such municipality to another Electoral District Agricultural Society; but nothing in this section contained shall prevent the municipalities forming the Electoral Districts of

35 Algoma East and West and of Muskoka and Parry Sound from forming and constituting new Electoral District Societies. Electoral District Agricultural Societies not affected.

15. Section 57 of *The Controverted Elections Act* is hereby amended by adding thereto the following provisions: "And therein may determine all questions of law or fact which

40 the Judges disagreeing might or should have determined, and in the same manner as in the opinion of the Court of Appeal the disagreeing Judges should have done; and in such case the Registrar of the Court of Appeal shall thereupon certify to the Speaker, or if there is no Speaker,

45 to the Clerk of the House, the judgment and decision of the Court upon the case, in the same manner, and to the same effect, as according to the judgment and decision of the Court of Appeal, the trial judges should have done. R. S. O. c. 11, s. 57, amended. Powers of Court of Appeal when Judges at trial disagree

"(2) Or instead of determining all questions of law or fact, the

50 Court of Appeal may refer the case back to the Trial Judges, with such declarations and directions as the said Court of Appeal may think fit; and the Trial Judges shall thereupon dispose of the case (including costs) in accordance with, and so as to give effect to such declarations and directions, and the

said trial judges shall certify to the Speaker or Clerk as the case may require ;”

Effect to be given to R.S. O. c. 11, s. 57, as amended.

16. The said 57th section of *The Controverted Elections Act* shall be construed and have effect in every case which has heretofore arisen, or is now pending, or which shall hereafter arise, as if the words and provisions *hereinbefore in the next preceding section* set forth were in the said *Act* at the time of the passing thereof; and effect as aforesaid is to be given thereto notwithstanding any order, judgment, or decision heretofore made or pronounced in the case by the Court of Appeal or Trial Judges. 5 10

R. S. O. c. 12, ss. 16 and 17 amended.

17. (1) Section 16 of the Revised Statute respecting the Legislative Assembly is amended by inserting after the word “Judge,” in the third line, the words “or Judges”; and by inserting after the word “void” in the fourth line the words “or of a certificate of the Registrar of the Court of Appeal, certifying that the election was void.” 15

(2) Section 17 of the said Act is hereby amended by striking out the words “from the Judge determining any election petition” in the second line of the said section, and inserting in lieu thereof the following words, “as in the preceding section mentioned.” 20

(3) Sections 16 and 17 of the said Act shall be construed and have effect in every case which has heretofore arisen, or is now pending, or which shall hereafter arise as if the said words were in the said Statute at the time of the passing thereof; and notwithstanding any order, or judgment, or decision heretofore made or pronounced in the case by the Court of Appeal or the Trial Judges. 25

Construction of R. S. O. c. 10, ss. 161, 162, declared.

18. Sections 161 and 162 of *The Election Act* (Chapter 10 of the Revised Statutes), were intended to be construed, and shall hereafter be construed both as respects acts heretofore done, and acts which may be hereafter done, as if the said sections had at the time of the passing thereof been expressed as the same were amended by the 28th and 29th sections of *The Election Law Amendment Act, 1884*: 30 35

And it is hereby declared and enacted that, by the true intention of the said sections, and the 8th section of *The Controverted Elections Act* the practices mentioned in the 161st section aforesaid and therein called corrupt practices was and is such practice only as should be committed with corrupt intent, and involved moral culpability, and as should be so found by the joint decision of the judges trying the petition against the candidate, (in this Act called the Trial Judges), or by the Court of Appeal; and the practices so mentioned in the said 161st section did not and does not include any practice not found by such joint decision or by the Court of Appeal, to be of the character aforesaid; and the said practices did not and does not include a practice committed (as provided by the 162nd section) “without any corrupt intent, and in an ignorance which was involuntary and excusable, and where the evidence shewed the candidate to have honestly desired and in good faith endeavoured as far as he could to have the election conducted according to law,” and did not and does not include a practice which is designated in the 164th section of the said *Election Act* as “a 40 45 50 55

merely technical breach of law," and a practice "not being an intentional violation of law, and not involving moral culpability ;"

And the said declarations and enactments of this section are for all purposes to be construed and to have effect from the time of the passing of the said *Revised Statutes*, as if the same had been expressed therein according to the hereby declared intention of the said enactments.

19. Whereas at a court held in pursuance of *The Contro- J. F. Dowling*
 10 *verted Elections Act* for the trial of a petition against the declared duly
 return of John Francis Dowling as member of the Legis- qualified for
 lative Assembly for the Electoral Division of the South Riding election, etc.
 of the County of Renfrew at the general election held in February, 1883, the election of the said John Francis Dowling was by the
 15 said court declared to be void, and it appears by the certificates and reports of the judges who composed the said court, "that there was no reason to believe that corrupt practices extensively pre-
 20 vailed at said election," and that the said judges differed as to "whether the said John Francis Dowling was guilty of a
 corrupt practice under section 161 of *The Election Act* ;" one of the said judges certifying that the difference was, "whether
 the said John Francis Dowling was guilty of a corrupt practice under section 161 of *The Election Act* in paying
 25 or consenting to the payment of the travelling expenses of certain voters to convey them to the poll ;" the other of
 the said judges certifying the difference to be as to "whether the said John Francis Dowling was guilty of a corrupt
 practice under section 161 of *The Election Act*, he having committed an illegal act under section 154 of the said Act
 30 in sanctioning the payment of voters' travelling expenses at such election, but without any corrupt intent, and in ignorance which was involuntary and excusable under a belief that
 so long as he did not personally bear or pay the said expenses it was not illegal, and under the belief that the said voters were
 35 bound or were willing to repay the said expenses, or allow them to be deducted from their wages ;" and further, the said
 judge certified "that the evidence shewed the said John Francis Dowling to have honestly desired and in good faith
 endeavoured as far as he could to have the said election
 40 conducted according to law ;" all which more fully appears by the respective certificates or reports of the said judges, entered
 upon the Journals of the Legislative Assembly, of the 24th January, 1884 ;

And whereas under these circumstances it would be con-
 45 trary to the intention of the Legislature, and would therefore be unjust, that the said John Francis Dowling should be sub-
 ject to the disqualifications and other penalties and consequences intended only for acts found by the joint decision of
 the two trial judges, or by the Court of Appeal, to have
 50 been committed with corrupt intent, and to be acts involving moral culpability ;

It is therefore hereby declared and enacted that the said John Francis Dowling was not and is not, by virtue of the said
 reports or either of them, or of any finding, matter or thing therein
 55 contained, or of any judgment or order founded thereupon, to be deemed or held to have been guilty of a corrupt practice
 within the meaning of the said 161st section, and was not

by reason of the said reports or either of them or anything therein contained, or of any judgment or order founded thereupon, rendered incapable of being elected to or of sitting in the Legislative Assembly, or being entered in any voters' list as a voter, or voting at any election, or holding any office at the nomination of the Crown or Lieutenant-Governor of Ontario, or any municipal office, as respectively mentioned in the said 161st section ;

And it is further declared and enacted, that the said John Francis Dowling did not by means of the said reports or any judgment or order founded thereon, become, and was not and is not by reason thereof, incapable, or ineligible, or disqualified, within the meaning of the 11th section of the *Act respecting the Legislative Assembly*, or of the 161st section of *The Election Act* as aforesaid or of any other section or provision of either of the said Acts; and it is hereby declared and enacted that notwithstanding any report, certificate, finding, determination or judgment whatsoever heretofore made, given, rendered, found or adjudged by the said trial judges or either of them, or by the said Court of Appeal, the said John Francis Dowling was and has always been duly qualified to be elected and returned as and to be a member of the Legislative Assembly of the Province of Ontario; and he is hereby indemnified and exonerated from all liability to any penalty or other responsibility, and from any suit, demand or judgment which may have been or may be hereafter brought or rendered against him with respect to any such penalty or responsibility, for sitting or voting in the said Legislative Assembly while not otherwise disqualified than by the said reports, or any judgment, decision or order founded thereupon.

Act may be pleaded as a bar to any action.

20. This Act may be pleaded as a bar and discharge to any petition or action pending or which may be filed or brought against the said John Francis Dowling for any matter, cause or thing mentioned in this Act, and shall also be a discharge of any judgment, decree or order for any such penalty as is mentioned in the next preceding section, and any costs in such judgment.

(See Dom. Act, 47 V. c. 14, with respect to Sir Charles Tupper's case.)

Commencement of Act.

21. The several sections and provisions of this Act shall come into force and have effect as follows :

(1) Sections 2 to 6 both inclusive of this Act shall come into force and have effect on, from and after the first day of January next after the passing of this Act, except as to any assessment roll or assessment taken or made subsequent to the first day of July next after the passing thereof, under the special provisions of section 44 of *The Assessment Act* ; and with respect to any such last-mentioned assessment roll or assessment, and any list of voters based thereon, the said sections of this Act shall for all purposes, and as regards all matters, liabilities, duties and proceedings therein provided for, be deemed to come into force, and shall have effect on, from and after said first day of July.

(2) Section 10 of this Act shall come into force and have effect on, from and after the dissolution or end of the present Legislative Assembly.

(3) All the other sections and provisions of this Act shall come into force and have effect on, from and after the passing of this Act.

(4) For the purposes of this section the expression "list of voters" shall mean the alphabetical list of voters prepared and made under and according to the provisions of *The Voters' Lists Act*, and of any Act amending the same.

SCHEDULE.

FORM 18.

(Referred to in R. S. O. c. 10, Section 91.)

FORM OF OATH OF PERSON VOTING AS OWNER, TENANT OR OCCUPANT OF REAL ESTATE, OR AS A HOUSEHOLDER.

You swear (1) that you are the person named or purporting to be named by the name of _____ on the list of voters now shewn to you. (2) That on the (3) _____ day of _____ one thousand eight hundred and _____ you were actually, truly and in good faith possessed to your own use and benefit, as either owner, tenant or occupant, in your own right or in the right of your wife, of the real estate in respect of which your name is as aforesaid entered on the said list of voters, and are as such entitled to vote at this election;

That you were at the time of the final revision and correction of the assessment roll on which said list of voters is based and are now actually and in good faith a resident of and domiciled within this electoral district;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty either by birth or by naturalization;

That you have not voted before at this election, either at this or any other polling place;

That you have not received anything, nor has anything been promised you either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "swear" substitute "*solemnly affirm.*"

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is AT THE CHOICE OF THE VOTER, to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the assessment roll upon which the voters' list used at the election is based; or the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED.

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk or agent VOTING UPON A CERTIFICATE issued under Sec. 87, for "*on the list of voters now shewn to you,*" substitute "*on the list of voters for the Municipality of _____,*" naming the municipality mentioned in the certificate.

FORM 19.

(Referred to in R. S. O. c. 10, Section 91.)

ORDINARY FORM OF OATH OF PERSON VOTING IN RESPECT OF INCOME, OR AS A WAGE-EARNER.

You swear (1) that you are the person named or purporting to be named by the name of _____ on the list of voters now shewn to you; (2)

That on the (3) day of one thousand eight hundred and you were, and thenceforward have been continuously and still are a resident of this municipality ;

That at the said date, and for twelve months previously, you were from your trade, occupation, office, calling or profession, *in receipt of an income or wages amounting to a sum not less than two hundred and fifty dollars* ; (4).

That you are of the full age of twenty one years ;

That you are a subject of Her Majesty either by birth or by naturalization ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised to you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm.*"

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath, is the day certified by the clerk of the municipality to be the DATE OF THE FINAL REVISION and correction of the assessment roll upon which the voters' list used at the election is based for the municipality.

(4) If the municipality in which the voter is voting is a Township, there must be added at the end of this clause of the oath the words following:—"*Estimating as part of said income or wages the fair value of any board or lodging had, given to, or received by me during the said twelve months as or in lieu of wages.*"

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk or agent VOTING UPON A CERTIFICATE issued under sec. 87, for "*on the list of voters now shewn to you*" substitute "*on the list of voters for the municipality of*," naming the municipality mentioned in the certificate.

FORM 20.

(Referred to in R. S. O. c. 10, Section 91.)

FORM OF OATH FOR A LANDHOLDER'S SON.

You *swear* (1) that you are the person named or purporting to be named by the name of on the list of voters now shewn to you ; (2)

That on the (3) day of one thousand eight hundred and , A. B. (4) was, as you verily believe actually, truly, and in good faith possessed to *his* (5) own use as owner, tenant or occupant of the property in respect of which your name is so as aforesaid entered on the said voters' list, and was then actually and in good faith residing and domiciled upon said property ;

That you are a son (6) of the said A. B. ; (4)

That you resided within this municipality with the said A. B., for, and during the whole of the twelve months next before the return by the Assessor of the assessment roll on which the voters' list used at this election is based, not having been absent during that period, except temporarily and not more than *six* months in all ;

That you are still a resident of this Electoral District, and are entitled to vote at this election ;

That you are of the full age of twenty-one years ;

That you are a subject of Her Majesty either by birth or by naturalization ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm*."

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is the day certified by the clerk of the municipality to be the date of the RETURN by the assessor of the assessment roll upon which the voters' list used at the election is based ;

(4) The name of the voter's father, or step-father, or mother, or step-mother should be inserted here.

(5) If the name of the voter's mother is inserted, then for "*his*" substitute "*her*."

(6) If the voter is voting as a "stepson," or "grandson," or "son-in-law," then for the word "son" substitute the word "stepson," or "grandson," or "son-in-law" as the case may be.

NOTE.—In the oath administered to Deputy Returning Officer, poll-clerk, or agent VOTING UPON A CERTIFICATE issued under Sec. 87, for "*on the list of voters now shewn to you*," substitute "*on the list of voters for the Municipality of*" naming the municipality mentioned in the certificate.

FORM 21.

(Referred to in R. S. O., c. 10, Section 91.)

FORM OF OATH TO BE TAKEN BY VOTER ON A SUPPLEMENTARY LIST OF VOTERS, MADE WHERE ADDITIONS HAVE BEEN MADE TO A CITY, TOWN OR VILLAGE, OR A NEW VILLAGE HAS BEEN FORMED COMPOSED OF TERRITORY SITUATED IN TWO OR MORE ELECTORAL DISTRICTS.

You *swear* (1) that you are the person named or purporting to be named by the name of _____ on the supplementary list of voters now shewn to you : (2)

That on the (3) _____ day of _____ one thousand eight hundred and _____ you were actually, truly and in good faith possessed to your own use and benefit as owner, tenant or occupant, in your own right or in the right of your wife, of the real estate in respect of which your name is entered on the said supplementary list of voters, and are as such entitled to vote at this election :

That you are actually and in good faith a resident of and domiciled within this Electoral District :

That you are of the full age of twenty-one years :

That you are a subject of Her Majesty either by birth or by naturalization ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith :

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm*."

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is AT THE CHOICE OF THE VOTER to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the assessment roll upon which the voters' list used at the election is based ; or the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED.

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk or agent, VOTING UPON A CERTIFICATE issued under Sec. 87, for "*on the list of voters now shewn to you*" substitute "*on the list of voters for the Municipality of*" naming the municipality mentioned in the certificate.

BILL.

An Act to further extend the Franchise.

First Reading,	5th	March,	1885.	
Second	"	24th	March,	1885.

*(Reprinted as again Amended by Committee
of Whole House.)*

MR. FRASER

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act respecting the Education Department.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. There shall be a Department of Education, which shall consist of the Executive Council, or a Committee thereof appointed by the Lieutenant-Governor; and one of the said Executive Council, to be nominated by the Lieutenant-Governor, shall hold the office of "Minister of Education. R. S. O. c. 203, s. 1.

2. The office of Minister of Education may be held by a member of the Executive Council holding no other office; and notwithstanding any salary attached thereto, he shall be capable of being elected, and sitting and voting as a member of the Legislative Assembly; or such office may be held in connection with any other office held by a member of the Executive Council; and any of the powers and duties of the said office may be assigned for a limited period, or otherwise, to any other of the members of the Executive Council holding any other Departmental office, by name or otherwise. R. S. O. c. 203, s. 2.

3. In case a member of the Executive Council holding any one of the five Departmental offices established by the sixty-third section of the British North America Act of 1867, and being at the same time a member of the Legislative Assembly, resigns his office, and within one month after his resignation accepts the office of Minister of Education, he shall not thereby vacate his seat in the Legislative Assembly, unless the Administration of which such person was a member has resigned, and in the interval a new Administration has occupied the said offices; or in case such member of the Executive Council is appointed to hold the office of Minister of Education in addition to or in connection with one of the said five Departmental offices, he shall not thereby vacate his seat in the Legislative Assembly; and in either of the said cases any increase or change of emolument arising from the office of Minister of Education shall not cause any vacancy, or render a re-election necessary. R. S. O. c. 203, s. 3.

4. The Education Department shall have power

Powers.

(1) To make regulations for the classification, organization, discipline and government of Normal, Model, High, Public and Separate Schools; for the equipment and ventilation of school

Regulations.

houses; for the arrangement and requisites of school premises; for the authorization of text-books for the use of pupils, and for determining the qualifications and duties of inspectors, examiners and teachers. R. S. O., c. 203, s. 4 (13) (1) (27) (28) (29.)

Appointment of Inspectors. (2) To appoint Inspectors of High Schools, Separate Schools, and County Model Schools, Masters of Provincial, Normal and Model Schools, and Directors of Teachers' Institutes. R. S. O., c. 203, s. 4 (3), s. 5 (12.) 5

Central Committee of Examiners. (3) To appoint a Central Committee of Examiners of not more than seven persons, whose duty it shall be, under the directions of the Minister, to prepare examination papers for the annual Departmental examination of teachers, for the closing examination of the Normal Schools and County Model Schools, and the admission of pupils to High Schools and Collegiate Institutes, and to report to the Minister the results of such examinations. R. S. O. c. 203, s. 4 (6) *amended*. 10 15

Model Schools for teachers of Separate Schools. (4) To authorize a Separate School in any county to be constituted a Model School for the training of teachers for Separate Schools, and in such case or where from the special circumstances of the Separate Schools in any county he may deem it expedient to appoint one competent person possessing qualifications prescribed by the Education Department, to be a member of the county board of examiners of such county in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of the said board. 42 V. c. 34, s. 27.* 20 25

Training of teachers. (5) To set apart, subject to such regulations as may be made in that behalf, not more than five High Schools or Collegiate institutes for the purpose of providing such instruction in the theory and practice of teaching as may be deemed necessary for promoting the efficiency of assistant masters of High Schools and Collegiate Institutes, and of teachers holding a first-class non-professional Public School certificate. (*New*) 30

Admission to High Schools and Collegiate Institutes. (6) To prescribe the subjects, times, places and extent of the examination of pupils for admission into High Schools and Collegiate Institutes, and to determine the standard to be obtained by each pupil at such examination. R. S. O., c. 203, s. 4 (5) 35

Acceptance of examinations of learned societies. (7) To arrange with learned societies in Canada or the British Dominions, or with the Law Society, the College of Physicians and Surgeons, or the Provincial University, for reciprocally accepting in such subjects as may be agreed upon the examinations of the aforesaid institutions, as the equivalent of the Departmental examinations. R. S. O., c. 203, s. 4 (5) 40

Pensions. (8) To make regulations for granting pensions to superannuated inspectors and teachers. 42 V., c. 34, s. 1. 45

To recommend text and library books. (9) To examine, and at its discretion, recommend or disapprove of text-books for the use of schools, or books for school libraries. R. S. O., c. 203, s. 4 (22.)

To prescribe forms for school registers, etc. (10) To prescribe such forms for school registers and departmental reports as may be deemed expedient. 50

- (11) To make, from time to time, regulations for the distribution within the restrictions imposed by *The High Schools Act*, of the High School Fund, among the several High Schools and Collegiate Institutes entitled to receive it. R. S. O., c. 203, s. 4 (2). To make rules and regulations as to High School Grants.
- (12) To decide upon all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any Inspector or other school officer. R. S. O., c. 203. s. 6 (4). Settle disputes and complaints.
- 10 (13) To deduct (should the Municipal Corporation of any county, town or village raise in any one year a less sum than that apportioned to it out of the Legislative school grant) a sum equal to the deficiency, from the apportionment to such county, city, town or village, in the following year. R. S. O., c. 203, s. 6 (6.). Short municipal assessment.
- (14) To make such regulations respecting the imposition of fees on candidates for teachers' certificates, as would meet all the expenses of Departmental and County Model School Examinations. Fees for teachers' certificates.
- 20 (15) To extend on the petition of a Board of School Trustees, and such evidence as to efficiency as may be deemed necessary, any third class certificate issued under the authority of *The Public Schools Act*. Extension of third class certificates.
- 25 (16) To make regulations for the organization and management of Art Schools, to prescribe a curriculum of studies for such schools, and on examination award certificates valid in any municipality of the Province, to such candidates as may present themselves. Regulations for organization and management of art schools.
- 30 (a) Certificates awarded under this sub-section may be of two grades, and shall entitle the holders thereof to teach Industrial Drawing in High Schools, Public Schools, County Model Schools and Mechanics' Institutes.
- 35 (b) Certificates from any Art School in the British Dominions may be accepted as equivalent to any issued as herein provided.
- (17) To designate, from time to time, the number and locality of such meteorological stations as the Department may think desirable to establish in connection with the High Schools of the Province; and to authorize such forms of reports and meteorological journal to be used by the observers at such stations as it may judge necessary. Meteorological stations.
- 40 (18) To report annually to the Lieutenant-Governor upon the Normal, Model, High, Public and Separate Schools and Collegiate Institutes, with such statements and suggestions for promoting education generally as he may deem useful and expedient. To report annually on Schools.
- 45

No. 145.

2nd Session, 5th Legislature, 48 Vic., 1885

BILL.

An Act respecting the Education
Department.

First Reading, 5th March, 1885.

Mr. ROSS
(*Middlesex.*)

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting the Education Department.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. There shall be a Department of Education, which shall consist of the Executive Council, or a Committee thereof appointed by the Lieutenant-Governor; and one of the said Executive Council, to be nominated by the Lieutenant-Governor, shall hold the office of "Minister of Education." R. S. O. c. 203, s. 1. Department established.
2. The office of Minister of Education may be held by a member of the Executive Council holding no other office; and notwithstanding any salary attached thereto, he shall be capable of being elected, and sitting and voting as a member of the Legislative Assembly; or such office may be held in connection with any other office held by a member of the Executive Council; and any of the powers and duties of the said office may be assigned for a limited period, or otherwise, to any other of the members of the Executive Council holding any other Departmental office, by name or otherwise. R. S. O. c. 203, s. 2. Office of Minister of Education.
3. In case a member of the Executive Council holding any one of the five Departmental offices established by the sixty-third section of the British North America Act of 1867, and being at the same time a member of the Legislative Assembly, resigns his office, and within one month after his resignation accepts the office of Minister of Education, he shall not thereby vacate his seat in the Legislative Assembly, unless the Administration of which such person was a member has resigned, and in the interval a new Administration has occupied the said offices; or in case such member of the Executive Council is appointed to hold the office of Minister of Education in addition to or in connection with one of the said five Departmental offices, he shall not thereby vacate his seat in the Legislative Assembly; and in either of the said cases any increase or change of emolument arising from the office of Minister of Education shall not cause any vacancy, or render a re-election necessary. R. S. O. c. 203, s. 3. Acceptance of the office of Minister, no vacation of seat in the Legislature.
4. The Education Department shall have power Powers.
- (1) To make regulations for the classification, organization, discipline and government of Normal, Model, High, Public and Separate Schools; for the equipment and ventilation of school Regulations.

houses; for the arrangement and requisites of school premises; for the authorization of text-books for the use of pupils, and for determining the qualifications and duties of inspectors, examiners, teachers *and assistants in High Schools*. R. S. O., c. 203, s. 4 (13) (1) (27) (28) (29.)

Appointment
of Inspectors.

(2) To appoint Inspectors of High Schools, Separate Schools, and County Model Schools, Masters of Provincial, Normal and Model Schools, and Directors of Teachers' Institutes. R. S. O., c. 203, s. 4 (3), s. 5 (12.)

Central Com-
mittee of
Examiners.

(3) To appoint a Central Committee of Examiners of not 10 more than seven persons, whose duty it shall be, under the directions of the Minister, to prepare examination papers for the annual Departmental examination of teachers, for the closing examination of the Normal Schools and County Model Schools, and the admission of pupils to High Schools and 15 Collegiate Institutes, and to report to the Minister the results of such examinations. R. S. O. c. 203, s. 4 (6).

Model Schools
for teachers of
Separate
Schools.

(4) To authorize a Separate School in any county to be consti-
tuted a Model School for the training of teachers for Separate
Schools, and in such case or where from the special circum- 20
stances of the Separate Schools in any county may be deemed
expedient to appoint one competent person possessing the quali-
fications prescribed by the Education Department, to be a
member of the county board of examiners of such county in
addition to the number now authorized, and who shall pos- 25
sess and discharge the like powers and duties as the other
members of the said board. 42 V. c. 34, s. 27.

Training of
teachers.

(5) To set apart, subject to such regulations as may be made
in that behalf, not more than five High Schools or Collegiate
institutes for the purpose of providing such instruction in the 30
theory and practice of teaching as may be deemed necessary
for promoting the efficiency of assistant masters of High Schools
and Collegiate Institutes, and of teachers holding a first-class
non-professional Public School certificate.

Admission to
High Schools
and Collegiate
Institutes.

(6) To prescribe the subjects, times, places and extent of the 35
examination of pupils for admission into High Schools and Col-
legiate Institutes, and to determine the standard to be obtained
by each pupil at such examination. R. S. O., c. 203, s. 4 (5.)

Acceptance of
examinations
of learned
societies.

(7) To arrange with learned societies in Canada or the British
Dominions, or with the Law Society, the College of Physicians 40
and Surgeons or any chartered University in the British
Dominions for reciprocally accepting in such subjects as may
be agreed upon the examinations of the aforesaid institutions,
as the equivalent of the Departmental examinations. R. S. O.,
c. 203, s. 4 (5.)

Pensions.

(8) To make regulations for granting *the pensions provided by* 45
law for superannuated inspectors and teachers. 42 V., c. 34, s. 1.

To recommend
text and
library books.

(9) To examine, and at its discretion, recommend and
authorize text-books, or books of reference for the use of pupils
and teachers, or books for school libraries. ~~54~~

- (10) To prescribe such forms for school registers and departmental reports as may be deemed expedient. To prescribe forms for school registers, etc.
- (11) To make, from time to time, regulations for the distribution within the restrictions imposed by *The High Schools Act*, of the High School Fund, among the several High Schools and Collegiate Institutes entitled to receive it. R. S. O., c. 203, s. 4 (2). To make rules and regulations as to High School Grants.
- (12) To deduct (should the Municipal Corporation of any county, city, town or village raise in any one year a less sum than that apportioned to it out of the Legislative school grant) a sum equal to the deficiency, from the apportionment to such county, city, town or village, in the following year. R. S. O., c. 203, s. 6 (6). Short municipal assessment.
- (13) To make such regulations respecting the imposition of fees on candidates for teachers' certificates, as would meet all the expenses of Departmental and County Model School Examinations. Fees for teachers' certificates.
- (14) To extend on the petition of a Board of School Trustees, and such evidence as to efficiency as may be deemed necessary, any third class certificate issued under the authority of *The Public Schools Act*. Extension of third class certificates.
- (15) To make regulations for the organization and management of Art Schools, to prescribe a curriculum of studies for such schools, and on examination award certificates valid in any municipality of the Province, to such candidates as may present themselves. Regulations for organization and management of art schools.
- (a) Certificates awarded under this sub-section may be of two grades, and shall entitle the holders thereof to teach Drawing in High Schools, Public Schools, County Model Schools and Mechanics' Institutes.
- (b) Certificates from any Art School in the British Dominions may be accepted as equivalent to any issued as herein provided.
- (16) To designate, from time to time, the number and locality of such meteorological stations as the Department may think desirable to establish in connection with the High Schools of the Province; and to authorize such forms of reports and meteorological journal to be used by the observers at such stations as it may judge necessary. Meteorological stations.
5. *The Minister of Education shall report annually to the Lieutenant-Governor upon the Normal, Model, High, Public and Separate Schools and Collegiate Institutes, with such statements and suggestions for promoting education generally as he may deem useful and expedient.* Annual report to be made by Minister of Education.
6. *The Minister shall have power to decide upon all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any Inspector or other school officer.* R. S. O., c. 203, s. 6 (4). Settle disputes and complaints.
7. *Every Regulation or Order-in-Council made under this Act or under *The Public and High Schools Act*, shall be laid before the House of Assembly forthwith if the Legisla-* Regulations and Orders in Council to be

laid before
Legislative
Assembly.

ture is in session at the date of such Regulation or Order-in-Council, and if the Legislature is not in session such Regulation or Order-in-Council shall be laid before the said House within the first seven days of the session next after such Regulation or Order-in-Council is made.

5

(2) In case the Assembly at the said session, or if the session does not continue for three weeks after the said Regulation or Order-in-Council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such Regulation or Order-in-Council either wholly or of any part thereof, the Regulation or Order-in-Council, so far as disapproved of, shall have no effect from the time of such resolution being passed.

No. 145.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the Education
Department.

First Reading, 5th March, 1885.
Second " 12th " 1885.

(Reprinted as amended by Committee of
Whole House.)

MR. ROSS
(Muller's).

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 44 of *The Assessment Act* is hereby amended by striking out the words "separate from the county" from the first line thereof. R. S. O., c. 180,
s. 44, amended.

2. The said section 44 of the said Act is hereby further amended by adding the following sub-sections thereto: R. S. O., c. 180,
s. 44, further
amended.

(2) The council of any town may also pass by-laws providing that the rate of taxes may be levied, and the collector's roll for the said town may be made up on or before the first day of May in each year, and that the delivery to each person named on said roll, or the leaving at the place of his residence or domicile or place of business, if within the said town, of a notice or memorandum of the taxes entered on such roll opposite his name by any officer of the said corporation or person named in a by-law of the council authorizing him so to deliver such notice, shall be a sufficient demand of such taxes under *The Assessment Act* and amending Acts.

(3) Notwithstanding the provisions of section 256 of *The Consolidated Municipal Act, 1883*, it shall not be necessary for the council of any town to so appoint a collector of taxes, and if no collector is appointed in any year it shall be lawful for and be the duty of the town treasurer to take all such proceedings upon default in payment of taxes for the collection of the same as collectors of taxes are by law authorized to take, and he shall perform the duties as to persons whose names appear on the roll and are not resident within the municipality which collectors of taxes are by law required to perform, and shall make all the entries upon said roll which are required to be made by the collector.

(4) In case the treasurer fails or omits to collect the taxes or any portion thereof by the fourteenth day of December in every year, or on such day in the next year not later than the first day of February, as the council may appoint, the treasurer or officer appointed to deliver such statement and demand, shall make oath before the mayor that the service of such demand of payment and demand of taxes required by sections 92 and 94 of *The Assessment Act* in each case by them or either of them performed, has been truly entered by him and stated in the collector's roll.

No. 146.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Assessment Act.

First Reading, 6th March, 1885.

MR. DRYDEN.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act to provide for the Better Observance of the Lord's Day, commonly called Sunday, by Prohibiting Sunday Excursions of certain kinds.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Sunday excursions by steamboats plying for hire, or by
 5 railway, or in part by any such steamboat and in part by
 railway, and having for their only, or principal object, the
 carriage of Sunday passengers for amusement or pleasure only,
 and to go and return on the same day by the same steamboat
 or railway, or any other, owned by the same persons or com-
 10 pany, shall be unlawful, and shall not be deemed a lawful
 conveying of travellers within the meaning of any statute of
 Ontario permitting the conveyance of travellers on the Lord's
 day.

Sunday
excursions
prohibited.
2. The owner or owners of any steamboat or railway by
 15 which any such Sunday excursion is wholly or partly made,
 shall, for each offence against this Act, forfeit and pay the sum
 of _____ to be recovered by action before any
 court having jurisdiction in civil cases to that amount by any
 person suing for the same under this Act, and for the purposes
 20 thereof.

Penalty.
3. The action for the recovering of any penalty incurred
 under this Act must be brought before a court having com-
 petent jurisdiction, as aforesaid, in the place from which the
 steamboat or train employed in the unlawful excursion, on
 25 which the action is founded, started, or through, or at
 which it passed or stopped in the course thereof, and must be
 brought within six months after the commission of the alleged
 offence; and notice in writing of such action, and the cause
 thereof, must be given to the defendant at least one month
 30 before the commencement of the action.

Procedure.
4. All sums of money recovered by action under the fore-
 going provisions of this Act shall be appropriated as follows :—
 One moiety thereof to the plaintiff in the action, and the other
 moiety to the municipality of the city, town, village or place
 35 from which the unlawful excursion started, to be applied for
 the purposes of such municipality.

Application
of penalties.
5. The expression "owner or owners" in this Act includes
 any corporation owning the steamboat or railway referred to,
 and the expression, "person or persons," includes corporations.

"Owner,"
meaning of.
- 40 6. This Act shall not apply to ferries or to steamboats
 when employed thereon.

Act not to ap-
ply to ferries.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to provide for the Better Observance of the Lord's Day, commonly called Sunday, by Prohibiting Sunday Excursions of certain kinds,

First Reading, 6th March, 1885.

Mr. WOOD.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Law of Descent of Lands, and
for other purposes.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. After the commencement of this Act all lands in the Pro-
5 vince which by the common law are regarded as real estate Lands to be
chattels real. shall be held to be chattels real, and shall go to the executor or
administrator of any person or persons dying seized or pos-
sessed thereof, as other personal estate now passes to the per-
sonal representatives. (Statutes of Newfoundland, title VIII.,
10 c. 35.)
2. Hereafter no words of limitation shall be necessary in
any conveyance of any land in order to convey all or any title Effect of
conveyance.
Words of
limitation not
required.
therein, but every deed or instrument conveying land shall
operate as an absolute conveyance of all such right and title
15 as the grantor may have had therein at the time of its execu-
tion, unless a contrary intention be expressed in such convey-
ance, but nothing herein contained shall preclude any convey-
ance from operating by way of estoppel, and hereafter the
introduction of any words of limitation into any conveyance
20 or devise of any land shall have the like force and meaning,
and no other than the same words of limitation would have if
used by way of limitation of any personal estate.
3. No devise shall be valid or effectual as against the per-
sonal representative of the testator until the land affected Devises to
take from per-
sonal repre-
sentative.
25 thereby shall have been conveyed to the devisee thereof by the
personal representative of the devisor, saving and excepting
such devises as shall be made by the testator to his personal
representative either in his representative capacity or for his
own use.
- 30 4. Every widow whose husband dies on or after the com-
mencement of this Act shall be entitled in lieu of dower in the
real estate of her deceased husband to the same rights in his
real estate as she would have if it were personal property. Abolition of
dower,
5. No husband whose wife dies on or after the day of the And of tenant
by the
curtesy.
35 commencement of this Act shall be entitled to any estate by
the curtesy in the real estate of his deceased wife, but shall
have the same right in such real estate as a wife has in the
real estate of her deceased husband. (Statute of Manitoba.)

Surrogate Court to take security for proper administration of laws.

6. Lands of deceased persons shall be administered in all respects in the same manner as personal estate is now administered, and the same securities shall be taken by the Surrogate Court for the proper administration of the lands of deceased intestates as is now taken in respect of their personal estate, and the judges having power to make rules for the regulation of the said courts shall make such rules and regulations as may be necessary to carry into effect the changes in the law hereby made. 5

Lands to be saleable under *Fi fa* goods.

7. Such lands shall be assets in the hands of the personal representative for the payment of debts, and shall be saleable under *fi fa* goods. 10

Writs of *Fi fa* against lands abolished.

8. Writs of *fieri facias* against lands are hereby abolished, and all lands shall hereafter be bound by *fi fa* goods and saleable thereunder. 15

Conveyances by husband to wife, and *vice versa*.

9. A man may make a valid conveyance or transfer of his real estate to his wife, and a woman may make a valid conveyance or transfer of her real estate to her husband, without, in either case, the intervention of a trustee.

Married woman to be as if a *feme*

10. A married woman (whether married before or after the passage of this Act) shall, in respect of land (whether acquired by her before or after marriage, or before or after the passage of this Act) have all the rights and be subject to all the liabilities of a *feme sole*, and may alienate and, by will or otherwise, deal with land as if she were unmarried. 20 25



No. 148.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

**An Act to amend the Law of Descent of
Lands, and for other purposes.**

First Reading, 9th March, 1885.

Mr. ERMAINGER.

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act to further amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as "*The Assessment Amendment Act, 1885.*" Short Title.

2. Unless otherwise declared or indicated by the context, Interpretation wherever any of the following words or expressions occur in this Act or in *The Assessment Act* as amended by this Act, they shall have the meanings hereinafter expressed, that is to say:—

(1) The expression "landholder" shall mean and include: "Landholder."

(a) Any person who being the owner of and residing and domiciled upon real property of at least twenty acres in extent, or of at least an actual value in cities and towns of four hundred dollars, and in townships and incorporated villages of two hundred dollars, is, in the assessment roll of the municipality where such property is situate, entered and assessed as owner of said property of at least the number of acres or assessed value aforesaid, and

(b) Any person actually residing and domiciled in any dwelling-house as tenant thereof, where such dwelling-house and the land, if any, held therewith by such person as such tenant is of at least an actual value in cities and towns of four hundred dollars, and in townships and incorporated villages of two hundred dollars, and is at not less than such value entered and assessed in the name of such person in the assessment roll of the municipality wherein the same is situate.

(2) The word "son," or the expression "landholder's son," shall mean and include any male person being a son, step-son, or grandson, as the case may be, of any father, step-father, mother or step-mother, who is a landholder. "Son" and "Landholder's son."

(3) The expression "local municipality" shall mean and include a city, town, incorporated village or township, as the case may be. "Local municipality."

(4) The expression "wage-earner" shall mean any male person of the full age of twenty-one years, and a subject of Her Majesty by birth or naturalization, who is actually resid- "Wage earner."

ing and domiciled in any local municipality, and who is not otherwise entered or assessed in the assessment roll of said municipality in respect either of property or taxable income so as to entitle him to vote at an election for a member of the Legislative Assembly of this Province. 5

“ Dwelling house.”

(5) The expression “ dwelling-house ” shall mean and include any part of a house when that part is separately occupied and resided in as a dwelling, and also any land where such land is separately occupied or resided upon as and is part of the premises belonging to and used with such dwelling. 10

“ House holder.”

(6) The expression “ householder ” shall mean any male person entered and assessed or entitled to be entered and assessed in the revised assessment roll of a local municipality, as and being the sole tenant and occupant of and actual resident in a dwelling-house situate in such local municipality, but 15 shall not mean nor include,

(a) Any person who is so entered or assessed as or who is actually a joint tenant or occupant of such dwelling-house with any other person ; nor

(b) Any person who is a mere lodger or boarder in a 20 house.

“ Father ” and “ mother.”

(7) The word “ father ” shall include step-father, and the word “ mother ” shall include step-mother.

“ Last revised assessment roll.”

(8) The expression “ last revised assessment roll ” shall mean the last revised assessment roll of a local municipality. 25

“ List of voters.”

(9) The expression “ list of voters ” shall mean the alphabetical list referred to in section 2 of *The Voters' Lists Act*.

R. S. O., c. 180, s. 18, repealed.

3. Section 18 of *The Assessment Act* is hereby repealed, and the following is substituted therefor :

When land assessed against owner and occupant.

18. (1) Where land is assessed against both the owner and 30 occupant, or owner and tenant, the assessor shall place both names within brackets on the roll, and shall write opposite the name of the owner the letter “ F,” and opposite the name of the occupant or tenant the letter “ T,” and both names shall be numbered on the roll. 35

When house assessed against householder.

(2) Where a dwelling-house is assessed in the name of and against a householder, the assessor shall write opposite the name of the householder the letter “ H ” in addition to said letter “ F ” or “ T.”

Ratepayer to be counted only once.

(3) No ratepayer shall be counted more than once in returns 40 and lists required by law for municipal purposes ; and the taxes may be recovered from either the owner, tenant, or occupant, or from any future owner, tenant, or occupant saving his recourse against any other person.

R. S. O., c. 180, s. 20, repealed.

4 Section 20 of *The Assessment Act* is hereby repealed, and 45 the following is substituted therefor :—

Mode of assessing landholder's son residing with landholder.

20. (1) The assessor shall enter and insert in his roll next after any landholder named therein, the name of every son of such landholder who is twenty-one years of age, and who is and for twelve months next prior to the return by the assessor of his roll has been *bona fide* residing with such landholder in the residence or dwelling of such landholder within the local 50

municipality; and the assessor shall place the names of the landholder and every such son within brackets on the roll, and shall write opposite the name of every son the letters "L S," and the names so entered shall be numbered on the roll;

- 5 (a) No landholder shall be deemed or taken to be assessed jointly with his son in respect of the property for which he is entered on such roll as a landholder; but the son shall, for the purposes of *The Election Act* and of his right to vote at an election, be deemed
10 and considered as being entered and named in said roll in respect of said property;
- (b) Occasional or temporary absence from the residence or dwelling of the landholder for a time or times, not exceeding in the whole four months of the twelve
15 hereinbefore mentioned, shall not operate to disentitle a son to be considered *bona fide* residing in such residence or dwelling, as aforesaid.

(2) Every wage-earner, *bona fide* resident and domiciled in the local municipality, and who has during the preceding twelve
20 months derived or earned within this province, wages or income from some trade, occupation, calling, office, or profession, of not less than three hundred dollars shall be entitled to be and shall be entered by the assessor in the assessment roll of the local municipality as such wage-earner, and the assessor shall
25 write opposite his name in the roll in the column four, mentioned in section twelve of this Act, the words "wage-earner" in addition to the letter, if any, required to be written in such column.

- (a) In estimating or ascertaining the amount of wages or
30 income so earned or derived by any person so entitled to be entered as a wage-earner in the assessment roll of a township, the fair value of any board or lodging furnished or given to or received, or had by such
35 person, as or in lieu of wages, or as part thereof, shall be considered or included.

(3) The assessor shall, opposite the name of a wage-earner, in the column 8 mentioned in section 12 of this Act, enter

- (a) In the assessment roll of a city, town or village, the
40 residence of such wage-earner by the number thereof (if any) and the street or locality whereon or wherein the same is situate;
- (b) In the assessment roll of a township, the concession wherein and the lot or part of a lot whereon such
45 wage-earner resides;

and, in all cases, any additional description, as to locality or otherwise, which may be reasonably necessary to enable such residence to be ascertained and verified.

(4) Wherever the following words occur in this section they shall be interpreted as follows:

- (a) The word "election" shall mean an election for a
50 member of the Legislative Assembly of this Province, or to a municipal council, as the case may be;
- (b) The words "to vote" shall mean to vote at an election.

Assessment of wage-earner.

Entry of wage-earner on roll.

Interpretation

"Election."

"To vote."

R. S. O., c.
180, s. 37,
repealed.

5. Section thirty-seven of *The Assessment Act* is hereby repealed, and the following is substituted therefor:

Particulars re-
specting prop-
erty to be fur-
nished to as-
sessor by
parties who
are assessable.

37. (1) It shall be the duty of every person assessable for real or personal property in any local municipality or entitled to be entered in the assessment roll as a wage-earner, to give all necessary information to the assessors, and if required by the assessor, or by one of the assessors, if there is more than one, he shall deliver to him a statement in writing, signed by such person (or by his agent, if the person himself is absent) containing:

- (a) All the particulars respecting the real or personal property assessable against such person which are required in the assessment roll; and
- (b) In the case of a wage-earner full particulars of the income or wages earned by him within this Province during the then preceding twelve months;

and if any reasonable doubt is entertained by the assessor of the correctness of any information given by the party applied to, the assessor shall require from him such written statement.

Affirmation by
wage earner.

(2) In the case of a wage-earner an assessor may, and if he entertains any reasonable doubt, as aforesaid, shall require such wage-earner to verify such written statement by a solemn affirmation signed by him and made before the assessor in the words following:

“I, *A. B.*, being a wage-earner within the meaning of *The Assessment Act* and any Act amending the same, do solemnly, sincerely and truly affirm and declare, that I am of the full age of twenty-one years; that I am a subject of Her Majesty by birth or naturalization; that I am actually resident and domiciled in this city of (*or town, village, or township as the case may be*) at (*giving the locality of his residence or the name of the street and the number (if any) of such residence, or such other reasonable description as will easily permit of its being verified and ascertained*); that my post office address is ; and that during the now preceding twelve months I have derived and earned within this province wages and income from my trade, occupation, calling, office or profession, of not less than three hundred dollars.”

And in the case of a wage-earner claiming or entitled to be entered in the assessment roll of a Township, there shall be added to the last words of the foregoing affirmation these further words:

“Including and estimating as part of said three hundred dollars, the fair value of board and lodgings furnished or given to or received, or had by me as or in lieu of wages during said twelve months.”

Forms to be
provided.

(3) The local municipality shall provide the assessor with a sufficient number of printed forms of the affirmation aforesaid.

Entry of
affirmation on
roll.

(4) The assessor shall in the case of a wage-earner making such affirmation as aforesaid, enter on the roll opposite his name in the column mentioned in section 12 of this Act, the word “affirmed,” and the date on which such affirmation was so made.

Affirmations
to be filed.

(5) The assessor shall deliver to the clerk of the local municipality with the assessment roll, every affirmation so made before him, and the same shall thereupon remain with and be kept by such clerk on file in his office, and shall, at all convenient office hours be open to inspection and examination by any person entitled to examine or inspect said assessment roll.

6. Nothing in section forty-one of *The Assessment Act* contained shall be deemed to require the assessor to give, leave or transmit any notice to any person entered on the assessment roll as only a wage-earner or landholder's son, either under the provisions of said Act as amended by this Act or otherwise, but in any notice given or transmitted to any landholder under the provisions of said section the assessor shall enter and set forth the name of every person entered in said roll as a son of such landholder.

Assessor not required to give notice to wage earner or landholder's son under R. S. O., c. 180, s. 41.

7. (1) Any notice, document or paper necessary to be given to, or left with, or served upon a landholder's son under any of the provisions of *The Assessment Act*, as amended by this Act, shall be deemed to be so given to, or left with, or served upon such son if the same is given to him personally, or is left with some grown person at the residence of his father or mother.

Service of notices and papers on landholder's son.

(2) Any notice, document or paper necessary to be given to, or left with, or served upon any wage-earner under any of the said provisions, shall be deemed to be so given to, or left with, or served upon such wage-earner, if the same

(a) Is given to or left with him personally; or

(b) Where such wage-earner has a known residence or place of business within the local municipality, is left with some grown person at such residence or place of business; or,

(c) Where such wage-earner has no known residence or place of business within the local municipality is mailed through the post-office, with the postage thereon pre-paid, and addressed to him at the post-office address contained in any affirmation made by him before the assessor.

8. Instead of the certificate provided by section 42 of *The Assessment Act*, every assessor shall attach to his roll a certificate signed by him and verified upon oath or affirmation in the form following:—

Certificate of assessor under R. S. O., c. 180, s. 42.

"I do certify that I have set down in the above assessment roll all the real property liable to taxation situate in the municipality (or ward) of (as the case may be) and the true actual value thereof in each case, according to the best of my information and judgment; and also that the said assessment roll contains a true statement of the aggregate amount of the personal property, or of the taxable income, of every party named on the said roll; and that I have estimated and set down the same according to the best of my information and belief; and I further certify, that I have entered thereon the names of all the resident householders, tenants and freeholders, and of all other persons who have required their names to be entered thereon, with the true amount of property occupied or owned, or of income received by each, and that I have not entered the names of any persons whom I do not truly believe to be a householder, tenant, or freeholder, or the bona fide occupier or owner of the property, or in receipt of the income set down opposite his name, for his own use and benefit; and I further certify that according to the best of my knowledge and belief, I have entered thereon the name of every person entitled to be so entered either as a landholder's son or as a wage-earner, and that I have not intentionally omitted therefrom the name of any person whom I knew or had good reason to believe was or is entitled to be entered thereon either as a landholder's son or as a wage-earner; and I further certify that the date of delivery or transmitting the notice required by section forty-one of *The Assessment Act* is in every case truly and correctly stated in the said roll: and I further certify and swear (or affirm as the case may be) that I have not entered the name of any person at too low a rate in order to deprive

such person of a vote, or at too high a rate in order to give such person a vote, or for any reason whatever; and that the amount for which each such person is assessed upon the said roll truly and correctly appears in the said notice delivered or transmitted to him as aforesaid."

R. S. O., c. 180, s. 40, repealed.

9. Section 40 of *The Assessment Act* is hereby repealed and the following is substituted therefor:—

Assessor to make enquiries so as to prevent creation of false votes.

40. To prevent the creation of false votes, where any person

- (1) claims to be assessed, or claims that any other person should be assessed as owner, tenant, or occupant of any parcel of land, or as a householder, or as possessing the income which entitles him to vote in any municipality at any election; or
- (2) claims to be entered, or that any other person should be entered, in the assessment roll of the municipality either as a landholder's son, or as a wage-earner,

and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed or entered, it shall be the duty of the assessor to make reasonable enquiries before so assessing or entering any such person.

Entry of landholder's sons and wage-earners on roll.

10. Any landholder's son and any wage-earner entitled as such to be assessed or to have his name entered in the assessment roll of any local municipality, shall be so assessed, and shall have his name so entered without any request in that behalf, unless he informs or notifies the assessor to the contrary; and any person entitled to be entered in such assessment roll or in the voters' list based thereon, or to vote or to be a voter in the electoral district in which any such municipality is situate, shall, in order to have the name of such landholder's son or wage-earner entered and inserted in such assessment roll, or list of voters, as the case may be, have for all purposes the same right to apply, complain or appeal to any court or to any judge in that behalf, as such landholder's son or wage-earner, as such, would or can have personally, unless it is made to appear to the court or judge that such landholder's son or wage-earner actually dissents therefrom.

Penalty for causing improper entries on roll.

11. Any person who wilfully and improperly inserts or procures or causes the insertion of any name in the assessment roll, or assesses or procures or causes the assessment of any person at too high an amount, with intent in either or any such case to give to any person not entitled thereto an apparent right to vote at any election; or who wilfully inserts, or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and improperly omits, or procures or causes the omission of any name from the assessment roll, or assesses or procures or causes the assessment of any person at too low an amount, with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the court.

12. This Act shall be read with and construed as part of *The Assessment Act*. Act to be read with R. S. O., c. 180.

13. This Act shall come into force and have effect on and after the first day of January next after the passing thereof, Commence-
ment of Act.
 5 except as to any assessment roll or assessment taken or made, subsequent to the first day of July next after the passing thereof, under the special provisions of section 44 of *The Assessment Act*; and with respect to any such last mentioned assessment roll or assessment, and any list of voters based
 10 thereon, this Act shall for all purposes, and as regards all liabilities, duties and proceedings therein provided for, be deemed to come into force, and have effect on and after said first day of July.

No. 149.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to further amend the Assessment
Act.

First Reading, 9th March, 1885.

MR. FRASER.

TORONTO :

PRINTED BY THE "GUILD" PRINTING AND PUBLISHING CO.

An Act to further amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as "*The Assessment Amendment Act, 1885.*" Short Title.

2. Unless otherwise declared or indicated by the context, Interpretation wherever any of the following words or expressions occur in this Act or in *The Assessment Act* as amended by this Act, they shall have the meanings hereinafter expressed, that is to say:—

(1) The expression "landholder" shall mean and include: "Landholder."

(a) Any person who being the owner of and residing and domiciled upon real property of at least twenty acres in extent, or of at least an actual value in cities and towns of four hundred dollars, and in townships and incorporated villages of two hundred dollars, is, in the assessment roll of the municipality where such property is situate, entered and assessed as owner of said property of at least the number of acres or assessed value aforesaid, and

(b) Any person actually residing and domiciled in any dwelling-house as tenant thereof, where such dwelling-house and the land, if any, held therewith by such person as such tenant is of at least an actual value in cities and towns of four hundred dollars, and in townships and incorporated villages of two hundred dollars, and is at not less than such value entered and assessed in the name of such person in the assessment roll of the municipality wherein the same is situate.

(2) The word "son," or the expression "landholder's son," shall mean and include any male person being a son, step-son, grandson or *son-in-law*, as the case may be, of any landholder. "Son" and "Landholder's son."

(3) The expression "local municipality" shall mean and include a city, town, incorporated village or township, as the case may be. "Local municipality."

(4) The expression "wage-earner" shall mean any male person of the full age of twenty-one years, and a subject of Her Majesty by birth or naturalization, who is actually residing and domiciled in any local municipality, and who is not "Wage-earner."

otherwise entered or assessed in the assessment roll of said municipality in respect either of property or taxable income so as to entitle him to vote at an election for a member of the Legislative Assembly of this Province.

“ Dwelling house.”

(5) The expression “ dwelling-house ” shall mean and include any part of a house when that part is separately occupied and resided in as a dwelling, and also any land where such land is separately occupied or resided upon as and is part of the premises belonging to and used with such dwelling. 5

“ House holder.”

(6) The expression “ householder ” shall mean any male person entered and assessed or entitled to be entered and assessed in the revised assessment roll of a local municipality, as and being the sole tenant and occupant of and actual resident in a dwelling-house situate in such local municipality, but shall not mean nor include, 10 15

(a) Any person who is so entered or assessed as or who is actually a joint tenant or occupant of such dwelling-house with any other person; nor

(b) Any person who is a mere lodger or boarder in a house. 20

“ Last revised assessment roll.”

(7) The expression “ last revised assessment roll ” shall mean the last revised assessment roll of a local municipality.

“ List of voters.”

(8) The expression “ list of voters ” shall mean the alphabetical list referred to in section 2 of *The Voters' Lists Act*.

R. S. O., c. 180, s. 18, repealed.

3. Section 18 of *The Assessment Act* is hereby repealed, 25 and the following is substituted therefor:

When land assessed against owner and occupant.

18. (1) Where land is assessed against both the owner and occupant, or owner and tenant, the assessor shall place both names within brackets on the roll, and shall write opposite the name of the owner the letter “ F,” and opposite the name of the occupant or tenant the letter “ T,” and both names shall be numbered on the roll. 30

When house assessed against householder.

(2) Where a dwelling-house is assessed in the name of and against a householder, the assessor shall write opposite the name of the householder the letter “ H ” in addition to said letter “ F ” or “ T.” 35

Ratepayer to be counted only once.


(3) No ratepayer shall be counted more than once in returns and lists required by law for municipal purposes; and the taxes may be recovered from either the owner, tenant, or occupant, or from any future owner, tenant, or occupant saving his recourse against any other person. 40

R. S. O., c. 180, s. 20, repealed.

4. Section 20 of *The Assessment Act* is hereby repealed, and the following is substituted therefor:—

Mode of assessing landholder's son residing with andholder.



20. (1) The assessor shall enter and insert in his roll next after any landholder named therein, the name of every son of such landholder who is twenty-one years of age, and who is and for twelve months next prior to the return by the assessor of his roll has been *bona fide* residing with such landholder in the residence or dwelling of such landholder within the local municipality; and the assessor shall place the names of the landholder and every such son within brackets on the roll, and shall write opposite the name of every son the letters “ LS,” and the names so entered shall be numbered on the roll, and 45 50

every such son shall be so entered on said roll in the order of his age and seniority, commencing with the eldest as the first to be so entered; 

5 (a) No landholder shall be deemed or taken to be assessed jointly with his son in respect of the property for which he is entered on such roll as a landholder; but the son shall, for the purposes of *The Election Act* and of his right to vote at an election, be deemed and considered as being entered and named in said roll in respect of said property;

10 (b) Occasional or temporary absence from the residence or dwelling of the landholder for a time or times, not exceeding in the whole six months of the twelve hereinbefore mentioned, shall not operate to disen-
15 tle a son to be considered *bona fide* residing in such residence or dwelling, as aforesaid.

(2) Every wage-earner, *bona fide* resident and domiciled in the local municipality, and who has during the preceding twelve months derived or earned wages or income from some trade, occupation, calling, office, or profession, of not less than *two hundred and fifty* dollars shall be entitled to be and shall be entered by the assessor in the assessment roll of the local municipality as such wage-earner, and the assessor shall write opposite his name in the roll in the column four, mentioned in section twelve of this Act, the words "wage-earner" in addition to the letter, if any, required to be written in such column. Assessment of wage-earner.

(a) In estimating or ascertaining the amount of wages or income so earned or derived by any person so entitled to be entered as a wage-earner in the assessment roll of a  municipality not being a city, town or village,  the fair value of any board or lodging furnished or given to or received, or had by such person, as or in lieu of wages, or as part thereof, shall be considered or included.

(3) The assessor shall, opposite the name of a wage-earner, in the column 8 mentioned in section 12 of this Act, enter Entry of wage-earner on roll.

(a) In the assessment roll of a city, town or village, the residence of such wage-earner by the number thereof (if any) and the street or locality whereon or wherein the same is situate;

(b) In the assessment roll of a township, the concession wherein and the lot or part of a lot whereon such wage-earner resides;

45 and, in all cases, any additional description, as to locality or otherwise, which may be reasonably necessary to enable such residence to be ascertained and verified.

(4) Wherever the following words occur in this section they shall be interpreted as follows: Interpretation

50 (a) The word "election" shall mean an election for a "Election." member of the Legislative Assembly of this Province, or to a municipal council, as the case may be;

(b) The words "to vote" shall mean to vote at an election. "To vote."

55 5. Section 37 of *The Assessment Act* is hereby repealed, and the following is substituted therefor: R. S. O., c. 180, s. 37, repealed.

37. (1) It shall be the duty of every person assessable for real or personal property in any local municipality or entitled to Particulars respecting property to be fur-



nished to assessors by parties who are assessable.

be entered in the assessment roll as a wage-earner, to give all necessary information to the assessors, and if required by the assessor, or by one of the assessors, if there is more than one, he shall deliver to him a statement in writing, signed by such person (or by his agent, if the person himself is absent) containing:

- (a) All the particulars respecting the real or personal property assessable against such person which are required in the assessment roll; and
- (b) In the case of a wage-earner full particulars of the income or wages earned by him during the then preceding twelve months;

and if any reasonable doubt is entertained by the assessor of the correctness of any information given by the party applied to, the assessor shall require from him such written statement.

Affirmation by wage earner.

(2)  The name of a wage-earner shall not be entered in the assessment roll as such wage-earner unless to the assessor, or to one of the assessors, if there is more than one, there has been first delivered by or on behalf of said wage-earner a written affirmation made and signed by him in the form following or to the like effect:—

“I, A. B., being a wage-earner within the meaning of *The Assessment Act* and any Act amending the same, do sincerely and truly affirm and declare, that I am of the full age of twenty-one years; that I am a subject of Her Majesty by birth or naturalization; that I am actually resident and domiciled in this city of (or town, village, or township as the case may be) at (giving the locality of his residence or the name of the street and the number (if any) of such residence, or such other reasonable description as will easily permit of its being verified and ascertained); that my post office address is ; 30
and that during the twelve months next preceding this day of in the year (the date to be filled in here is that of the day, month, and year upon which this affirmation is made and signed) I have derived and earned wages and income from my trade, occupation, calling, office or profession, of not less than two hundred and fifty dollars.”

Witness,

A. B.

X. Y., of (add residence and occupation).

And in the case of a wage-earner claiming or entitled to be entered in the assessment roll of a Township, there shall be added to the last words of the foregoing affirmation these further words:

“Including and estimating as part of said two hundred and fifty dollars, the fair value of board and lodgings given to or received, or had by me as or in lieu of wages during said twelve months.”

- (a) Such written affirmation must have been so made and signed by such wage-earner in the presence of an attesting witness, within one month prior to its being so delivered as aforesaid to the assessor, and said attesting witness shall subscribe his signature as such to said affirmation, and shall add thereto his place of residence and occupation.

Forms to be provided.

(3) The local municipality shall provide the assessor with a sufficient number of printed forms of the affirmation aforesaid, and if the same be not so provided by the municipality the assessor shall procure and provide himself with a sufficient number thereof, and shall be entitled to have and recover the costs thereof from the municipality.

Entry of affirmation on roll.

(4) The assessor shall in the case of a wage-earner making such affirmation as aforesaid, enter on the roll opposite his name in the column 26 mentioned in section 12 of this Act, the word “affirmed,” and the date on which such affirmation purports to be so made.

Affirmations to be filed.

(5) The assessor shall deliver to the clerk of the local municipality with the assessment roll, every affirmation so made

before him, and the same shall thereupon remain with and be kept by such clerk on file in his office, and shall, at all convenient office hours be open to inspection and examination by any person entitled to examine or inspect said assessment roll.

- 5 **6.** Nothing in section 41 of *The Assessment Act* contained shall be deemed to require the assessor to give, leave or transmit any notice to any person entered on the assessment roll as only a wage-earner or landholder's son, either under the provisions of said Act as amended by this Act or
 10 otherwise, but in any notice given or transmitted to any landholder under the provisions of said section the assessor shall enter and set forth the name of every person entered in said roll as a son of such landholder.

Assessor not required to give notice to wage earner or landholder's son under R. S. O., c. 180, s. 41.

- 15 **7.** (1) Any notice, document or paper necessary to be given to, or left with, or served upon a landholder's son under any of the provisions of *The Assessment Act*, as amended by this Act, shall be deemed to be so given to, or left with, or served upon such son if the same is given to him personally, or is left with some grown person at the residence of *the landholder whose*
 20 *son he is.*

Service of notices and papers on landholder's son.

(2) Any notice, document or paper necessary to be given to, or left with, or served upon any wage-earner under any of the said provisions, shall be deemed to be so given to, or left with, or served upon such wage-earner, if the same

- 25 (a) Is given to or left with him personally; or
 (b) Where such wage-earner has a known residence or place of business within the local municipality, is left with some grown person at such residence or place of business; or,
 30 (c) Where such wage-earner has no known residence or place of business within the local municipality is mailed through the post-office, with the postage thereon pre-paid, and addressed to him at the post-office address contained in any affirmation made by
 35 him before the assessor.

8. Instead of the certificate provided by section 42 of *The Assessment Act*, every assessor shall attach to his roll a certificate signed by him and verified upon oath or affirmation in the form following:—

Certificate of assessor under R. S. O., c. 180, s. 42.

- 40 "I do certify that I have set down in the above assessment roll all the real property liable to taxation situate in the municipality (or ward) of (as the case may be) and the true actual value thereof in each case, according to the best of my information and judgment; and also that the said assessment roll contains a true statement of the aggregate amount of the personal
 45 property, or of the taxable income, of every party named on the said roll; and that I have estimated and set down the same according to the best of my information and belief; and I further certify, that I have entered thereon the names of all the resident householders, tenants and freeholders, and of all other persons who have required their names to be entered thereon, with the true amount of property occupied or owned, or of income received
 50 by each, and that I have not entered the names of any persons whom I do not truly believe to be a householder, tenant, or freeholder, or the *bona fide* occupier or owner of the property, or in receipt of the income set down opposite his name, for his own use and benefit; and I further
 55 certify that according to the best of my knowledge and belief, I have entered thereon the name of every person entitled to be so entered either as a landholder's son or as a wage-earner, and that I have not intentionally

omitted therefrom the name of any person whom I knew or had good reason to believe was or is entitled to be entered thereon either as a landholder's son or as a wage-earner; and I further certify that the date of delivery or transmitting the notice required by section forty-one of *The Assessment Act* is in every case truly and correctly stated in the said roll: and I further certify and swear (or affirm as the case may be) that I have not entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote, or for any reason whatever; and that the amount for which each such person is assessed upon the said roll truly and correctly appears in the said notice delivered or transmitted to him as aforesaid." 5 10

R. S. O., c. 180, s. 40, repealed.

9. Section 40 of *The Assessment: Act* is hereby repealed and the following is substituted therefor—

Assessor to make enquiries so as to prevent creation of false votes.

40. To prevent the creation of false votes, where any person 15

- (1) claims to be assessed, or claims that any other person should be assessed as owner, tenant, or occupant of any parcel of land, or as a householder, or as possessing the income which entitles him to vote in any municipality at any election; or 20
- (2) claims to be entered, or that any other person should be entered, in the assessment roll of the municipality either as a landholder's son, or as a wage-earner,

and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed or entered, it shall be the duty of the assessor to make reasonable enquiries before so assessing or entering any such person. 25

Entry of landholder's sons and wage earners on roll.

10. Subject to the other provisions of this Act and of *The Assessment Act* as amended by this Act, any landholder's son and any wage-earner entitled as such to be assessed or to have his name entered in the assessment roll of any local municipality, shall be so assessed, and shall have his name so entered without any request in that behalf, unless he informs or notifies the assessor to the contrary; and any person entitled to be entered in such assessment roll or in the voters' list based thereon, or to vote or to be a voter in the electoral district in which any such municipality is situate, shall, in order to have the name of such landholder's son or wage-earner entered and inserted in such assessment roll, or list of voters, as the case may be, have for all purposes the same right to apply, complain or appeal to any court or to any judge in that behalf, as such landholder's son or wage-earner, as such, would or can have personally, unless it is made to appear to the court or judge that such landholder's son or wage-earner actually dissents therefrom. 30 35 40 45

Penalty for causing improper entries on roll.

11. Any person who wilfully and improperly inserts or procures or causes the insertion of any name in the assessment roll, or assesses or procures or causes the assessment of any person at too high an amount, with intent in either or any such case to give to any person not entitled thereto an apparent right to vote at any election; or who wilfully inserts, or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and improperly omits, or procures or causes the omission of any name from the assessment roll, or assesses or procures or causes the assessment of any 50 55

person at too low an amount, with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and to imprisonment 5 until the fine is paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the court.

10 **12.** Sub-section 23 of section 6 of *The Assessment Act* is hereby repealed, and the following substituted therefor:—

R. S. O. c. 180, s. 6, sub-s. 23, repealed.

(23) The stipend or salary of any clergyman or minister of religion while in actual connection with any church and doing duty as such clergyman or minister, to the extent of one thousand dollars and the parsonage, when occupied as such or 15 unoccupied, and if there be no parsonage the dwelling house occupied by him with the land thereto attached, to the extent of two acres, and not exceeding two thousand dollars in value. This sub-section shall not apply to a minister or clergyman whose ordinary business or calling at the time of the assess- 20 ment is not clerical though he may do occasional clerical work or duty.

Exemption of Ministers' stipends.

13. Sub-section 4 of section 12 of the said Act is here- by amended by adding after the words "Column 3.— 25 Occupation," the words, "and in the case of females, a state- ment whether the party is a spinster, married woman or widow, by inserting opposite the name of the party the letter 'S,' 'M,' or 'W,' as the case may be."

R. S. O. c. 180, s. 12, sub-s. 4, amended.

14. Section 93 of the said Act is hereby amended by adding thereto the following sub-section:—

R. S. O. c. 180, s. 93, amended.

30 (2) A city shall for the purposes of this section be deemed to be within the county of which it forms territorially a part.

15. Sub-section 3 of section 33 of *The Municipal Amend- ment Act of 1879*, is hereby amended by adding thereto the following words: "And in the event of the assessment of any 35 one or more municipalities being reduced or increased by the court, directions shall be given to the clerk of the county council to ~~increase~~ increase or reduce the rate imposed by the by-law of the county council so that such rate will, calculated upon the finally revised and equalized assessment, produce the sum which such by-law is intended to provide." ~~and~~

42 V. c. 31, s. 33, sub-s. 3, amended.

40 **16.** Section 9 of *The Act respecting Municipal Assessments and Exemptions*, passed in the forty-third year of Her Majesty's reign and chaptered 27, is hereby repealed, and the following is substituted therefor:

43 V. c. 27, s. 9, repealed.

45 9. (1) Where there is an appeal from any Court of Revision under section 59 of *The Assessment Act* to the County Court Judge of the county in which the assessment is made, and a person, partnership or corporation desiring to appeal has been assessed on one or more properties to an amount aggregating fifty thousand dollars, such person, partnership or corporation shall, on depositing with the clerk of the Court of Revision 50 appealed from the sum of fifty dollars to pay the travelling expenses of the Board or Judge to be called in as herein- after mentioned, have the right to have the appeal from the said

Appeals from Court of Revision.

Court of Revision heard by a Board consisting of the judges of the counties which constitute the County Court District if the property assessed be in a county which forms part of a County Court District, and if not, then the party or corporation appealing may request, in writing, the said County Court Judge to associate with himself in hearing the said appeal, the Judge or acting Judge of the County Court of the county whose county town is nearest to the court house where the said appeal will be heard, and the said appeal shall thereupon be heard by the County Court Judge, and the said judge so called in as aforesaid, and in such cases the clerk of the municipality shall forthwith notify each of the judges whose duty it shall be to attend upon such appeal as aforesaid, by post prepaid, of all notices of appeal coming within the provisions of this section, which are from time to time served upon him, and the judge of the county in which the city, town, township or village lies, the decision of whose Court of Revision has been appealed against, shall arrange a day for the hearing of such appeals, and shall notify the clerk thereof, and the clerk shall immediately notify, by post prepaid, the other judge or judges and the parties appealing.


(2) Where an appeal against an assessment lies from a Court of Revision to the Stipendiary Magistrate of the District or Provisional County in which the property assessed is situate, and a person or corporation desiring to appeal is assessed on one or more properties in any township or union of townships to an amount in the aggregate exceeding fifty thousand dollars, such person or corporation shall have the right to appeal either to the said Stipendiary Magistrate or (on depositing with the Clerk of the Municipality the sum of *fifty* dollars to defray the travelling expenses of the County Court Judge hereinafter mentioned) to the Judge of the County Court of the county to which the said Provisional County or District is attached for judicial purposes; the notice of such appeal, the time for bringing the same on, and the procedure generally, to be the same as in the case of an ordinary appeal from a Court of Revision to a County Court Judge.

(3) The sections of *The Assessment Act*, from 59 to 67 inclusive, shall apply to all appeals taken under the two preceding sub-sections, and the said judges shall have the powers and duties which by the said sections, 59 to 67, are assigned to the County Court Judge therein referred to.

(4) When two judges hear the appeal and differ in their opinion as to the allowance of the said appeal or otherwise, then the said assessment appealed from shall stand confirmed.

(5) The clerk with whom any money is deposited to pay the travelling expenses as aforesaid shall pay out of the moneys so deposited upon requisition by the judge such sum as the said judge shall certify to him as his travelling expenses in connection with the said appeal and shall repay the balance if any to the person or corporation depositing the same.

(6) The provisions of this section shall also be held as applying in any case where the person, partnership, or corporation desiring to appeal has been assessed on properties to an amount not less than twenty thousand dollars, and not exceeding fifty thousand dollars, provided that the matter of appeal involves questions of law, and does not involve only

the question of the value at which such properties have been so assessed. 

5 **17.** The several provisions of this Act, as they respectively come into force and effect, shall be read with and construed as part of *The Assessment Act*.

18. The several sections and provisions of this Act shall come into force and have effect as follows : Commence-
ment of Act.

- (1) Sections 11 to 17, both inclusive, shall come into force and have effect from and after the passing of this Act.
- 10 (2) The remaining sections and provisions of this Act shall come into force and have effect on and after the first day of January next after the passing thereof, except as to any assessment roll or assessment taken or made subsequent to the first day of July next after the passing thereof, under the special
- 15 provisions of section 44 of *The Assessment Act*; and with respect to any such last mentioned assessment roll or assessment, and any list of voters based thereon, this Act shall for all purposes, and as regards all matters, liabilities, duties and proceedings therein provided for, be deemed to come into force,
- 20 and have effect on and after said first day of July.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to further amend the Assessment Act.

First Reading,	9th	March,	1885.
Second	"	25th	March, 1885.

*(Reprinted as amended by the Committee of
the Whole House.)*

MR. FRASER.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No. 150.]

BILL.

[1885.

An Act to amend the Act respecting Snow Fences.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Section one of the *Act respecting Snow Fences*, passed in the 44 V. c. 26, s. 1, amended.
5 forty-fourth year of Her Majesty's reign, and chaptered twenty-six, is hereby amended by adding the following sub-section thereto :

(2) The Council of every Township may pass by-laws providing for conveying or leasing to the owners of lands bordering upon the public highway, a strip of the public highway, not more than six feet wide ; provided the owners of the lands adjacent to such strip of the public highway erect and maintain wire fences in compliance with the conditions imposed by said by-laws. Conveyance of lands adjoining highway.

10

No. 150.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Act respecting
Snow Fences.

First Reading, 9th March, 1885.

Mr. McLAUGHLIN.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No. 151.]

BILL.

[1885.]

An Act to Amend the Public Schools Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 10 of section 104 of *The Public Schools Act* R. S. O. c. 204, s. 104, sub-sec. 10, amended.
5 is hereby amended by adding at the end thereof, after the words "Public School Board," the following: "Providing that no such Board shall require any such Council to provide, nor shall any such Council be compelled to provide, any larger sum or amount in any year for School purposes than will be pro-
10 duced by imposing a rate of _____ mills in the dollar on all the ratable real and personal property in the Municipality, as shown by the last revised Assessment Roll of such Municipality."

No. 151.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to Amend the Public Schools Act.

First Reading, 11th March, 1885.

MR. CLARKE
(*Toronto*).

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO.

An Act respecting Covenants contained in Short
Forms of Leases.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. It is hereby declared that, unless the contrary is expressly
5 stated in the lease, all covenants entered into by a lessee, under
the *Act respecting Short Forms of Leases*, shall run with the
land demised, and shall bind the heirs, executors, administrators
and assigns of the lessee, and the proviso for re-entry, contained
10 in the schedule to the said Act, shall, when inserted in any
such lease, apply to a breach of either an affirmative or a
negative covenant.

Covenants to
run with land.

2. This enactment shall apply to all existing leases.

Application of
Act.

No. 152.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act respecting Covenants contained in
Short Forms of Leases.

First Reading, 11th March, 1885.

Mr. HARCOURT

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

To amend the Consolidated Municipal Act, 1883.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 445 of *The Consolidated Municipal Act, 1883*, is ^{46 V. c. 18, s. 445, amended.} hereby amended by adding after the word "force," occurring in the seventh line thereof, the following : " Provided that no such Board of Commissioners of Police shall require any such council to provide, nor shall any such council be compelled to provide, any larger sum or amount in any year than will be
10 produced by imposing a rate of mills in the dollar on all the ratable real and personal property in the municipality, as shown by the last revised assessment roll of such municipality."

2. Section 504 of the said Act is hereby amended by adding ^{Sect. 504, amended.} the following sub-section thereto :—

For establishing benefit and superannuation funds and making provision for the families and widows of regular salaried officials and employees, including firemen.

3. It shall and may be lawful for the council of any city,
20 town, or incorporated village to pass by-laws to remit and refund so much of the special rates heretofore imposed on corner lots and irregular pieces of land for the construction of pavements and sidewalks under local improvement by-laws as may
25 be necessary to equalize the assessment made on such property with the assessment made on adjoining properties for the same improvement or work, and to provide the amount of all rates so remitted or refunded by passing by-laws for borrowing money by the issue of debentures, or by including said amounts in the rate bills for the year.

Refund of part of special rate for local improvements imposed on corner lots, etc.

No. 153.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

To amend the Consolidated Municipal
Act, 1883.

First Reading, 11th March, 1885.

MR. CLARKE
(*Toronto*).

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

No. 154.]

BILL.

[1885.

An Act to Amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 12 of section 6 of the *Assessment Act* is R. S. O. c. 180, sec. 6, sub-sec. 12, amended.
5 hereby amended by inserting after the word "then," occurring in the third line thereof, the words "to the extent of two acres and not exceeding in value two thousand dollars."

No. 154.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to Amend the Assessment Act.

First Reading, 11th March, 1885.

Mr. CLARKE
(*Toronto*).

TORONTO:

PRINTED BY THE "GIP" PRINTING AND PUBLISHING CO

An Act relating to the Election Acts and the Act
respecting the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :

1. Section 57 of *The Controverted Elections Act* is here-
by amended by adding thereto the following provisions : "And
therein may determine all questions of law or fact which the
Judges disagreeing might or should otherwise have determined,
and in the same manner as in the opinion of the Court of
Appeal the disagreeing Judges should otherwise have done ;
and in such case the Registrar of the Court of Appeal shall
thereupon certify to the Speaker, or if there is no Speaker,
to the Clerk of the House, the judgment and decision of the
Court upon the case, in the same manner, and to the same effect,
as according to the judgment and decision of the Court of Ap-
peal, the trial judges should have done.

R. S. O. c. 11,
s. 57, amend-
ed. Powers
of Court of
Appeal when
Judges at
trial disagree.

"(2) Or instead of determining all questions of law or fact, the
Court of Appeal may refer the case back to the Trial Judges,
with such declarations and directions as the said Court of
Appeal may think fit ; and the Trial Judges shall thereupon
dispose of the case (including costs) in accordance with, and so
as to give effect to such declarations and directions, and the
said trial judges shall certify to the Speaker or Clerk as the
case may require ;"

2. The said 57th section shall be construed and have
effect in every case which has heretofore arisen, or is now pend-
ing, or which shall hereafter arise, as if the words and provi-
sions hereinbefore set forth were in the said Statute at the
time of the passing thereof ; and effect as aforesaid is to be given
thereto notwithstanding any order, judgment, or decision here-
tofore made or pronounced in the case by the Court of Appeal
or Trial Judges.

Effect to be
given to R. S.
O. c. 11, s. 57,
as amended.

3. (1) Section 16 of the Revised Statute respecting the
Legislative Assembly is amended by inserting after the word
"Judge," in the third line, the words "or Judges"; and by
inserting after the word "void" in the fourth line the words
"or of a certificate of the Registrar of the Court of Appeal, cer-
tifying that the election was void."

R. S. O. c. 12,
s. 16, amend-
ed.

(2) Section 17 of the said Act is hereby amended by striking
out the words "from the Judge determining any election
petition" in the second line of the said section, and inserting
in lieu thereof the following words, "as in the preceding sec-
tion mentioned."

(3) Sections 16 and 17 of the said Act shall be construed and have effect in every case which has heretofore arisen, or is now pending, or which shall hereafter arise as if the said words were in the said Statute at the time of the passing thereof; and notwithstanding any order, or judgment, or decision heretofore made or pronounced in the case by the Court of Appeal or the Trial Judges. 5

Construction of R. S. O. c. 10, ss. 161, 162, declared.

4. Sections 161 and 162 of *The Election Act* (Chapter 10 of the Revised Statutes), were intended to be construed as if the said sections had at the time of the passing thereof been expressed as the same were amended by the 28th and 29th sections of *The Election Law Amendment Act, 1884*: 10

And it is hereby declared and enacted that, by the true intention of the said sections, and the 8th section of *The Controverted Elections Act* the practices mentioned in the 161st section aforesaid were and are such practices only as should be committed with corrupt intent, and involved moral culpability, and as should be so found by the joint decision of the judges trying the petition against the candidate, (in this Act called the Trial Judges), or by the Court of Appeal; and the practices so mentioned in the said 161st section did not and do not include any practice not found by such joint decision or by the Court of Appeal, to be of the character aforesaid; and the said practices did not and do not include a practice committed (as provided by the 162nd section) "without any corrupt intent, and in an ignorance which was involuntary and excusable, and where the evidence shewed the candidate to have honestly desired and in good faith endeavoured as far as he could to have the election conducted according to law," and did not and do not include a practice which is designated in the 164th section of the said *Election Act* as "a merely technical breach of law," and a practice "not being an intentional violation of law, and not involving moral culpability;" 20 25 30

And the said declarations and enactments of this section are for all purposes to be construed and to have effect from the time of the passing of the said *Revised Statutes*, as if the same had been expressed therein according to the hereby declared intention of the said enactments. 35

J. F. Dowling declared duly qualified for election, etc.

5. Whereas at a court held in pursuance of *The Controverted Elections Act* for the trial of a petition against the return of John Francis Dowling as member of the Legislative Assembly for the Electoral Division of the South Riding of the County of Renfrew at the general election held in February, 1883, the election of the said John Francis Dowling was by the said court declared to be void, and it appears by the certificates or reports of the judges who composed the said court, "that there was no reason to believe that corrupt practices extensively prevailed at said election," and that the said judges differed as to "whether the said John Francis Dowling was guilty of a corrupt practice under section 161 of *The Election Act*;" one of the said judges certifying that the difference was, "whether the said John Francis Dowling was guilty of a corrupt practice under section 161 of *The Election Act* in paying or consenting to the payment of the travelling expenses of certain voters to convey them to the poll;" the other of 40 45 50 55

the said judges certifying the difference to be as to "whether the said John Francis Dowling was guilty of a corrupt practice under section 161 of *The Election Act*, he having committed an illegal act under section 154 of the said Act in sanctioning the payment of voters' travelling expenses at such election, but without any corrupt intent, and in ignorance which was involuntary and excusable under a belief that so long as he did not personally bear or pay the said expenses it was not illegal, and under the belief that the said voters were bound or were willing to repay the said expenses, or allow them to be deducted from their wages;" and further, the said judge certified "that the evidence showed the said John Francis Dowling to have honestly desired and in good faith endeavoured as far as he could to have the said election conducted according to law;" all which more fully appears by the respective certificates or reports of the said judges, entered upon the Journals of the Legislative Assembly, of the 24th January, 1884;

And whereas under these circumstances it would be contrary to the intention of the Legislature, and would therefore be unjust, that the said John Francis Dowling should be subject to the disqualifications and other penalties and consequences intended only for acts found by the joint decision of the two trial judges, or by the Court of Appeal, to have been committed with corrupt intent, and involving moral culpability;

It is therefore hereby declared and enacted that the said John Francis Dowling was not and is not, by virtue of the said reports or either of them, or of any finding, matter or thing therein contained, or of any judgment or order founded thereupon, to be deemed or held to have been guilty of a corrupt practice within the meaning of the said 161st section, and was not by reason of the said reports or either of them or anything therein contained, or of any judgment or order founded thereupon, rendered incapable of being elected to or of sitting in the Legislative Assembly, or being entered in any voters' list as a voter, or voting at any election, or holding any office at the nomination of the Crown or Lieutenant-Governor of Ontario, or any municipal office, as respectively mentioned in the said 161st section;

And it is further declared and enacted, that the said John Francis Dowling did not by means of the said reports or any judgment or order founded thereon, become, and was not and is not by reason thereof, incapable, or ineligible, or disqualified, within the meaning of the 11th section of the Act respecting the Legislative Assembly, or of the 161st section of *The Election Act* as aforesaid; and it is hereby declared and enacted that notwithstanding any report, certificate, finding, determination or judgment whatsoever heretofore made, given, rendered, found or adjudged by the said trial Judges or either of them, or by the said Court of Appeal, the said John Francis Dowling was and has always been duly qualified to be elected and returned as and to be a member of the Legislative Assembly of the Province of Ontario; and he is hereby indemnified and exonerated from all liability to any penalty or other responsibility, and from any suit, demand or judgment which may have been or may be hereafter brought or rendered against him with respect to any such penalty or

responsibility, for sitting or voting in the said Legislative Assembly while not otherwise disqualified than by the said reports, or any judgment, decision or order founded thereupon.

Act may be
pleaded as a
bar to any
action.

6. This Act may be pleaded as a bar and discharge to any petition or action pending or which may be filed or brought against the said John Francis Dowling for any matter, cause or thing mentioned in this Act, and shall also be a discharge of any judgment, decree or order for any such penalty as is mentioned in the next preceding section, and any costs in such judgment. 5 10

(See Dom. Act, 47 V. c. 14, with respect to Sir Charles Tupper's case.)

BILL.

An Act relating to The Election Acts and the Act respecting the Legislative Assembly.

First Reading, 12th March, 1885.

Mr. HARDY.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No. 156.]

BILL.

[1885.

An Act to amend the Consolidated Municipal
Act, 1883.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Sub-section 10 of section 482 of *The Consolidated Muni-*^{46 V. c. 18, s.}
5 *cipal Act, 1883*, is hereby amended by adding after the word ^{482, sub-s. 10,}
“Manufacturers” in the second line of said sub-section, the
words “and fishing industries.”^{amended.}

No. 156.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Consolidated Municipal Act, 1883.

First Reading, 12th March, 1885.

Mr. GILLES.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Act to impose a Tax on Dogs,
and for the Protection of Sheep.

(See Statutes of Pennsylvania 14 April, 1851; Connecticut Statute, cap. 64 of 1864; Wisconsin Revised Statute, cap. 84, sec. 4; Vermont General Statutes, cap. 104, sec. 9.)

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :

1 Section 16 of *The Act to impose a Tax on Dogs and for* R. S. O. c. 194,
5 *the Protection of Sheep*, chapter 194 of the Revised Statutes, s. 16, amended.
is hereby amended by adding thereto the sub-sections fol-
lowing: Apportion-
ment of
damage.

(2) If it shall appear before the court or judge at the trial of
any such action for damages, or before such justice at the hear-
10 ing of the said information or complaint before him, that the
damage or some part of the damage sustained by such aggrieved
party was the joint act of some other dog or dogs, and of the
dog or dogs owned or kept by the party charged in such infor-
mation or complaint, the court, judge or justice shall have
15 power to decide and apportion the damages sustained by the
complainant, among and against the respective owners or
keepers of the said dogs, as far as such owners or keepers are
known, in such shares and proportions as such court, judge or
justice shall think fit, and to award the same by the judgment
20 of the said court or judge, or in the conviction of such justice
on behalf of such aggrieved party ;

(3) When in the opinion of the court, judge or justice, the
damages were occasioned by dogs the owner or owners of
which are known, and dogs the owner or owners of which are
25 unknown, or the owners of which have not been summoned to
appear before the court, judge or justice, the court, judge or
justice may decide and adjudge as to the proportion of such
damages which, having regard to the evidence adduced as to
the strength, ferocity and character of the various dogs shown
30 to have been engaged in committing such damage, was probably
done by the dogs the owner or owners of which have been
summoned to appear before such court, judge or justice, and
shall determine in respect thereof and apportion the damage
which such court, judge or justice decides to have been probably
35 done by the dogs whose owners have been summoned, amongst
the various owners who have been summoned as aforesaid.

(4) The same proceedings shall be thereupon had against the
party found by such judge or justice to be the owner or keeper
of the dog or dogs which by such court, judge or justice shall

have been found to have contributed to the damage sustained by the party aggrieved, as if the information or complaint had been laid in the first instance against such party ;

(5) Any apportionment of the amount of damages sustained made in pursuance of this section shall be final and conclusive and not subject to any appeal ; provided, that such court, judge or justice shall not decide and apportion the said damage against any person other than the person in the information or complaint first charged, nor award the same in the said judgment or conviction without such other person having been summoned to appear before such court, judge or justice, and having had an opportunity of calling witnesses. 5 10

No. 157.

2nd Session, 5th Legislature, 48 Vic., 1885

BILL.

An Act to amend the Act to impose a Tax on Dogs, and for the Protection of Sheep.

First Reading, 12th March, 1885.

Mr. Ross
(Mauron).

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Act to impose a Tax on Dogs,
and for the Protection of Sheep.

(See Statutes of Pennsylvania 14 April, 1851; Connecticut Statute, cap. 64 of 1864; Wisconsin Revised Statute, cap. 84, sec. 4; Vermont General Statutes, cap. 104, sec. 9.)

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :

1. Section 16 of *The Act to impose a Tax on Dogs and for*
5 *the Protection of Sheep*, chapter 194 of the Revised Statutes,
is hereby amended by adding thereto the sub-sections fol-
lowing : R. S. O. c. 194,
s. 16, amended.
Apportion-
ment of
damage.

(2) If it shall appear before the court or judge at the trial of
any such action for damages, or before such justice at the hear-
10 ing of the said information or complaint before him, that the
damage or some part of the damage sustained by such aggrieved
party was the joint act of some other dog or dogs, and of the
dog or dogs owned or kept by the *person* charged in such infor-
15 mation or complaint, the court, judge or justice shall have
power to decide and apportion the damages sustained by the
complainant, among and against the respective owners or
keepers of the said dogs, as far as such owners or keepers are
known, in such shares and proportions as such court, judge or
20 justice shall think fit, and to award the same by the judgment
of the said court or judge, or in the conviction of such justice
on behalf of such aggrieved *person* ;

(3) When in the opinion of the court, judge or justice, the
damages were occasioned by dogs the owner or owners of which
are known, and dogs the owner or owners of which are unknown,
25 or the *owner or owners*, of which have not been summoned to
appear before the court, judge or justice, the court, judge or
justice may decide and adjudge as to the proportion of such
damages which, having regard to the evidence adduced as to
the strength, ferocity and character of the various dogs shewn
30 to have been engaged in committing such damage, was probably
done by the dogs the owner or owners of which have been
summoned to appear before such court, judge or justice, and
shall determine in respect thereof and apportion the damage
which such court, judge or justice decides to have been probably
35 done by the dogs whose owners have been summoned, amongst
the various owners who have been summoned as aforesaid.

(4) The same proceedings shall be thereupon had against *any*
person found by such judge or justice to be the owner or keeper
of the dog or dogs which by such court, judge or justice shall

have been found to have contributed to the damage sustained by the *person* aggrieved, as if the information or complaint had been laid in the first instance against such *person* ;

(5) *The* court, judge or justice shall not decide and apportion the said damage against any person other than the person in the information or complaint first charged, nor award the same in the said judgment or conviction without such other person having been summoned to appear before such court, judge or justice, and having had an opportunity of calling witnesses. 5

(6) Appeals from or against any conviction, or order under the said 16th section, or from or against any apportionment or order made under this Act, shall be made to the Division Court holden in the Division in which the cause of action arose, or in which the party complained against, or one of them resided at the time of making the complaint ; and the proceedings shall be the same as nearly as may be, as provided by the sections numbered from 50 to 53 of *The Division Courts Act*, 1880. 15

BILL.

An Act to amend the Act to impose a Tax on Dogs, and for the Protection of Sheep.

First Reading, 12th March, 1885.
Second " 16th " 1885.

(Reprinted as Amended by Committee of
whole House.)

Mr. ROSS
(Huron).

TORONTO :

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act to make further provision regarding the
Public Health.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :

This Act may be cited as *The Public Health Act, 1885.*

Short title.

5 1. Whenever, from the presence of any formidable epidemic
or contagious disease in any locality, the Provincial Board
of Health considers the appointment of a Medical Health
Officer necessary for the municipality in which such disease
exists, or for any neighbouring municipality, and requests
10 the council of any such municipality to appoint a Medical
Health Officer the council shall forthwith appoint a properly
qualified medical practitioner, to be Medical Health Officer for
the municipality.

Appointment
of Medical
Health Officer
by municipal
councils.

15 2. If a council does not appoint a Medical Health Officer,
within five days after a request in that behalf made by the
Provincial Board, which request may be served upon the head
of the council or its clerk, or mailed to either of such officers
by registered letter-post, the Provincial Board may appoint a
Medical Health Officer for such municipality.

By Provincial
Board.

20 3. Every Medical Health Officer appointed shall hold office
for such term as may be agreed upon in writing, or if no
definite term is agreed upon in writing, he shall hold office
during the pleasure of the municipal council, or if under the
preceding section the Medical Health Officer is appointed by
25 the Provincial Board he shall hold office until the first day of
February in the year following that in which he is appointed ;
Provided always that the municipal council may at any time,
upon a two-thirds vote of its members, dismiss any Medical
Health Officer engaged for a term, for a neglect of duty ; and
30 the decision of such council shall be final and shall not render
the corporation liable for any damages ; the Medical Health
Officer shall be entitled to compensation for services actually
rendered up to the time of such dismissal, but the amount
of such compensation shall not exceed the salary he would
35 have earned up to the time of such dismissal, and if his
salary up to such time is paid such payment shall be a bar to
any other claim for services rendered.

Duration of
office.

Compensation
in case of dis-
missal.

40 4. Where any Medical Health Officer becomes temporarily
or permanently incapable of performing his duties, or resigns
his office, or leaves the locality for which he has been appointed,
the council shall forthwith appoint another Medical Health
Officer in his room.

Vacancy in
office, how
filled.

Case of several municipalities united into one health district.

5. Where two or more municipalities are united into a health district, the provisions of the preceding part of this Act shall apply, except that the power and duty of appointing or removing a Medical Health Officer shall be with the District Board of Health, unless the councils of the municipalities composing such health district have, previous to any request in that behalf being made by the Provincial Board, united in appointing a Medical Health Officer for such municipalities, and the Provincial Board may, in case of their default, appoint a Medical Health Officer for such district. 10
See 46 V. c. 38, sec. 14.

Compensation of Medical Health Officer.

6. In case the appointment of a Medical Health Officer is made by the Provincial Board of Health he shall be entitled to recover from the municipality reasonable compensation for his services.

His powers.

7. Where a Medical Health Officer is appointed he shall possess all the powers and authority possessed by any Health Officer or Sanitary Inspector under *The Public Health Act, 1884*, or any other Act in force, and such Medical Health Officer shall perform all duties imposed upon him by any regulations of the Provincial Board of Health, and the fact that similar duties are by statute imposed upon the Local Board of Health shall not relieve the Medical Health Officer from the performance of such duties. See 47 V. cap. 38, sec. 4.

Suspension of municipal and school elections.

8. (1) In case the Provincial Board of Health reports to the Lieutenant-Governor that on account of the presence in any municipality of an epidemic or contagious disease it would be dangerous to hold an election in such municipality, the Lieutenant-Governor may, without any Order in Council being passed in that behalf, issue his proclamation postponing the holding of any intended municipal or school election for a period not exceeding three months, and may from time to time further postpone such election if in the opinion of the said board the necessity for postponement continues. 25 30

(2) The Lieutenant-Governor may, by his said proclamation, name the days for holding the nomination and polling for the election, but in case no days are named therefor, the council shall, as soon as practicable after the period named in such proclamation, or the last of such proclamations, expires, by by-law name days for the nomination and polling. 35

(3) In case an election postponed under the provisions of this section is the annual election, or an election of the entire council, or of all the members of a board of trustees or other body, the members of the council, board or other body shall continue to hold office until their successors are elected. 40

Authority to dispose of refuse, etc., after removal.

9. Where under the provisions of *The Public Health Act, 1884*, or of any municipal by-law, the Local Board or any Health Officer removes any dirt, filth, refuse, debris, logs or other thing which is likely to endanger the public health or to become or cause a nuisance, or which is, or is causing, a nuisance, such dirt, filth, refuse, logs or other thing shall be subject to the disposition of the Local Board or, if the officer is acting under a by-law of a municipal council, shall be subject to the disposition of the council, and the owner of such thing shall have no claim in respect thereof. 45 50

10. Where a Local Board of Health, or any Health Officer, is required or empowered, under any Public Health Act, or under any regulations made thereunder, to disinfect any person or thing, or to isolate any person, such board or officer may use such force and employ such assistance as is necessary in order to accomplish what is required.

Powers for purpose of disinfecting things or persons.

11. Section 3 of *The Public Health Act, 1884* is hereby amended by adding the following as sub-sections 9, 10, 11, 12, 13 and 14.

47 V. c. 38, s. 3, amended.

- 10** (9) For the inspection of railway stations, steamboats, vessels, railway carriages and cars and public conveyances by the Local Board or some officer, and the cleansing, purifying and disinfecting thereof, and anything contained therein when required by such Board or officer at the expense of the owner, occupier, or the person having the care and ordering thereof, and for detaining for this purpose any such steamboat, vessel, railway carriage and car or public conveyance, and anything contained therein, so long as may be necessary, and any person travelling thereby.
- 20** (10) For preventing the departure of persons from infected localities, and for preventing persons or conveyances from passing from one locality to another, and for detaining persons or conveyances who or which have been exposed to infection, for inspection or disinfection until the danger of infection is passed.
- 25** (11) For requiring the appointment of sanitary police to be paid by the municipalities in which they act for the purpose of assisting and carrying out the health regulations in force in the municipality.

Inspection of railway stations, steamboats, etc.

Restraining departure of persons and conveyances.

Sanitary police.

(12) For the removal of persons living in infected localities.

Removal of persons.

- 30** **12.** Section 8 of the said Act is hereby amended by inserting after the words "Local Boards of Health" where these words occur in the said section, the words "or by the Medical Health Officer or sanitary police."

47 V. c. 38, s. 8, amended.

- 35** **13.** Section 9 of the said Act is hereby amended by inserting after the words "the Local Boards of Health," the words, "or the Provincial Board of Health."

Sec. 9 amended.

- 40** **14.** Section 32 of the said Act is amended by inserting after the word "nuisance," in the fifth line of the second sub-section, the words "should the Local Board of Health through lack of funds be unable to abate the nuisance."

Sec. 32 amended.

15. Section 65 of the said Act is hereby amended by adding thereto the following additional sub-sections, as sub-sections 3 and 4.

Sec. 65 amended.

- 45** (3) Any person who violates any regulation of the Provincial Board of Health shall be liable for every such offence to a penalty not exceeding \$20 in the discretion of the convicting justices or magistrate, besides costs which may also be inflicted, if the convicting justices or magistrate sees fit to impose the same.

Penalty for violating regulations of Provincial Board of Health.

- 50** (4) Where any person has been convicted of an offence under this Act, or under any regulation or by-law enacted or in force,

Removal of nuisances.

thereunder, and such offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance or other unsanitary condition, which it is such person's duty to remove, or is in respect of the erection or construction of anything contrary to the provisions of this Act, or of *The Public Health Act, 1882*, or of any regulation or by-law enacted, or in force under either of the said Acts then, in case the proper authority in that behalf gives reasonable notice to such person to make good such omission or neglect, or to remove such nuisance or unsanitary condition, or to remove the thing which has been erected or constructed contrary to the said Act, regulation or by-law, and default is made in respect thereto, the person offending may be convicted for such default, and shall be liable to the same punishment as was, or might have been, imposed for the original offence, and so on, from time to time, as often as after another conviction a new notice is given and the default continues; and in the case of a third or subsequent conviction, it shall not be necessary in the information, conviction or other proceedings to make any reference to any conviction except the first, or to any notice except that in respect of which the proceedings are then being taken.

No. 158.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to make further provision regarding
the Public Health.

First Reading, 12th March, 1885.

Mr. ROSS
(*Huron*.)

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to further amend the Voters' Lists Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. This Act may be cited as *The Voters' Lists Amendment Act*, 1885. Short title.

2. Section 2 of *The Voters' Lists Act* and its sub-sections, R.S.O. c. 9, s. 2, repealed. are hereby repealed, and the following is substituted therefor:

2. (1) The clerk of each municipality shall, immediately after the first revision and correction of the assessment roll Clerk to make list of voters. in every year, make a correct alphabetical list in three parts (Form 1) of all persons being of the full age of twenty-one years and subjects of Her Majesty by birth or naturalization, and appearing by the assessment roll to be entitled to vote in the municipality, prefixing to the name of each person his number upon the roll. 39 V. c. 11, s. 1; 40 V. c. 12, s. 4.

(2) The first of the three parts shall contain the names, in alphabetical order, of all male persons of full age and subjects as aforesaid, appearing by the assessment roll to be assessed for the real property or income requisite to entitle him to vote in the municipality at both municipal elections and elections for members of the Legislative Assembly. 40 V. c. 12, s. 4 (a). First part.

(3) The second part shall contain the names, in alphabetical order, of all other male persons of full age and subjects as aforesaid, and of all widows and unmarried women of full age and subjects as aforesaid, and appearing on the assessment roll to be entitled to vote in the municipality at municipal elections only, and not at elections for members of the Legislative Assembly. 40 V. c. 12, s. 4 (b); 47 V. c. 32, s. 3. Second part.

(4) The third part shall contain the names, in alphabetical order, of all other male persons of full age and subjects as aforesaid, appearing by the assessment roll to be entitled to vote in the municipality at elections for members of the Legislative Assembly only, and not at municipal elections. 40 V. c. 12, s. 4, (c). Third part.

(5) It shall not be necessary to enter the name of the same person more than once in any such part;

(6) Where a municipality is divided into polling sub-divisions the list (to be made in three parts as aforesaid) shall be made for each of such sub-divisions. 39 V. c. 11, s. 1 (2); 40 V. c. 12, s. 5. Lists for polling sub-divisions.

Real property on which voter qualifies to be named. (7) If the qualification of any such person is in respect of real property, the clerk shall, opposite the name of the person, insert, in the proper column of the voters' list, the number of any lot or other proper description of any parcel of real property in respect of which each person is so qualified; adding thereto, where the person is so qualified in respect of more than one such lot or parcel, the words "and other premises;" and in the case of the person being a landholder's son or a wage-earner within the meaning of *The Election Act* and any Act amending the same, the clerk shall also, in the proper column of the voters' list, state that fact and the place at which the voter resides in the municipality. 39 V. c. 11, s. 1 (3); 40 V. c. 9, s. 4 *part*. 5 10

Income qualification. (8) If the qualification is in respect of taxable income, the clerk shall, in the proper column of the voters' list, state that fact and the place at which the voter resides in the municipality. 39 V. c. 11, s. 1 (4). 15

Provision when property partly in one sub-division and partly in another. (9) Wherever it appears by the assessment roll that any person is assessed for property within the municipality sufficient to entitle him to vote, but that it lies partly within the limits of one of such sub-divisions and partly within another or others, the clerk shall enter his name on the list of voters in each or every subdivision in which any part of such property is situate, with the following words added: *See sub-division No.* 39 V. c. 11, s. 1 (5). See 32 V. c. 21, s. 27. 20

When assessment roll to be regarded as finally revised. (10) An assessment roll shall be understood to be finally revised and corrected, when it has been so revised and corrected by the Court of Revision for the municipality, or by the Judge of the County Court, in case of an appeal, as provided in *The Assessment Act*, or when the time during which such appeal may be made has elapsed, and not before. 39 V. c. 11, s. 1 (6); 40 V. c. 11, s. 12 (4). 25 30

R.S.O. c. 9, s. 8, repealed. 3. Section 8 of *The Voters' Lists Act* and its sub-sections are hereby repealed, and the following is substituted therefor:—

Revision of list. 8. (1) The said list of voters shall be subject to revision by the County Judge, at the instance of any voter or person entitled to be a voter in the municipality for which the list is made, or in the electoral district in which the municipality is situate, on the ground of the names of voters being omitted from the list, or being wrongly stated therein, or of names of persons being inserted on the list who are not entitled to vote; and upon such revision the assessment roll shall not be conclusive evidence in regard to any particular, whether the matter on which the right to vote depends had or had not been brought before the Court of Revision, or had or had not been determined by that court; and the decision of the judge under this Act, in regard to the right of any person to vote, shall be final so far as regards such person. 35 40 45

Appeal in case of persons disqualified under R.S.O. c. 10. (2) A complaint or appeal (Form 4) may be made on the ground of any person whose name is entered on the list being one of those who are disqualified or incompetent to vote under *The Election Act*. 50

Applications by persons who have acquired or have parted (3) If, before the final revision and correction of the assessment roll, any person named as a voter in the said list of voters has died or, having parted with the property in respect of 55

- which his name was entered in the voters' list, has, within the meaning of section 7 of *The Election Act of Ontario*, ceased to be a resident of the electoral district, the person who, at the time of such final revision and correction, was in possession of
- 5 the said property shall, if otherwise qualified to vote, be entitled to apply to the judge to be entered on the said list instead of the person first named in this section; and the proceedings to be taken in any such case shall be the same as in cases of appeals under this Act.
- 10 (4) Any person who is rated, or entered, or liable to be rated, or entered on the assessment roll, either for real property or income of the amount requisite to entitle him to vote, or as a landholder's son or a wage-earner, within the meaning of *The Assessment Act* or of *The Election Act*, or of any Act amending
- 15 the same, and who will be of the age of twenty-one years at any time within sixty days from the final revision and correction of the assessment roll, shall be entitled to apply to the judge to have his name entered upon the voters' list, or upon the assessment roll and the voters' list, as the case may require.
- 20 40 V. c. 10, s. 4 (2).
- (5) Any such landholder's son and any wage-earner entitled to be assessed or entered in the assessment roll of any municipality under *The Assessment Act*, or any Act amending the same, shall, in all respects and for all purposes, have the right to apply
- 25 and complain to the judge on the revision of the voters' lists, and to have his name entered and inserted in the list.
4. Sub-section 3 of section 3 of *The Voters' Lists Finality Act* is hereby repealed.
5. Any landholder's son and any wage-earner entitled as such to be assessed or to have his name entered in the assessment roll of any municipality, shall be so assessed and shall have his name so entered without any request in that behalf, unless he informs or notifies the assessor to the contrary; and any person entitled to be entered in such assessment roll or in the voters'
- 30 list based thereon, or to vote or to be a voter in the electoral district in which said municipality is situate, shall, in order to have the name of such landholder's son or wage-earner entered and inserted in such assessment roll, or list of voters, as the case may be, have for all purposes the same right to apply,
- 40 complain or appeal to any court or to any judge in that behalf, as such landholder's son or wage-earner would or can have personally, unless it is made to appear to the court or judge that such landholder's son or wage-earner actually dissents therefrom.
- 45 6. Section 10 of *The Voters' Lists Act* and its sub-sections are hereby repealed, and the following is substituted therefor;
10. (1) Any party may obtain from the County Court a subpoena (Form 13), or from the county judge an order, requiring the attendance at the court for hearing complaints as aforesaid,
- 50 at the time mentioned in such subpoena or order, of a witness residing or served with such subpoena or order, in any part of this Province; and requiring any such witness to bring with him and produce at the court any papers or documents mentioned in the subpoena or order, and every witness served with

with property since assessment.

Persons who will be of age within 60 days from revision.

Land holders sons entitled to be assessed under R.S.O. c. 180.

41 V. c. 21, s. 3, sub-s. 3, repealed.

Entry of landholders' sons and wage-earners on roll.

R. S. O. c. 9, s. 10, repealed.

Compelling attendance of witnesses on revision of list.

such subpoena or order shall obey the same, provided the allowance for his expenses, according to the scale allowed in Division Courts, is tendered to him at the time of service.

Person whose right is in question to attend.

(2) Any person complaining, or any person in respect of the insertion or omission of whose name a complaint is made, shall, if resident within the municipality, the list of which is the subject of complaint, or within the municipality in which the court is held, upon being served with a subpoena or order therein, obey the same without being tendered or paid any allowance for his expenses; and where any such complaint is by or in respect of a person whose name is entered in the list of voters as being, or who is alleged to be, a wage-earner or landholder's son within the meaning of *The Assessment Act* or of *The Election Act*, or of any Act amending either of said Acts, such subpoena or order shall be deemed to have been sufficiently served upon such person under the provisions of this section:

- (a) If such subpoena or order is served upon him personally; or
- (b) Where such person has a known residence or place of business within said municipality, if a copy of such subpoena or order is left for him with some grown person, at such residence or place of business; or
- (c) Where such person has no known residence or place of business within the municipality, if a copy of such subpoena or order is mailed to him through the post-office, with the postage thereon pre-paid and addressed to him at the post-office address contained in any affirmation made by him before the assessor, under *The Assessment Act*, or any Act amending the same; or
- (d) Where such person is a landholder's son as aforesaid, if a copy of such order or subpoena is left for him with some grown person at the residence of his father or mother, as the case may be.

Penalty for non-attendance.

(3) If any person, whose right to be a voter is the subject of enquiry, does not attend in obedience to such subpoena or order, the judge, if he thinks fit, in the absence of satisfactory evidence as to the ground of such non-attendance, or as to the right of such person to be a voter, may, on the ground of the non-attendance of such person, strike his name off the list of voters, or refuse to place his name on the list of voters, as the case may require, or impose a reasonable fine on such person according to his discretion, or do both.

Names in subpoena.

(4) Any number of names may be inserted in one subpoena or judge's order, in any case of complaint.

Interpretation.

(5) For the purposes of this section the word "father" shall include a step-father and a father-in-law; and the word "mother" shall include a step-mother and a mother-in-law.

Construction of R. S. O. c. 10, s. 2.

7. From and after the passing of this Act, and until the preceding sections of this Act are in force, section 2 of *The Voters' Lists Act* shall be read:

(1) As if the word "male," where it firstly occurs in said section, were omitted therefrom; and

(2) As if before the word "appearing," where it occurs in sub-section 3 of said section 2, the words "and of all widows and unmarried women of full age and subjects as aforesaid" were inserted therein.

5 **8.** The several sections and provisions of this Act shall come into force and have effect as follows: Commence-
ment of Act.

(1) Section 7 shall come into force and have effect from and after the passing of this Act.

(2) The remaining sections and provisions of this Act shall
10 come into force and have effect on and after the first day of January next after the passing thereof, except as to any assessment roll or assessment taken or made, subsequent to the first day of July next after the passing thereof, under the special provisions of section 44 of *The Assessment Act*, and with re-
15 spect to any such last mentioned assessment roll or assessment, and any list of voters based thereon, this Act shall for all purposes, and as regards all matters, liabilities, duties and proceedings therein provided for, be deemed to come into force, and have effect on and after said first day of July.

No. 159.

2nd Session, 5th Parliament, 48 Vic., 1885.

BILL.

An Act to further amend the Voters' Lists
Act.

First Reading, 12th March, 1885.

Mr. FRASER.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act to further amend the Voters' Lists Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. This Act may be cited as *The Voters' Lists Amendment Act*, 1885. Short title.

2. Section 2 of *The Voters' Lists Act* and its sub-sections, R.S.O. c. 9, s. 2, are hereby repealed, and the following is substituted therefor: 2, repealed.

2. (1) The clerk of each municipality shall, immediately after the first revision and correction of the assessment roll Clerk to make list of voters. in every year, make a correct alphabetical list in three parts (Form 1) of all persons being of the full age of twenty-one years and subjects of Her Majesty by birth or naturalization, and appearing by the assessment roll to be entitled to vote in the municipality, prefixing to the name of each person his number upon the roll. 39 V. c. 11, s. 1; 40 V. c. 12, s. 4.

(2) The first of the three parts shall contain the names, in alphabetical order, of all male persons of full age and subjects as aforesaid, appearing by the assessment roll to be assessed for the real property or income requisite to entitle him to vote in the municipality at both municipal elections and elections for members of the Legislative Assembly. 40 V. c. 12, s. 4 (a). First part.

(3) The second part shall contain the names, in alphabetical order, of all other male persons of full age and subjects as aforesaid, and of all widows and unmarried women of full age and subjects as aforesaid, and appearing on the assessment roll to be entitled to vote in the municipality at municipal elections only, and not at elections for members of the Legislative Assembly. 40 V. c. 12, s. 4 (b); 47 V. c. 32, s. 3. Second part.

(4) The third part shall contain the names, in alphabetical order, of all other male persons of full age and subjects as aforesaid, appearing by the assessment roll to be entitled to vote in the municipality at elections for members of the Legislative Assembly only, and not at municipal elections. 40 V. c. 12, s. 4, (c). Third part.

(5) The name of the same person shall not be entered more than once in any such part;

(6) Where a municipality is divided into polling sub-divisions the list (to be made in three parts as aforesaid) shall be made for each of such sub-divisions. 39 V. c. 11, s. 1 (2); 40 V. c. 12, s. 5. Lists for polling sub-divisions.

Real property on which voter qualifies to be named. (7) If the qualification of any such person is in respect of real property, the clerk shall, opposite the name of the person, insert, in the proper column of the voters' list, the number of any lot or other proper description of any parcel of real property in respect of which each person is so qualified; adding thereto, where the person is so qualified in respect of more than one such lot or parcel, the words "and other premises;" and in the case of the person being a landholder's son or a wage-earner within the meaning of *The Election Act* and any Act amending the same, the clerk shall also, in the proper column of the voters' list, state that fact and the place at which the voter resides in the municipality. 39 V. c. 11, s. 1 (3); 40 V. c. 9, s. 4 *part.* .

(8) Where a ward of any municipality is divided into polling sub-divisions, and it appears by the assessment roll that any person is assessed in each of two or more such polling sub-divisions in the ward for property sufficient to entitle him to vote, the clerk shall enter his name on the list of voters in one such sub-division only, and shall, as required by the preceding sub-section, insert opposite his name the additional words "and other premises;" and where, within the knowledge of the clerk, such person resides in one of such polling sub-divisions, his name shall be entered as aforesaid in the list of voters for that polling sub-division.

Provision when property partly in one sub-division and partly in another.

(9) Wherever it appears by the assessment roll that any person is assessed for property within the municipality sufficient to entitle him to vote, but that it lies partly within the limits of one of such sub-divisions and partly within another or others, the clerk shall enter his name on the list of voters in one of the sub-divisions only in which such property is situate, with the following words added: *Partly qualified in sub-division No.* . 39 V. c. 11, s. 1 (5). See 32 V. c. 21, s. 27.

Income qualification.

(10) If the qualification is in respect of taxable income, the clerk shall, in the proper column of the voters' list, state that fact and the place at which the voter resides in the municipality. 39 V. c. 11, s. 1 (4).

When assessment roll to be regarded as finally revised.

(11) An assessment roll shall be understood to be finally revised and corrected, when it has been so revised and corrected by the Court of Revision for the municipality, or by the Judge of the County Court, in case of an appeal, as provided in *The Assessment Act*, or when the time during which such appeal may be made has elapsed, and not before. 39 V. c. 11, s. 1 (6); 40 V. c. 11, s. 12 (4).

3. The expression "Form 1," in section 2 of *The Voters' Lists Act*, as amended by this Act, shall mean the form of voters' list to be used and made as provided by section 9 of *The Voters' Lists Amendment Act, 1879.*

R.S.O. c. 9, s. 8, repealed.

4. Section 8 of *The Voters' Lists Act* and its sub-sections are hereby repealed, and the following is substituted therefor:—

Revision of list.

8. (1) The said list of voters shall be subject to revision by the County Judge, at the instance of any voter or person entitled to be a voter in the municipality for which the list is made, or in the electoral district in which the municipality is situate, on the ground of the names of voters being omitted

from the list, or being wrongly stated therein, or of names of persons being inserted on the list who are not entitled to vote; and upon such revision the assessment roll shall not be conclusive evidence in regard to any particular, whether the matter on which the right to vote depends had or had not been brought before the Court of Revision, or had or had not been determined by that court; and upon such revision any person who is a wage-earner within the meaning of the *Election Act*, or of any Act amending the same, shall not be entitled to have his name entered on said list, either by reason of his having omitted to make, sign or deliver, any statement required by the provisions of *The Assessment Act* to be so made, signed or delivered by him, or by reason of his name not having been entered on the assessment roll as such wage-earner; and the decision of the judge under this Act, in regard to the right of any person to vote, shall be final so far as regards such person.

(2) A complaint or appeal (Form 4) may be made on the ground of any person whose name is entered on the list being one of those who are disqualified or incompetent to vote under *The Election Act*.

Appeal in case of persons disqualified under R.S.O. c. 10.

(3) If, before the final revision and correction of the assessment roll, any person named as a voter in the said list of voters has died or, having parted with the property in respect of which his name was entered in the voters' list, has, within the meaning of section 7 of *The Election Act of Ontario*, ceased to be a resident of the electoral district, the person who, at the time of such final revision and correction, was in possession of the said property shall, if otherwise qualified to vote, be entitled to apply to the judge to be entered on the said list instead of the person first named in this section; and the proceedings to be taken in any such case shall be the same as in cases of appeals under this Act.

Applications by persons who have acquired or have parted with property since assessment.

(4) Any person who is rated, or entered, or liable to be rated, or entered on the assessment roll, either for real property or income of the amount requisite to entitle him to vote, or as a landholder's son or a wage-earner, within the meaning of *The Assessment Act* or of *The Election Act*, or of any Act amending the same, and who will be of the age of twenty-one years at any time within sixty days from the final revision and correction of the assessment roll, shall be entitled to apply to the judge to have his name entered upon the voters' list, or upon the assessment roll and the voters' list, as the case may require.

Persons who will be of age within 60 days from revision.

(5) Any such landholder's son and any wage-earner entitled to be assessed or entered in the assessment roll of any municipality under *The Assessment Act*, or any Act amending the same, shall, in all respects and for all purposes, have the right to apply and complain to the judge on the revision of the voters' lists, and to have his name entered and inserted in the list.

Land holders sons entitled to be assessed under R.S.O. c. 180.

5. Sub-section 3 of section 3 of *The Voters' Lists Finality Act* is hereby repealed.

41 V. c. 21, s. 3, sub-s. 3, repealed.

6. Any landholder's son and any wage-earner entitled as such to be assessed or to have his name entered in the assessment roll of any municipality, shall be so assessed and shall have his name so entered without any request in that behalf, unless he informs or notifies the assessor to the contrary; and any person en-

Entry of landholders' sons and wage-earners on roll.

titled to be entered in such assessment roll or in the voters' list based thereon, or to vote or to be a voter in the electoral district in which said municipality is situate, shall, in order to have the name of such landholder's son or wage-earner entered and inserted in such assessment roll, or list of voters, as the case may be, have for all purposes the same right to apply, complain or appeal to any court or to any judge in that behalf, as such landholder's son or wage-earner would or can have personally, unless it is made to appear to the court or judge that such landholder's son or wage-earner actually dissents therefrom.

R. S. O. c. 9,
s. 10, repealed.

7. Section 10 of *The Voters' Lists Act* and its sub-sections are hereby repealed, and the following is substituted therefor ;

Compelling
attendance of
witnesses on
revision of list.

10. (1) Any party may obtain from the County Court a sub-pœna (Form 13), or from the county judge an order, requiring the attendance at the court for hearing complaints as aforesaid, at the time mentioned in such subpœna or order, of a witness residing or served with such subpœna or order, in any part of this Province ; and requiring any such witness to bring with him and produce at the court any papers or documents mentioned in the subpœna or order, and every witness served with such subpœna or order shall obey the same, provided the allowance for his expenses, according to the scale allowed in Division Courts, is tendered to him at the time of service.

Person whose
right is in
question to
attend.

(2) Any person complaining, or any person in respect of the insertion or omission of whose name a complaint is made, shall, if resident within the municipality, the list of which is the subject of complaint, or within the municipality in which the court is held, upon being served with a subpœna or order therein, obey the same without being tendered or paid any allowance for his expenses ; and where any such complaint is by or in respect of a person whose name is entered in the list of voters as being, or who is alleged to be, a wage-earner or landholder's son within the meaning of *The Assessment Act* or of *The Election Act*, or of any Act amending either of said Acts, such subpœna or order shall be deemed to have been sufficiently served upon such person under the provisions of this section :

- (a) If such subpœna or order is served upon him personally ; or
- (b) Where such person has a known residence or place of business within said municipality, if a copy of such subpœna or order is left for him with some grown person, at such residence or place of business ; or
- (c) Where such person has no known residence or place of business within the municipality, if a copy of such subpœna or order is mailed to him through the post-office, with the postage thereon pre-paid and addressed to him at the post-office address contained in any written affirmation made by him under *The Assessment Act*, or any Act amending the same ; or
- (d) Where such person is a landholder's son as aforesaid, if a copy of such order or subpœna is left for him with some grown person at the residence of the landholder whose son he is.

- (3) If any person, whose right to be a voter is the subject of enquiry, does not attend in obedience to such subpoena or order, the judge, if he thinks fit, in the absence of satisfactory evidence as to the ground of such non-attendance, or as to the right of such person to be a voter, may, on the ground of the non-attendance of such person, strike his name off the list of voters, or refuse to place his name on the list of voters, as the case may require, or impose a reasonable fine on such person according to his discretion, or do both. Penalty for non-attendance.
- 10 (4) Any number of names may be inserted in one subpoena or judge's order, in any case of complaint. 39 V. c. 11, s. 7. Names in subpoena.

8. For the purpose of complying with the provisions and requirements of sections 3 and 4 of *The Voters' Lists Act*, the clerk of any city shall hereafter have forty days instead of the thirty days in said section 3 mentioned.

9. Section 5 of *The Voters' Lists Act* is hereby repealed, and the following is substituted therefor :

5. Upon each of the copies so sent to each person shall be a printed or written certificate (form 2) over the name of the clerk, stating that such list is a correct list of all persons appearing by the last revised assessment roll of the municipality to be entitled to vote at elections for members of the Legislative Assembly, and at municipal elections in said municipality ; and further, calling upon all electors to examine the said list, and, if any omissions or other errors are perceived therein, to take immediate proceedings to have the said errors corrected according to law. 39 V. c. 11, s. 2 ; 40 V. c. 10, s. 3.

10. Section 9 of *The Voters' Lists Act* is hereby amended by adding thereto the following sub-section :

(3) No judge shall proceed with the holding of any court for hearing complaints as aforesaid, unless and until notice (Form 10) of the time and place of holding said court shall by the clerk have been published at least ten days before the sittings of such court, in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest municipality in which one is published.

11. (1) From and after the passing of this Act, and until the preceding sections of this Act are in force, section 2 of *The Voters' Lists Act* shall be read : Construction of R. S. O. c. 10, s. 2.

(a) As if the word "male," where it firstly occurs in said section, were omitted therefrom ; and

(b) As if before the word "appearing," where it occurs in sub-section 3 of said section 2, the words "and of all widows and unmarried women of full age and subjects as aforesaid" were inserted therein.

(2) Said section 2 shall be read and construed as if this section had been in full force and effect on, from and after the 25th day of March, 1884.

12. The several sections and provisions of this Act shall come into force and have effect as follows : Commencement of Act.

(1) Section 11 shall come into force and have effect from and after the passing of this Act.

(2) The remaining sections and provisions of this Act shall come into force and have effect on and after the first day of January next after the passing thereof, except as to any assessment roll or assessment taken or made subsequent to the first day of July next after the passing thereof, under the special provisions of section 44 of *The Assessment Act*; and with respect to any such last mentioned assessment roll or assessment, and any list of voters based thereon, this Act shall for all purposes, and as regards all matters, liabilities, duties and proceedings therein provided for, be deemed to come into force, and have effect on and after said first day of July.

159—2

No. 159.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to further amend the Voters' Lists Act.

First Reading, 12th March, 1885.

Second " 25th March, 1885.

*(Reprinted as Amended by Committee
of the Whole House.)*

Mr. FRASER.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

No. 160.]

BILL.

[1885.

An Act respecting appeals from Summary
Convictions.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Notwithstanding the provisions of *The Revised Statute* Notice of
5 *respecting Summary Convictions before Justices of the Peace,* appeal.
in any case where an appeal lies to the General Sessions of
the Peace from a conviction or order made by a Justice or
Justices of the Peace, or by a Police or Stipendiary Magistrate,
under the authority of any statute now or hereafter in force in
10 Ontario, and relating to matters within the Legislative
authority of the legislature of Ontario, if such conviction or
order is made in any part of the Province which is not part of
a municipal county or of a provisional municipal county the
notice of appeal may be given within fourteen days after the
15 conviction or order. See R. S. O. c. 74, s. 4 ; and 33 V. c. 27,
s. 1 D.

No. 160.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting appeals from Summary
Convictions.

First Reading, 12th March, 1885.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

Not amended

No. 160.]

BILL.

[1885.

An Act respecting appeals from Summary
Convictions.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. (1) Notwithstanding the provisions of *The Revised Statute* ^{Notice of}
respecting Summary Convictions before Justices of the Peace, ^{appeal.}
in any case where an appeal lies to the General Sessions of
the Peace from a conviction or order made by a Justice or
Justices of the Peace, or by a Police or Stipendiary Magistrate,
under the authority of any statute now or hereafter in force in
Ontario, and relating to matters within the legislative
authority of the Legislature of Ontario, the notice of appeal
may be given within ten days after the conviction or order.

(2) If the conviction or order is made more than fourteen
days before the sittings of the General Sessions, such appeal
shall be made to the then next sittings of such court, but if the
conviction or order be made within fourteen days of the sit-
tings of such court, then to the second sittings next after such
conviction or order.

2nd Session, 5th Legislature, 48 Vic, 1885

BILL.

An Act respecting appeals from Summary
Convictions.

First Reading,	12th	March,	1885.
Second	"	28th	1885.
Third	"	28th	1885.

THE ATTORNEY-GENERAL.

TORONTO:

An Act to amend the Municipal Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 4 of section 495 of *The Consolidated Municipal Act*, 1883, is hereby amended by adding thereto the following after the words "the Lieutenant-Governor in Council," occurring in the fifth line thereof, "nor shall the powers hereby conferred on county councils extend to a ferry between any two places within a township." 46 V. c. 18, s. 495, amended.
- 10 2. Section 521 of the said Act is amended by adding thereto as sub-section 12, the following: 46 V. c. 18, s. 521, amended.
- (12) For licensing and regulating ferries between any two places within the township under the conditions respecting the same contained in sub-section 4 of section 495 of this Act.
- 15 3. All the powers conferred upon the councils of townships with respect to enforcing the performance of statute labour, as well as with respect to commuting, abolishing or reducing the same, are hereby conferred upon the councils of incorporated villages. Powers of townships as to statute labour conferred on incorporated villages.
- 20 4. When there is an appeal against the decision of the county council with respect to the increase or decrease, or the refusal to increase or decrease, the valuation of any municipality, the court by which the appeal is heard, if, as the result of such appeal, any change is made in the valuation which is Adjustment of rate by court on appeal respecting equalization of assessment.
- 25 the subject thereof, may either increase or decrease the valuation of the remaining municipalities proportionately, so that the aggregate valuation of the whole county may remain unchanged.

No. 161.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Municipal Law.

First Reading, 16th March, 1885.

Mr. HAGAR.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO

An Act to Confirm certain Conveyances made by
Married Women.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Every conveyance made since the 29th day of March, 1883, Validity of conveyances made since March 29th, 1883.
5 by a married woman of or affecting her real estate to which
her husband was an executing party either as grantor or
grantee, or otherwise, is and shall be taken and adjudged to be
valid and effectual to have passed the estate which such con-
veyance professed to pass of such married woman in said real
10 estate. (*See R. S. O., c. 127, s. 14.*)
2. Nothing in this Act contained shall render valid any Certain titles not to be prejudiced.
conveyance to the prejudice of any title lawfully acquired
from any unmarried woman prior to the passing of this Act, nor
15 render valid any conveyance from the married woman not ex-
ecuted in good faith, or any conveyance of any land of which
the married woman or those claiming under her is or are in the
actual possession or enjoyment contrary to the terms of such
conveyance. (*See R. S. O., c. 127, s. 14.*)

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to Confirm certain Conveyances
made by Married Women.

First Reading, 17th March, 1885.

Mr. GIBSON
(*Hamilton.*)

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Act providing for employing persons without the walls of Common Gaols.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The first section of the Act passed in the forty-first year ^{41 V., c. 24, s.} of Her Majesty's reign, entitled *An Act to provide for employ-* ^{1, repealed.} *ing persons without the walls of Common Gaols* is hereby repealed and the following substituted therefor;

(2) The Lieutenant-Governor in Council may, from time to ^{Lieutenant-} time, direct or authorize the employment upon any work or ^{Governor may} ^{authorize} ^{employment} ^{of prisoners} ^{outside gaol.} ¹⁰ duty, the nature of which is specified in the Order in Council, beyond the limits of any Common Gaol, of any prisoner who is sentenced to be imprisoned with hard labour in such gaol under the authority of any Statute of Ontario, or for the breach of the by-law of any municipal corporation in this Province.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Act providing for employing persons without the walls of Common Gaols.

First Reading, 17th March, 1885.

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting the Property of Insane Persons in Gaols.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Inspector of Prisons and Public Charities shall *ex officio* and by his name of office be the committee of the estate of every person certified in the manner required by section 30 of the Revised Statute of Ontario, chapter 220 to be insane, who is detained in any gaol or other prison which is under the authority of the Government of this Province, if such person has no other committee lawfully appointed, whether such person has been committed to gaol under the said Revised Statute, or has been committed for safe custody, or in default of sureties to keep the peace, or is imprisoned upon conviction for any offence, or otherwise howsoever. See R. S. O., c. 220, s. 49 ; 32 and 33 V., c. 29, ss. 99 to 104 (D) ; 36 V., c. 51, s. 1 (D).

When inspector to be committee of person certified as insane under R. S. O., c. 220, s. 30.

2. (1) The Inspector shall have the same authority and power to take or recover possession of, lease, mortgage, sell and convey any property of any insane person of whom he is committee under the preceding section as he has under the said Revised Statute, or under the Act passed in the forty-third year of Her Majesty's reign and chaptered 36, entitled *An Act to make further provision respecting the estates of persons confined in Asylums for the Insane* with respect to the property of lunatics of whom he is committee under the said Revised Statute, and he may, notwithstanding such insane person may have been discharged from gaol or may have recovered, or died, complete any lease, mortgage, sale or conveyance in respect of which proceedings have been commenced while such insane person was confined in gaol.

Authority of inspector over property.

(2) No such lease, mortgage, sale or conveyance shall take place without the concurrence of the Attorney-General of Ontario. See R. S. O., c. 220, ss. 46 and 48.

3. Sections 50, 51, 53, 54 and 55 of the said Revised Statute and sections 1, 2 and 5 of the said *Act to make further provision respecting the estates of persons confined in Asylums for the Insane* shall apply to the Inspector in his dealings with any such estate and as committee thereof.

R. S. O., c. 220, ss. 50, 51, 53, 54, 55, and 43 V. c. 36, ss. 1, 2 and 5 to apply to inspector.

No. 164.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting the Property of Insane
Persons in Gaols.

First Reading, 17th February, 1885.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the law as to Garnishing Debts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 21 of *The Creditors' Relief Act*, 1880, is hereby 43 V. c. 10, s.
5 amended by adding the following as sub-sections 5 and 6 : 23, amended.

(5) The provisions of sub-sections 3 and 4 of this section shall also apply, as nearly as may be, to any person who attaches a debt in the Division Court before judgment, and to the money so attached.

10 (6) In case a garnishee, under an order of the Court, pays to the garnishor, or in a case a garnishee, without notice that the Sheriff is entitled, pays the amount of his indebtedness into Court and the same is paid out to the garnishor, the Sheriff may recover from the garnishor the amount received by him.

15 2. Section 16 *The Revised Statute respecting Absconding* R. S. O., c. 68,
debtors, is hereby amended by inserting after "warrants of s. 16, amended
attachment issued," in the seventh line, the words "or money
paid into Court under a garnishee summons."

No. 165.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act to amend the Law as to Garnishing Debts.

First Reading, 17th March, 1885.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Council of any Municipality may submit any by-law or question of public policy to the electors thereof for their approval or otherwise. By-laws, etc., may be submitted to electors.
2. (1) When five hundred electors of any city or town petition the Council thereof to submit any proposed by-law or question of public policy, to the electors thereof, the Council shall forthwith pass a by-law directing the submission of the matter in question in accordance with the prayer of the petitioners, and shall submit the same to the electors for their approval, or otherwise, within six weeks after the receipt of the petition by the Council. Council to submit by-law, etc., to electors on petition of 500 electors.
- 15 (2.) The Council, before passing such by-law, may require the petitioners to deposit with the Treasurer of the Municipality the probable cost of submitting the matter in question to the electors.
- 20 (3.) The petitioners shall not be required to deposit a greater sum than one thousand dollars.
3. The power of Municipal Councils shall not be deemed to be abridged by this Act, except as expressly stated herein. Powers of Councils only abridged to extent stated.
4. All provisions of *The Municipal Act* or Acts, in so far as they apply to elections and preventing of corrupt practices at 25 elections, shall apply hereto, except so far as such Act or Acts would be inconsistent with this Act. Provisions as to corrupt practices.

No. 166.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Municipal Act.

First Reading, 18th March, 1885.

Mr. McLAUGHLIN.

TORONTO :

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

No. 167.]

BILL.

[1885.

An Act to Amend the Act relating to the erection of
new Provincial Buildings.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :

1. The Act passed in the forty-third year of Her Majesty's ^{43 V. c. 2,} 5 reign, chaptered 2, and intituled *An Act to Provide for the* ^{amended.}
Erection of new Buildings for the accommodation of the Pro-
vincial Legislature and the Public Departments, is hereby
amended by omitting therefrom the words "five hundred
thousand dollars," wherever the same occur in the said Act,
10 and inserting instead thereof the words "seven hundred and
fifty thousand dollars."

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Act relating to the erection of new Provincial Buildings.

First Reading,	18th March,	1885.
Second	"	18th
	"	1885.

MR. FRASER.

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act respecting Saw Mills on the Ottawa River.

WHEREAS in the public interest, and in order to con- Preamble.
serve the public revenue of the Province, it is expedient
to prevent the stoppage of saw mills by the process of injunc-
tion in certain cases;

5 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Wherever it is proved to the satisfaction of the Lieu- Right to
tenant-Governor in Council, that it is in the public interest throw sawdust
10 that the owners, or occupiers, of any saw-mill situate on or into River
near the River Ottawa or any of its tributaries, should not Ottawa.
be prevented from throwing sawdust and mill refuse into the
same, the Lieutenant-Governor in Council may by Order in
Council, published once in the *Ontario Gazette*, declare the
15 owners or occupiers of the saw mill to be entitled to the benefit
of this Act.

2. (1) In such case riparian proprietors or other persons Claim for
shall, notwithstanding, be entitled to the same damages damages not
against the owners or occupiers of the saw mill, for any affected.
20 injury or damage sustained by such riparian proprietors or
other persons by reason or in consequence of the throwing
of sawdust or mill refuse from the saw mill into the said
river or any tributary thereof, as if this Act had not been
passed; but shall not be entitled to any relief by injunction
25 or in the nature of injunction.

(2) This section shall apply whether the injury or damage
is a continuing one or not, and whether the said riparian
proprietor or other person is plaintiff in the action or is
a defendant therein proceeding by way of counter-claim, and
30 shall apply to pending suits as well as to suits which may be
hereafter brought, but the costs incurred in any pending suit
shall be disposed of as if this Act had not been passed.

No. 168.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act respecting Saw Mills on the
Ottawa River.

First Reading, 18th March, 1885.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act respecting Saw Mills on the Ottawa River.

WHEREAS in the public interest, and in order to con- Preamble.
serve the public revenue of the Province, it is expedient
to prevent the stoppage of saw mills situate on or near the
Ottawa River or any of its tributaries, by the process of injunc-
tion in certain cases where such process is now obtainable ;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. (1) When in any action or other proceeding any person shall
10 claim, and but for this Act would be entitled to, an injunction
against the owner or occupier of any saw mill situate on or
near the said Ottawa River or any of its tributaries, for any
injury or damage, direct or consequential, sustained by any such
person, or for any interference directly or indirectly with any
15 rights of any such person as riparian proprietor or otherwise.
by reason or in consequence of the throwing or depositing of
any sawdust or other mill refuse into the said river or its tribu-
taries from any such mill, or from any such mill together with
other mills, the court or judge may refuse to grant an injunc-
20 tion in any such action or other proceeding, in case it is proved to
the satisfaction of such court or judge by the person against
whom such injunction is claimed that having regard to all the
circumstances, it is on the whole, proper and expedient not to
grant the same, and for that purpose shall take into considera-
25 tion the importance of the lumber trade to the locality wherein
such injury, damage or interference takes place, and the benefit
and advantage, direct and consequential, which such trade con-
fers on the locality and on the inhabitants thereof, and shall
weigh the same against the private injury, damage or inter-
30 fference complained of :

(2) Or such court or judge may grant an injunction to take
effect after such lapse of time or upon such terms and conditions
or subject to such limitations or restrictions as to such court or
judge may seem proper :

35 (3) Or may in lieu of granting an injunction direct the person
against whom such injunction is claimed to take such measures
or perform such acts to prevent, avoid, lessen or diminish the
injury, damage or interference complained of, as to such court
or judge may seem proper :

40 (4) Provided always that in any such action or other pro-
ceeding the person claiming the injunction shall nevertheless
be entitled to damages against the owner or occupier of the saw
mill for any such injury, damage or interference.

Application of
Act.

2. This Act shall apply whether the said injury, damage or interference is a continuing one or not, and whether the said person claiming any such injunction is plaintiff in the said action or other proceeding, or is a defendant therein proceeding by way of counter-claim, and shall apply to pending suits as well as to suits which may be hereafter brought, but the costs incurred in any pending suit shall be disposed of as if this Act had not been passed: but this Act shall not apply where in the opinion of such court or judge the injury, damage or interference complained of is of such a nature that the same cannot be adequately compensated for by the awarding of damages.

No. 168.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act respecting
Saw Mills on the Ottawa
River.

First Reading, 18th March, 1885.

Second " 23rd " 1885.

(Reprinted.)

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act respecting Saw Mills on the Ottawa River.

WHEREAS in the public interest, and in order to con- Preamble.
serve the public revenue of the Province, it is expedient
to prevent the stoppage of saw mills situate on or near the
Ottawa River or any of its tributaries, by the process of injunc-
tion in certain cases where such process is now obtainable ;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. (1) Where in any action or other proceeding any person shall
10 claim, and but for this Act would be entitled to, an injunction
against the owner or occupier of any saw mill situate on or
near the said Ottawa River or any of its tributaries, for any
injury or damage, direct or consequential, sustained by any such
person, or for any interference directly or indirectly with any
15 rights of any such person as riparian proprietor or otherwise,
by reason or in consequence of the throwing or depositing of
any sawdust or other mill refuse into the said river or its said
tributaries from any such mill, or from any such mill together
with other mills, the court or judge shall not grant any injunc-
20 tion in any such action or other proceeding, unless it is proved to
the satisfaction of such court or judge that having regard to all
the circumstances, it is on the whole, proper and expedient to
grant the same, and for that purpose shall take into considera-
tion the importance of the lumber trade to the locality wherein
25 such injury, damage or interference takes place, and the benefit
and advantage, direct and consequential, which such trade con-
fers on the locality and on the inhabitants thereof, and shall
weigh the same against the private injury, damage or inter-
ference complained of ;

Right to
injunction to
restrain the
throwing of
sawdust into
the River
Ottawa
restricted.

30 (2) Provided always that in any such action or other pro-
ceeding the person claiming the injunction shall nevertheless
be entitled to the same damages against the owner or occupier
of the saw mill for any such injury, damage or interference as
if this Act had not been passed.

Right to
damages
preserved.

35 2. This Act shall apply whether the said injury, damage or
interference is a continuing one or not, and whether the said
person claiming any such injunction is plaintiff in the said
action or other proceeding, or is a defendant therein proceeding
by way of counter-claim, and shall apply to pending suits as
40 well as to suits which may be hereafter brought, but the costs
incurred in any pending suit shall be disposed of as if this Act
had not been passed.

Application of
Act.

BILL.

An Act respecting Saw Mills on the Ottawa
River.

First Reading, 18th March, 1885.
Second " 23rd " 1885.

*(Reprinted as proposed to be amended in Com-
mittee.)*

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to promote the Detection of Crime.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In any case in which in the opinion of the Warden and
 5 County-Attorney of a County, special services not covered by
 the ordinary tariff are necessary for the detection of crime or
 the capture of persons who are believed to have committed
 crimes of a serious character, the Warden and County-Attorney
 aforesaid may authorize any constable, or other person, to
 10 perform these services and shall certify upon the account to be
 rendered by such constable or other person what they deem a
 reasonable allowance to be paid to the person employed, and
 the amount so certified shall be allowed to such person in the
 accounts in respect of the administration of justice, and shall
 15 be paid in the first instance by the county, and one-half thereof
 shall be repaid to the county by the Province.
2. This Act shall not apply to services in any city or separ-
 ated town for which there is a staff of salaried police officers,
 and no allowance shall in any other case be made hereunder to
 20 any salaried constable or other officer, unless such constable or
 officer is entitled to receive for his own use in addition to his
 salary, the fees earned by him.

Allowance to
constables and
others for
special ser-
vices.

Application of
Act.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL

An Act to promote the Detection of Crime.

First Reading, 20th March, 1885.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act respecting Municipalities in Algoma, Muskoka,
Parry Sound, Nipissing and Thunder Bay.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. The council of every municipality which has been erected
5 under the Act passed in the 35th year of Her Majesty's reign,
entitled *An Act to establish Municipal institutions in the Dis-*
tricts of Parry Sound, Muskoka, Nipissing and Thunder Bay,
or which has been or may be erected under *The Revised Statute*
respecting the establishment of Municipal Institutions in the
10 *Districts of Algoma, Muskoka, Parry Sound, Nipissing and*
Thunder Bay, and the council of any municipality in any of
the Districts hereinbefore named which has been incorporated
by any Act of the Legislature, shall have power to pass by-laws
for such purposes as are from time to time authorized to be
15 passed by the councils of townships, and the provisions relating
to townships and their officers of any municipal Act, from time
to time in force, shall apply to such municipalities except where
inconsistent with the special provisions of the said Revised
Statute or other Act under which the municipality was incor-
20 porated. *See R.S.O. cap. 175, sec. 18.*
2. The council of every such municipality shall also have
power to pass by-laws in respect of the several matters named in
sub-sections 17 to 30 of section 496 of *The Consolidated Munici-*
pal Act. Any such by-law may, at the option of the council, be
25 operative throughout the municipality or only within certain
defined parts thereof.
3. Any by-law heretofore passed by the council of any such
municipality and not hitherto repealed, which might hereafter
be enacted under this Act, shall hereafter, without re-enact-
30 ment, be a valid by-law of such municipality.
4. Section 18 of the said Revised Statute is hereby repealed
and section 1 of this Act substituted therefor.

Power of
Councils to
pass by-laws.

Power to pass
by-laws as to
matters named
in 46 V. c. 18,
s. 496, sub-ss.
17-30.

By-laws con-
firmed.

R. S. O. c. 175,
s. 18, repealed.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

An Act respecting Municipalities in Algoma,
Muskoka, Parry Sound, Nipissing and
Thunder Bay.

First Reading, 20th March, 1885.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GHP" PRINTING AND PUBLISHING CO.

No. 171.]

BILL.

[1885.

**An Act to amend the Act respecting the Registration
of Births, Deaths and Marriages.**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The 4th section of the Revised Statute of Ontario, chapter R. S. O. c. 36,
5 36, is hereby repealed and the following substituted therefor: ^{s. 4, repealed.}

4. The Lieutenant-Governor in Council may appoint such ^{Appointment}
Division Registrars in the existing Districts of Algoma, Nipis- ^{of Registrars}
sing, Thunder Bay, Rainy River, Muskoka and Parry Sound, ^{in Algoma and}
and also any Territorial Districts hereafter formed, and by ^{other districts.}
10 Order in Council make such rules and regulations as may be
necessary to secure a correct record of the births, marriages
and deaths occurring therein, until municipal organizations are
formed.

No. 171.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Act respecting the
Registration of Births, Deaths and
Marriages.

First Reading, 20th March, 1885.

Mr. HARDY.

TORONTO :

PRINTED BY THE "GLOBE" PRINTING AND PUBLISHING CO.

An Act to amend the Acts respecting Joint Stock Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Unless the special or general Act by or under which the
5 company is incorporated expressly provides otherwise, the fol- Application of Act.
lowing sections shall apply to all joint stock companies incor-
porated by the Legislature of the Province, or under its
authority, and to all such companies incorporated prior to the 1st
day of July, 1867, whose incorporation is subject, in the par-
10 ticulars hereinafter mentioned, to the Legislative authority of
this Province.

2. Each shareholder, until the whole amount of his stock Liability of shareholders.
has been paid up, shall be individually liable to the creditors
of the company to an amount equal to that not paid up thereon,
15 but shall not be liable to an action therefor by any creditor
before an execution against the company has been returned
unsatisfied in whole or in part; and the amount due on such
execution, but not beyond the amount so unpaid of his said
stock, shall be the amount recoverable with costs against such
20 shareholder. R. S. O., c. 149, s. 35; c. 150, s. 53; c. 165, s. 30.

3. Any shareholder may plead, by way of defence in whole Set off.
or in part, any set off which he could set up against the com-
pany, except a claim for unpaid dividends, or a salary or allow-
ance as a president or a director of the said company. R. S. O.,
25 c. 150, s. 53, sub-sec. 2.

4. No transfer of stock, unless made by rule under execution Effect of trans-
fer of stock on
rights of
parties.
or under the decree, order or judgment of some competent
court in that behalf, shall be valid for any purpose whatever,
save only as exhibiting the rights of the parties thereto
30 towards each other, and, as rendering the transferee liable *ad*
interim jointly and severally with the transferor to the com-
pany and its creditors, until entry thereof has been duly made
in the books of the company. R. S. O., c. 149, s. 28; c. 150, s.
44; Dom. Acts, 32 and 33 V., c. 12, s. 15; 40 V., c. 43, s. 41.

35 5. No person holding stock in the company as executor, Liability of
trustees.
administrator, guardian or trustee, shall be personally subject
to liability as a shareholder, but the estates and funds in the
hands of such person shall be liable in like manner and to the
same extent as the testator or intestate, or the minor, ward, or
40 person interested in the trust fund would be, if living and

competent to act, and holding such stock in his own name. R. S. O., c. 149, s. 47; c. 150, s. 55; c. 157, s. 29; Dom. Acts, 32 and 33 V., c. 120, s. 35; 40 V., c. 43, s. 49.

Liability in respect of stock held as collateral security.

6. No person holding stock in such company as collateral security shall be personally subject to liability as a shareholder, 5 but the person pledging such stock as such collateral security shall be considered as holding the same, and shall be liable as a shareholder in respect thereof. See above note to s 5.

Pending proceedings not affected.

7. This Act shall not apply to any action, matter or proceeding pending at the time of the passing thereof of this Act. 10

Shareholders not liable beyond amount of their stock.

8. The shareholders of the company shall not as such be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the unpaid amount of their respective shares in the capital stock thereof. R. S. O., c. 149, s. 36; c. 150, s. 54; 40 V., c. 43, s. 48 (*D.*) 15

BILL.
An Act to amend the Acts respecting Joint
Stock Companies.

First Reading, 21st March, 1885.

The ATTORNEY-GENERAL.

TORONTO:

An Act to amend the Act respecting Barristers-at-Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of chapter 139 of the Revised Statutes of Ontario, is hereby amended by striking out sub-section 3, and substituting the following:—

(3) Any person who has been duly called to the Bar of England, Scotland or Ireland (excluding the Bar of Courts of merely local jurisdiction)—when the Inn of Court or other authority having power to call or admit to the Bar by which such person was called or admitted, extends the same privilege to Barristers from Ontario—on producing sufficient evidence of such call or admission and testimonials of good character and conduct to the satisfaction of the Law Society.

2. This Act shall not affect any question as to the right of any person who, having been called as aforesaid, has before the passing of this Act claimed to be admitted to practise at the Bar in the Courts of this Province.

No. 174.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to amend the Act respecting
Barristers-at-Law.

First Reading, 23rd March, 1885.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act respecting Police Magistrates for Counties.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where the County Council of any county passes a resolution affirming the expediency of the appointment of a salaried Police Magistrate for such county, the Lieutenant-Governor may make such an appointment, the salary to be paid by the county. When Police Magistrate may be appointed.
2. If the population of such county as determined by the last preceding Dominion census is 40,000 or less, the salary to be paid such Police Magistrate shall not be less than \$600, and if the population as aforesaid exceeds 40,000 according to the said census, an increase of \$100 shall be made for every additional six thousand of population; every such Police Magistrate shall be also entitled to be repaid by the county his reasonable and necessary travelling expenses while attending to his duties. The County Council may at any time by resolution assign to the Police Magistrate a larger salary than is hereinbefore named. Salary.
3. Any Magistrate so appointed shall hold office during the pleasure of the Lieutenant-Governor, and shall have and exercise within the county for which he is appointed all the powers, authorities, rights, privileges and jurisdiction by law appertaining to Police Magistrates appointed for cities (so far as it is within the authority of the Provincial Legislature so to enact), and shall be entitled to take the same fees as other Justices of the Peace; and the provisions of sub-sections 2, 3, 4, 5, 6 and 7 of section 9 of the Act passed in the 41st year of Her Majesty's reign, entitled *An Act respecting the Magistracy*, shall apply to every Police Magistrate appointed under this Act. Powers of Police Magistrate.
4. The County Council shall provide a proper office, together with fuel, light and furniture, for every County Police Magistrate; and every Police Magistrate shall, whenever he deems there is occasion therefor, have a right to use any court room or town hall belonging to the county or to any municipality therein (which has no Police Magistrate of its own), for the hearing of cases brought before him; provided such magistrate in so using such court room, or town hall, shall not interfere with the ordinary use of the court rooms for the other courts for which they are required, or with the use of the town hall for the purposes for which the same was built. Office of Police Magistrate.

No. 175.

2nd Session, 5th Parliament, 48 Vic, 1885.

BILL.

An Act respecting Police Magistrates for
Counties.

First Reading, 23rd March, 1885.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

The Municipal Amendment Act, 1885.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be known and cited as *The Municipal Amendment Act, 1885.*

2. Section 56 of *The Consolidated Municipal Act, 1883*, is hereby repealed and the following substituted therefor: 46 V. c. 18, s. 56, repealed.

56. After an addition has been made to a village, town or city by the annexation of any adjoining village or town, or adjoining portion of a township, the city, town or village whose limits shall have been so extended, shall pay to the township or county from which the additional territory has been taken, such part, if any, of the debts of the township or county as may be just, and shall be entitled to receive from and be paid by the township or county the value of the interest which the added territory had at the time of making such addition in the property and assets of the township or county, and in case councils do not within three months after the first meeting of the council of the municipality, to which the addition has been made, agree as to the sum to be paid or received as aforesaid, or as to the time of payment, the matter shall be settled by arbitration under this Act. Adjustment of debts when limits extended.

3. Sub-section 1 of section 73 of the said Act is hereby repealed, and the following substituted therefor: Sec. 73, sub-s. 1, amended.

(1) In incorporated villages—freehold to \$400 or leasehold to \$800.

4. The last paragraph of said section 73 of the said Act is hereby repealed, and the following substituted therefor: Sec. 73, repealed in part.

“But if within any township or incorporated village any such person is at the time of election in actual occupation of any such freehold rated in his own name on the last revised assessment roll of said township or incorporated village, he will be entitled to be elected as Reeve, Deputy Reeve, or Councillor of said township or incorporated village if the value at which such freehold is actually rated in said assessment roll amounts to not less than \$2,000, and for this purpose the said value shall not be affected or reduced by any lien, encumbrance or charge existing on or affecting such freehold.”

5. The said Act is hereby further amended by adding the following section thereto:

Place of meet-
ing for nomi-
nation of
Reeves, etc.

110a. Where a township is so situated that the territory of such township adjoins the limits of any city, town, or incorporated village, such city, town, or village may be designated by by-law as the place of meeting for the nomination of candidates for the offices of reeves, deputy-reeves, and councillors, as the case may be, under and in accordance with the provisions of sections 109 and 110 of this Act.

5

6. The said Act is hereby further amended by adding the following section thereto :

Election of
Mayor on
vacancy.

180a. In case the office of Mayor of a city or town becomes vacant after the first day of December in any year, and an election to fill the vacancy has not been ordered by the court or a judge, the council may either direct that an election be held to fill the vacancy, or may elect one of their number to fill the office during the residue of the term.

15

46 V. c. 18, s.
183, repealed.

7. Section 183 of the said Act is hereby repealed, and the following substituted therefor :

Time for
holding new
election.

183. The returning officers and deputy returning officers shall hold the new election at furthest within fifteen days after receiving the warrant, and the clerk shall appoint a day and place for the nomination of candidates, and the election shall, in respect to notices and other matters, be conducted in the same manner as the annual elections.

20

Sec. 267,
amended.

8. Section 267 of the said Act is hereby amended by striking out the word "as" where it occurs in the sixth line of the said section immediately after the word "quarterly," and substituting the word "if" therefor.

25

Sec. 368 (47 V.
c. 32, s. 8),
amended.

9. Section 368 of the said Act, as amended by section 8 of *The Municipal Amendment Act, 1884*, is amended by adding thereto the following words: "but any by-law exempting any manufacturing establishment shall, after the first day of July next, be subject to the assent of two-fifths of the ratepayers entitled to vote as well as of a majority of the ratepayers voting on the by-law." But this amendment shall not affect the power of any council to renew any exemption heretofore granted to any manufacturing establishment where an engagement to that effect has been entered into.

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Reduction of
salary of
Police
Magistrate in
towns with
less than 5,000
inhabitants.

10. The Council of a town with a population of less than 5,000 in which a salaried Police Magistrate has been appointed may, by the vote of two-thirds of all the members of said Council, pass a by-law to reduce the salary of such Police Magistrate to a sum less than that fixed by the Council in the first instance, and may name a sum in such by-law at which the Council desires the salary thereafter to be fixed. Upon being furnished with a duly certified copy of such by-law and with satisfactory proof that the same was passed by a two-thirds vote of all the members of the Council, and after notice to the Magistrate, the Lieutenant-Governor-in-Council may fix such salary to be paid after a date to be named in the Order, either at the sum named in the by-law or at such other sum not exceeding the sum fixed in the first instance as to the Lieutenant-Governor-in-Council may seem meet and proper in view of all the circumstances of the case. The sum so fixed by the

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Order-in-Council shall thereafter be paid as the salary of the Police Magistrate in lieu of that fixed in the first instance as aforesaid.

5 **11.** Section 465 of the said Act is hereby amended by adding after the word "courts" in the ninth line thereof the words "and for the Library of the Law Association of the County (such last mentioned accommodation to be provided in the Court House)." 46 V. c. 18, s. 465, amended.

10 **12.** Section 469 of the said Act is hereby amended by striking out the words, "and shall provide" in the tenth line thereof and substituting therefor the words, "and of providing," and by adding after the word "courts" in the ninth line thereof the words "and for the Library of the Law Association of the County." Sec. 469 amended.

15 **13.** Section 465 of the said Act is hereby amended by adding thereto the words, "and officers of the Maritime Court of Ontario": but this amendment shall not apply to the County of York. Sec. 465 amended.

20 **14.** The powers conferred by sub-sections 14 and 17 of section 490 of the said Act may hereafter be exercised by County Councils in respect of fences along highways or parts thereof which it is their duty to maintain. Powers of County Councils to regulate fences.

25 **15.** Sub-section 4 of section 495 of the said Act is hereby amended by adding thereto the following after the words "the Lieutenant-Governor-in-Council," occurring in the fifth line thereof, "but the powers by this section conferred on County Councils shall not extend to a ferry between any two places within the same township." 46 V. c. 18, s. 495, sub-s. 4, amended.

30 **16.** Section 521 of the said Act is hereby amended by adding thereto the following sub-section: Sec 521 amended.

(12) For licensing and regulating ferries between any two places within the township with the same rights and powers in respect thereof, and as to establishing rates as are conferred upon County Councils by sub-section 4 of section 495 of this Act, and upon the same terms and conditions as are provided by said sub-section 4. But this amendment shall not apply to any ferry for which a license has been granted and is now running until the expiry of such license. Powers of townships as to ferries.

40 **17.** Sub-section 31 of section 496 of the said Act is hereby amended by adding the following clause thereto: Sec. 496, sub-s. 31, amended.

(a) The council may, in the by-law passed for the purposes of this sub-section, define certain areas or streets within the municipality, within or upon which the by-law shall be operative.

45 **18.** Sub-section 36 of said section 496 is hereby amended by inserting after the word "effect" in the sixth line thereof the words "unless passed by a vote in favour thereof of at least three-fourths of the whole Council, and" Sec. 496, sub-s. 36, amended.

Sec. 496,
sub-s. 45,
amended.

19. The said section 496 is hereby amended by adding the following sub-section thereto:

(45 b) For prohibiting or regulating the practice of coasting or tobogganing on the public streets.

Sec. 521
amended.

20. Section 521 of the said Act is hereby amended by adding thereto the following sub-sections:

(6a.) For providing for the making and keeping open of township roads during the season of sleighing in each year, and for appointing overseers of highways, or pathmasters to perform that duty, and such overseers and pathmasters shall have full power to call out persons liable to perform statute labour within their respective municipalities, to assist in keeping open such roads, and may give to such persons as may be employed in so doing certificates of having performed statute labour to the amount of the days' work done, and such work shall be allowed for to such persons in their next season's statute labour.

(6b.) For providing for the application of so much of the commutation of the statute labour fund as may be necessary for keeping open such roads as last aforesaid, within such respective municipalities.

(6c) No stone, gravel or other material shall be put upon the roads for repairs during the winter months so as to interfere with sleighing.

Sec. 531,
sub-s. 3
(47 V., c. 32,
s. 17)
amended.

21. Sub-section 3 of section 531 of the said Act, added thereto by section 17, of *The Municipal Amendment Act 1884*, is hereby amended by striking out the following words after the word "municipality" in the sixth and seventh lines "that has been constructed under *The General Road Companies' Act*."

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Sec. 535
repealed.
Bridges
between
municipalities

22. Section 535 of the said Act is hereby repealed and the following substituted therefor:

535. (1) It shall be the duty of County Councils to erect and maintain bridges over rivers forming or crossing boundary lines between two municipalities (other than in the case of a city or separated town) within the county; and in case of a bridge over a river forming or crossing a boundary line between two or more counties or a county, city or separated town, such bridge shall be erected and maintained by the councils of the counties or county, city and separated town respectively; and in case the councils fail to agree as to the respective portions of the expense to be borne by the municipalities interested, it shall be the duty of each to appoint arbitrators as provided by this Act, to determine the proportionate amount to be paid by each, and the award made shall be final.

(2) A road which lies wholly or partly between two municipalities shall be regarded as a boundary line within the meaning of this section, although such road may deviate so that it is in some place or places wholly within one of such municipalities, and a bridge built over a river crossing such road where it deviates as aforesaid shall be held to be a bridge over a river crossing a boundary line within the meaning of this section.

23. Sub-section 8 of section 550 of the said Act is hereby repealed, and the following substituted therefor: Sec. 550,
sub-s. 8,
repealed.

(8.) For searching for and taking such timber, gravel, stone, or other material or materials (within the municipality) as may be necessary for keeping in repair any road or highway within the municipality; and for the purpose aforesaid with the consent of the council of an adjoining municipality (by resolution expressed), for searching for and taking gravel within the limits of such adjoining municipality; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such timber or materials, shall, if not agreed upon by the parties concerned, be settled by arbitration under the provisions of this Act. Power to take
materials for
roads.

(a) But no such gravel shall be taken or removed from the premises of any person in an adjoining municipality until the price or damage has been agreed upon between the parties, or settled by arbitration.

24. Section 565 of the said Act is hereby amended by adding thereto the following sub-section: Sec. 565
amended.

(7) For abandoning or otherwise disposing of the whole or any portion of a toll road owned by a county, whether situated wholly within the county or partly within the county and partly within an adjoining county or counties, and on the passing of any such by-law the clerk shall forthwith forward a certified copy thereof to the local municipality or municipalities through or along which any portion of said abandoned road shall run or border upon. Disposing of
roads.

25. Section 570 of the said Act is hereby amended by adding the following sub-section thereto:— Sec. 570
amended.

(17) In order the better to maintain and operate works constructed under the provisions of sub-section 8 of this section, the council may pass by-laws appointing one or more commissioners from among those whose lands are assessed for the construction of such works, and the commissioners so appointed shall have full power to enter into all such necessary and proper contracts for the purchase of fuel, repairs of buildings and machinery, and may do all other things necessary to facilitate the successful operation of such works as may be set forth in the by-law appointing such commissioners. Appointment
of commis-
sioners to
carry out
drainage
works.

26. (1) The provisions of sections 584, 587 and 589 of the said Act shall apply to drains constructed under the provisions of *The Ontario Drainage Act*, (33 V. c. 2,) and amendments thereto, or of *The Ontario Drainage Act*, 1873, or of the Revised Statute respecting the expenditure of public money for drainage works, as well as to the works to which the said sections now apply, the word "assessors" being substituted as to such drains for the word "engineer" in the third line of said section 584. Application of
ss. 584, 587
and 589.

(2) The deepening or widening of a drain in order to enable it to carry off the water it was originally designed to carry off, shall be deemed to be a work of preservation, maintenance or keeping in repair within the meaning of said sections 584 and 587.

Sec. 586
amended.

27. Section 586 of the said Act as heretofore amended is hereby further amended by adding thereto after the word "provisions" in the second line thereof, the words "of *The Ontario Drainage Act* (33 V. c. 2), and amendments thereto. or."

Sec. 593 re-
pealed.

28. Section 593 of the said Act is hereby repealed, and the following substituted therefor:

Carrying
drains into
adjoining lots
or across
highways.

593. In case any person finds it necessary to continue an underdrain into an adjoining lot or lots, or across or along any public highway, for the purpose of an outlet thereto, and in case the owner of such adjoining lot or lots, or the Council of the Municipality refuses to continue such drain to an outlet, or to join in the cost of the continuation of such drain, then the firstly mentioned person shall be at liberty to continue his said drain to an outlet, through such adjoining lot or lots, or across or along such highway; and in case of any dispute as to the proportion of cost to be borne by the owner of any adjoining lot or municipality the same shall be determined under the provisions of and in the same manner as is provided for the determination of similar disputes by *The Ditches and Water Courses Act, 1883*, and the amendments thereto.

Sec. 612
amended.

29. Section 612 of the said Act is hereby amended by adding the following sub-section thereto:

Lands bene-
fited to be
charged with
proportion of
of cost of cer-
tain local im-
provements.

(10) If the contemplated works or improvements relate to any stream, creek or watercourse, or to draining any locality, and in the opinion of the engineer or surveyor benefit any lands lying within the municipality, or any road or roads lying therein, then the engineer or surveyor aforesaid shall charge the lands to be so benefited, and the corporation, person or company whose road or roads are improved, with such proportion of the costs of the work or improvement as he may deem just; and the amount so charged for roads or agreed upon by arbitration shall be paid out of the general funds of the municipality or company, and the provisions of this Act relating to drainage, so far as applicable, shall apply to any such work or improvement constructed under this section.

Sec. 620
amended.

30. Section 620 of the said Act is hereby amended by adding thereto the following sub-section:

Repairing and
cleaning
streets.

(3) Notwithstanding anything contained in sub-section 3 of section 612, after such a by-law has been passed in manner aforesaid, the council may pass a by-law or by-laws dividing the municipality into certain areas, districts or sections within which the streets or parts of streets may be maintained, repaired, cleaned, cleared of snow and ice, watered, swept, lighted and the grass therein cut and trees therein trimmed, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, in order to pay any expenses incurred in maintaining, repairing, cleaning, clearing of snow and ice, watering, sweeping and lighting such streets or parts of streets, and cutting grass and trimming trees therein, or for any one or more of such services.

Sec. 624
amended.

31. Section 624 of the said Act is hereby amended by adding thereto the following sub-section:

(3) And the said council may also include in either of the

foregoing by-laws, the cutting of grass and weeds, and trimming the trees or shrubbery on any such street, square, alley or lane, and otherwise cleaning the same.

32. (1) In addition to the powers conferred upon the councils of incorporated villages by sections 612 to 623, both inclusive, of *The Consolidated Municipal Act*, 1883, as amended by sections 20 and 21 of *The Municipal Amendment Act*, 1884, the council of any such village, under and subject to the provisions of the said sections, may pass by-laws providing for the construction of water works for the purpose of fire protection.

Construction of water-works for fire protection in villages.

(2) The said council may by the same or any subsequent by-law, define by metes and bounds, or otherwise, what real property will be immediately benefited by the proposed improvement, and is to be charged with the cost thereof, and may also by any such by-law make provision for assessing and levying on the property so defined the cost of managing and maintaining the said works.

(3) Sub-section 3 of section 612 of the said *Consolidated Municipal Act*, 1883, shall not apply to any works constructed under the powers hereby conferred.

33. Wherever it shall in the opinion of the council of any city, town or incorporated village be deemed expedient and necessary to open up and extend any street, lane or alley within the limits thereof for the more immediate convenience or benefit of any locality within such limits, and the council is of opinion that from any cause it is inequitable to charge the whole of the cost of the improvement on the lands fronting thereon, the council shall determine what lands are benefited by the extension, opening up and improving such street, lane, or alley, and the proportion in which the cost thereof shall be assessed against the lands so benefited, and also the proportion, if any, of the cost of the improvement, which shall be assumed by the city, town or incorporated village as its share thereof: provided always that the share or proportion of the cost of any such improvement assumed by the municipality may be provided for by the issue of debentures upon the credit of the municipality at large in like manner as in the case of the share of the municipality of other local improvements: provided, also, that all assessments made under the above provisions shall be subject to an appeal to the Judge of the County Court in like manner as in the case of other special assessments for local improvements, under the provisions of *The Consolidated Municipal Act*, 1883, and amendments thereto.

Cost of opening and extending streets.

34. If in the case of the construction or repair of any bridge, or culvert, or the opening up and extension of any street, lane, or alley, the council shall determine what real property other than that fronting or abutting upon the street, lane, or alley, whereon or wherein the improvement is made, or to be made, is specially benefited, and ought to be charged with a part of the cost thereof, and shall determine the proportion in which the cost of the improvement shall be assessed against the lands so benefited, the council shall assess and levy the proportion of the cost of the improvement chargeable against the lands benefited, but not fronting or abutting upon such street, lane,

Assessment lands benefited by improvements where land does not front on street on where improvement made.

or alley, by a frontage rate, in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane, or alley, whereon or wherein the improvement is made or to be made

Refund of part of special rate for local improvements imposed on corner lots, etc.

35. It shall and may be lawful for the council of any city, town, or incorporated village by a two-thirds vote of the council to pass by-laws to remit and refund so much of the special rates heretofore imposed on corner lots and irregular pieces of land for the construction of pavements and sidewalks under local improvement by-laws as may be necessary to equalize the assessment made on such property with the assessment made on adjoining properties for the same improvement or work, and to provide the amount of all rates so remitted or refunded by passing by-laws for borrowing money by the issue of debentures, or by including said amounts in the rate bills for the year; provided that no such remission or refund shall be made in any case where the work or improvement shall have been made or constructed more than four years before the passage of the by-law authorizing the refund or remission.

General by-law for determining property benefited by improvements, sufficient.

36. It shall be deemed to have been and to be a sufficient compliance with the provisions of section 612, sub-section 1, of *The Consolidated Municipal Act*, 1883, and of section 20 of the *Municipal Amendment Act*, 1884, if the council shall have passed or shall pass a general by-law or general by-laws, providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited, and it shall not be deemed to have been, or to be, necessary to pass a special by-law for the purposes above mentioned in each particular instance; but nothing in this section shall affect any pending litigation or the rights of the parties thereto.

By-laws heretofore passed in pursuance of notice of notice under 46 V., c. 18, s. 612, where assessment not petitioned against, confirmed.

37. All by-laws heretofore passed by the council of any city town, or incorporated village, in pursuance of notice duly given under the provisions of sub-section 4 of section 612 of *The Consolidated Municipal Act*, 1883, no petition sufficiently signed having been presented to the council against the proposed assessment are hereby declared valid and effectual, notwithstanding special by-laws shall not have been passed to provide means of ascertaining what real property will be specially benefited in each particular instance; and it is hereby declared to have been, and to be, a sufficient compliance with the provisions of the said *Consolidated Municipal Act*, 1883, and amending Acts, if the Court of Revision shall have met or shall meet, and due notice of the sittings of the said Court of Revision to hear appeals under the provisions of sections 612 and 618 of the said *Consolidated Municipal Act*, 1883, and of section 20 of the said *Municipal Amendment Act*, 1884, shall have been or shall be given to the persons entitled thereto, and an opportunity of appealing to the Judge of the County Court shall have been or shall be afforded to the person desiring so to do at any time before the final passing of the by-law providing for the

special assessment upon the property benefited; but nothing in this section shall affect any pending litigation or the rights of the parties thereto.

38. (1) Where a by-law passed under the provisions of section 5 612 of *The Consolidated Municipal Act, 1883*, or any amendment thereof, provides or is intended to provide that the special rate assessed thereunder shall be a frontage rate, it shall not be necessary to comply with the provisions of section 20 of *The Municipal Amendment Act, 1884*, or to advertise or publish the by-law, or to comply with the provisions of section 10 618 of the said *Consolidated Municipal Act*, but it shall be sufficient if the by-law describe the street or place or part thereof, whereon or wherein the local improvement is to be made by a general description thereof, stating the points 15 between which it is to be made, and it shall not be necessary for any such by-law to state the value of the real property ratable thereunder, or to impose a rate upon such real property by any description other than that hereinbefore mentioned.

General description in by-laws under 46 V., c. 18, s. 612, sufficient where special rate is a frontage rate.

20 (2) In cases to which the next preceding sub-section applies the council shall procure a measurement of the frontage liable to the rate mentioned therein, and of the frontages exempt from taxation, and of the frontages of the several lots or parcels of land liable to such rate, and shall keep a statement, 25 of the same open for inspection in the office of the clerk of the municipality for at least ten days before the final passing of the by-law, and the council shall also cause to be inserted in a public newspaper published within the municipality, or in the county town, or in a public newspaper published in the nearest municipality in which a public newspaper 30 is published, once a week for two successive weeks, a notice in the form following or to the like effect:

Take notice that a by-law is intended to be passed by the Municipal Council of the Corporation of the _____ of _____ for levying a frontage rate to pay for the *(describing the work)* constructed *(or made)* or to be constructed *(or made)* *(as the case may be)* on _____ street, between *(describing the points between which the work has been or is to be made or constructed)* and that a statement showing the lands liable to pay the said rate is now filed in the office of the Clerk of the Municipality and is open for inspection during office hours.

The cost of the work is \$ _____ of which \$ _____ is to be provided out of the general funds of the municipality.

A Court of Revision will be held on _____ at _____ for the purpose of hearing complaints against the proposed mode of assessment or accuracy of the frontages, measurements or any other complaint which persons interested may desire to make and which is by law cognizable by the court.

Dated _____

Clerk.

(3) There shall be the same right of appeal from any such assessment to the Court of Revision and from the Court of 35 Revision to the County Judge, as is provided in section 570 of the said Act, and the proceedings thereon shall, except as otherwise provided by this Act, be the same (as nearly as practicable) as in the case of appeals from ordinary assessments under *The Assessment Act* and the Court of Revision and the County 40 Judge shall respectively have the like jurisdiction, rights and powers in respect to every such appeal as in the case of such last mentioned appeals.

(4) The said statement or the same as altered or varied by the Court of Revision or the County Judge upon appeal shall be final and conclusive as to all matters therein contained.

Setting apart unincorporated village.

39. (1) When any unincorporated village or settlement and its immediate neighbourhood lying wholly within the limits of a township, and when the residences of its inhabitants are sufficiently near to each other, as in the opinion of the council of such township municipality, to render the same desirable, the council of the township in which the same are situate may on the petition of a majority of the ratepayers within the area to be set off, one-half of whom shall be resident freeholders, by by-law set such unincorporated village or settlement and neighbourhood apart from the remaining portion of the township in which the same is situate, and with boundaries to be respectively defined and declared in such by-law for the purposes hereinafter mentioned.

Jurisdiction of township continued.

(2) All the powers given to the council of every township by *The Consolidated Municipal Act, 1883*, and amendments thereto, shall remain in force as respects said portion of the township so set apart, and are hereby continued and extended to the council of every township wherein the portion thereof is so set apart under the provisions of this Act, except so far as the same are or may be inconsistent with the enactments herein.

Additional powers of township councils.

(3) In addition to the powers given to the council of every township by *The Consolidated Municipal Act, 1883*, and amendments thereto, the council of every township wherein a portion has been set apart under the provisions of this Act, shall have all the rights and powers conferred on the councils of cities, towns and incorporated villages by the said Act and amendments thereto as respects such portions as shall be so set apart, and may pass by-laws which shall apply exclusively and only to that portion of such township so set apart for the following purposes:—

(a) To compel all persons (resident or non-resident) liable to statute labour within such prescribed limits, to compound for such labour at any sum not exceeding \$1 for each day's labour, and that such sum shall be paid in commutation of such statute labour; and for enforcing the payment of such commutation in money in lieu of such statute labour.

(b) For all the purposes specified in sections 570, 571, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623 and 624, and the sub-sections thereto of *The Consolidated Municipal Act, 1883*, and amendments thereto.

Extension of sewers into adjoining municipality.

(4) In case any township, city, town, or incorporated village, shall be so situated that in the construction of any sewer therein it becomes necessary in order to procure an outlet therefor to extend the same into or through a contiguous municipality, such township, city, town, or incorporated village so situated, shall be permitted and have power, subject as hereinafter provided, to so extend such sewer into or through such contiguous municipality, and shall be permitted and have power to unite and connect the same to any already existing sewer or sewers of such contiguous municipality, upon such terms and conditions as shall be agreed upon between the respective municipalities, and in case of a difference then upon

such terms and conditions as shall be determined by arbitration, under the provisions of *The Consolidated Municipal Act, 1883*, in that behalf: Provided always, that in any case where the council of any municipality shall object to allow an adjoining municipality to connect a sewer with any existing sewer or extend a sewer through its territory, as above provided, then and in every such case the arbitrators shall not only determine the terms and conditions upon which such connection or extension shall be allowed to be made, but also whether such connection or extension should under the circumstances be permitted or allowed to be made, but nothing herein contained shall authorize the making of an open drain or sewer, nor shall anything herein apply to or impair the provisions of *The Ditches and Watercourses Act, 1883*.

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No. 176.

2nd Session, 5th Legislature, 48 Vic, 1885.

BILL.

The Municipal Amendment Act, 1885.

First Reading, 24th March, 1885.

Mr. HARDY.

TORONTO:

PRINTED BY THE "GRIP" PRINTING AND PUBLISHING CO.

An Act to Amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 23 of section 6 of *The Assessment Act* is hereby repealed, and the following substituted therefor :—

R. S. O. c. 180, s. 6, sub-s. 23, repealed.

(23) The stipend or salary of any clergyman or minister of religion while in actual connection with any church and doing duty as such clergyman or minister, to the extent of one thousand dollars and the parsonage, when occupied as such or unoccupied, and if there be no parsonage the dwelling house occupied by him with the land thereto attached, to the extent of two acres, and not exceeding two thousand dollars in value. This sub-section shall not apply to a minister or clergyman whose ordinary business or calling at the time of the assessment is not clerical though he may do occasional clerical work or duty.

Exemption of Ministers' stipends.

2. Sub-section 4 of section 12 of the said Act is hereby amended by adding after the words "Column 3.—Occupation," the words, "and in the case of females, a statement whether the party is a spinster, married woman or widow, by inserting opposite the name of the party the letter 'S,' 'M,' or 'W,' as the case may be."

R. S. O. c. 180, s. 12, sub-s. 4, amended.

3. Section 93 of the said Act is hereby amended by adding thereto the following sub-section :—

R. S. O. c. 180, s. 93, amended.

(2) A city shall for the purposes of this section be deemed to be within the county of which it forms territorially a part.

4. Sub-section 3 of section 33 of *The Municipal Amendment Act of 1879*, is hereby amended by adding thereto the following words: "And in the event of the assessment of any one or more municipalities being reduced or increased by the court, directions shall be given to the clerk of the county council to reapportion the aggregate amount to be raised among the several municipalities of the county with reference to the final equalization made by the court."

42 V. c. 31, s. 33, sub-s. 3, amended.

5. Section 9 of *The Act respecting Municipal Assessments and Exemptions*, passed in the forty-third year of Her Majesty's reign and chaptered 27, is hereby repealed, and the following is substituted therefor :

43 V. c. 27, s. 9, repealed.

9. (1) Where there is an appeal from any Court of Revision under section 59 of *The Assessment Act* to the County Court Judge of the county in which the assessment is made, and a person, partnership or corporation desiring to appeal has been assessed on one or more properties to an amount aggregating fifty thousand dollars, such person, partnership or corporation

Appeals from Court of Revision.

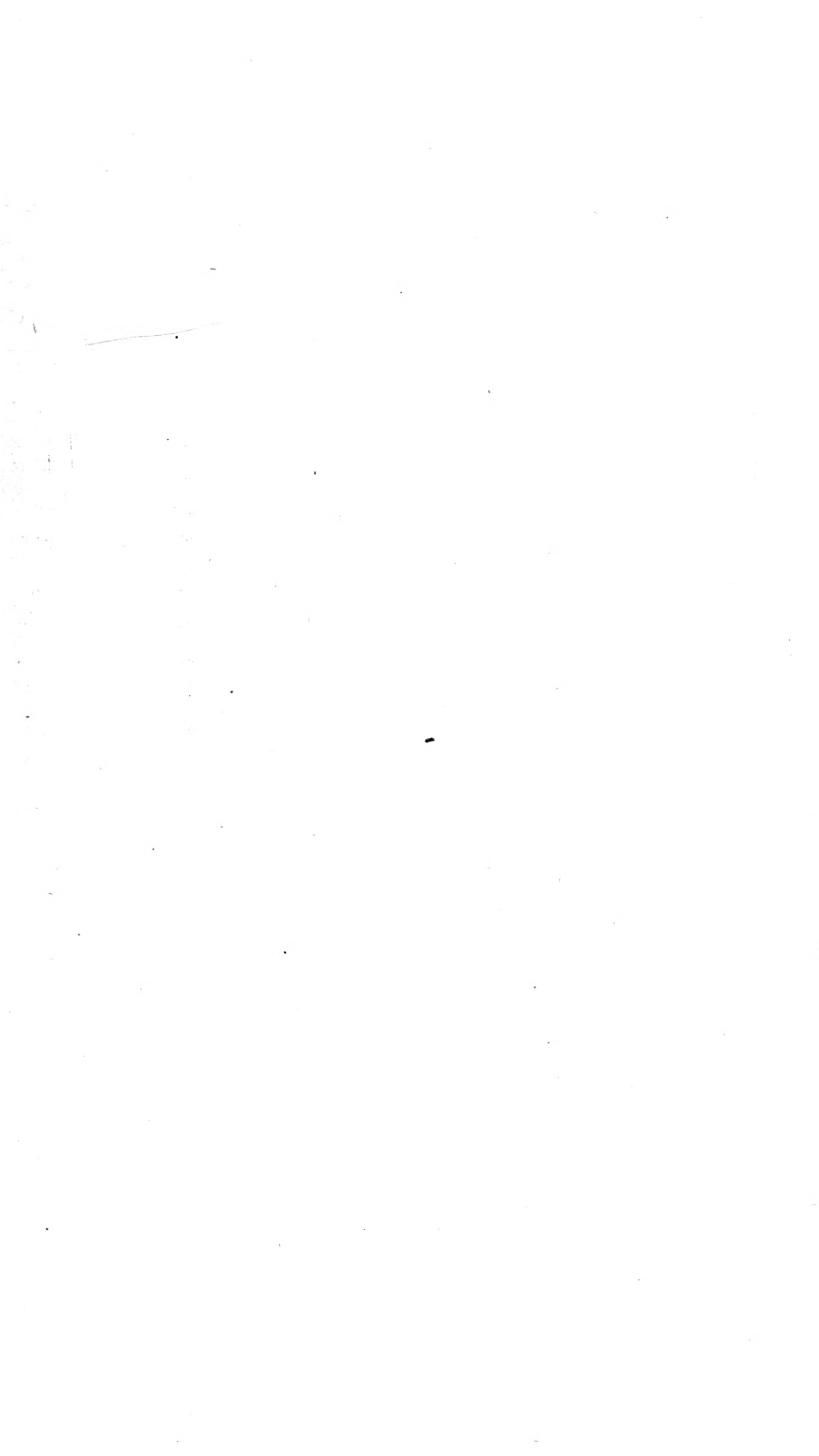
shall, on depositing with the clerk of the Court of Revision appealed from the sum of twenty-five dollars to pay the travelling expenses of the Board or Judge to be called in as hereinafter mentioned, have the right to have the appeal from the said Court of Revision heard by a Board consisting of the judges of the counties which constitute the County Court District if the property assessed be in a county which forms part of a County Court District, and if not, then the party or corporation appealing may request, in writing, the said County Court Judge to associate with himself in hearing the said appeal, the Judge or acting Judge of the County Court of the county whose county town is nearest to the court house where the said appeal will be heard, and the said appeal shall thereupon be heard by the County Court Judge, and the said judge so called in as aforesaid, and in such cases the clerk of the municipality shall forthwith notify each of the judges whose duty it shall be to attend upon such appeal as aforesaid, by post prepaid, of all notices of appeal coming within the provisions of this section, which are from time to time served upon him, and the judge of the county in which the city, town, township or village lies, the decision of whose Court of Revision has been appealed against, shall arrange a day for the hearing of such appeals, and shall notify the clerk thereof, and the clerk shall immediately notify, by post prepaid, the other judge or judges and the parties appealing.

(3) Where an appeal against an assessment lies from a Court of Revision to the Stipendiary Magistrate of the District or Provisional County in which the property assessed is situate, and a person or corporation desiring to appeal is assessed on one or more properties in any township or union of townships to an amount in the aggregate exceeding fifty thousand dollars, such person or corporation shall have the right to appeal either to the said Stipendiary Magistrate or (on depositing with the Clerk of the Municipality the sum of twenty-five dollars to defray the travelling expenses of the County Court Judge hereinafter mentioned) to the Judge of the County Court of the county to which the said Provisional County or District is attached for judicial purposes; the notice of such appeal, the time for bringing the same on, and the procedure generally, to be the same as in the case of an ordinary appeal from a Court of Revision to a County Court Judge.

4) The sections of *The Assessment Act*, from 59 to 67 inclusive, shall apply to all appeals taken under the two preceding sub-sections, and the said judges shall have the powers and duties which by the said sections, 59 to 67, are assigned to the County Court Judge therein referred to.

(5) When two judges hear the appeal and differ in their opinion as to the allowance of the said appeal or otherwise, then the said assessment appealed from shall stand confirmed.

(6) The clerk with whom any money is deposited to pay the travelling expenses as aforesaid shall pay out of the moneys so deposited upon requisition by the judge such sum as the said judge shall certify to him as his travelling expenses in connection with the said appeal and shall repay the balance if any to the person or corporation depositing the same.



No. 177.

2nd Session, 5th Legislature, 48 Vic., 1885.

BILL.

An Act to Amend the Assessment Act.

First Reading, 24th March, 1885.

Mr. HARDY.

TORONTO:

PRINTED BY THE "GRIFF" PRINTING AND PUBLISHING CO.

An Act for the Preservation of the Natural Scenery
about Niagara Falls.

WHEREAS, the Government of the Dominion of Canada has not availed itself of the provisions of the Act passed in the forty-third year of Her Majesty's reign, entitled *An Act Respecting Niagara Falls and the adjacent territory*, and it is desirable that other means should be taken to restore to some extent the scenery around the Falls of Niagara to its natural condition, and to preserve the same from further deterioration, as well as to afford to travellers and others facilities for observing the points of interest in the vicinity ;

10 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. This Act may be cited as *The Niagara Falls Park Act*.

2. "Owner" or "owners" in this Act, besides including any person in whom the legal and equitable estates are vested, shall also include a mortgagor guardian, trustee and committee, and every guardian, trustee and committee shall have authority to agree as to compensation under this Act and bind the persons of whom he is the guardian, trustee or committee.

20 "Land" or "lands" shall include any parcel of land, stream pond, water-course, fence and wall, and any easement in any land.

Board of Commissioners.

3. The Lieutenant-Governor-in-Council may appoint three persons who shall constitute a Board of Commissioners by the name of "The Commissioners for Niagara Falls Park," and the Lieutenant-Governor-in-Council may from time to time fill any vacancy that may occur in such Board.

4. The said Commissioners shall hold office during pleasure, and shall receive no compensation except their actual disbursements in performing their duties.

5. The Board of Commissioners are to select such lands in the vicinity of the Falls of Niagara within Ontario as are in their opinion proper to be set apart for the purposes set out in the preamble of this Act, and for that purpose shall have power to enter upon, examine, measure and survey such lands in the vicinity of the Falls as they may deem necessary to enter upon and examine.

6. The Commissioners are further to report as to the plan which in their opinion ought to be adopted for securing the permanent appropriation of the lands for the objects hereinbefore mentioned; and for the improvement and preservation of the property, and as to the mode in which the same should be managed in order to secure the enjoyment of the same as a public park, together with such other matters as the Commissioners may think fit. 5

7. The Commissioners shall cause to be made a map of the land which they shall select, which map shall be certified by a majority of said Commissioners. 10

8. In case the Lieutenant-Governor-in-Council approves of the selection or any part thereof, the lands so approved shall be subject to the provisions of this Act; and in case of such approval copies of the map with the lands marked thereon which shall have been approved as aforesaid, shall be filed in the office of the Registrar for the County of Welland and in the office of the Commissioner of Crown Lands upon the certificate of the Clerk of the Executive Council of Ontario. 15

9. The Commissioners shall thereupon proceed to ascertain the value of the lands selected and approved as aforesaid, with a view to the same being purchased under the authority of this Act for the objects and uses hereinbefore mentioned. 20

Expropriation Proceedings.

10. For the purpose of ascertaining and determining the prices to be paid for the said lands, the Commissioners may agree with the respective owners as to the price and terms of payment, subject to the provisions of this Act; and if they are unable to agree the prices to be paid shall be determined by the Provincial Arbitrators in the manner provided for by *The Revised Statute respecting the Public Works of Ontario*; and all the provisions of the said Act, in regard to the mode of determining the compensation to be paid for lands or other property or rights to be acquired by the Commissioner of Public Works, shall apply as nearly as may be in determining the compensation to be paid for lands or other property or rights to be acquired for the purposes of this Act; but in lieu of making any tender the Commissioners may name a price which they are willing to fix as the price to be paid, and notice thereof to the owners shall stand in lieu of a tender. The compensation agreed to or awarded as aforesaid shall be the price to be paid for the lands or rights described in the agreement or award by any Trustees or Public Company authorized by the Lieutenant-Governor-in-Council or by any Act of the Legislature to acquire the said lands and rights under the provisions of this Act, and shall be binding on the owners for two years after the passing of this Act. 25
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Commissioners' Report.

11. After the proceedings hereinbefore provided for determining the value of the lands selected, have been completed, the said Commissioners shall report to the Lieutenant-Governor their proceedings therein, with a statement of the parcels 50

of land proposed to be taken, and the value thereof as determined by arbitration or agreement.

Action thereon.

12. In case the report of the commissioners so recommends,
 5 the Lieutenant-Governor-in-Council, after giving a notice that proposals will be received from companies willing to undertake the establishment and maintenance of the park under the Act, and after a reasonable publication of the said notice, the Lieutenant-Governor in Council may transfer to
 10 any Trustees, or to a Company incorporated under the Letters Patent Act, or otherwise, the right of acquiring for the purposes aforesaid the said lands at the prices so agreed on or awarded, subject to the ratification of the transfer by the resolution of the Legislative Assembly.

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Conditions.

13. Any transfer shall be subject to the following conditions :

(1) The general park grounds of the company shall be open and free to the public without charge, subject to any general rules and regulations of the company as to management, ap-
 20 proved of by the Lieutenant-Governor in Council, and in case of question of doubt the Lieutenant-Governor in Council is to determine what grounds come within this condition;

Company's grounds to be open to the public free of charge, etc.

(2) The transferees may mortgage, either by bonds or otherwise, its revenues, but shall have no authority to mort-
 25 gage or alienate any lands acquired within the limits selected and set forth as aforesaid, but the same shall be kept for public purposes in accordance with the true intent and object of this Act, and shall remain subject to the terms and conditions imposed by the charter granted, or otherwise,
 30 unless so far as such terms and conditions shall with the consent of the company be subsequently varied by the Lieutenant-Governor in Council by letters patent in that behalf ;

(3) The Lieutenant-Governor in Council, in making the transfer, may subject the transferees to such other restrictions
 35 and conditions as he may deem necessary in the public interest, having regard to the purposes of this Act.

(4) In case the transferees fail to purchase any parcel of land which it is entitled to purchase under this Act, they shall pay to the owner his costs of the proceedings before the
 40 arbitrators ;

(5) If the transferees after paying for certain parcels of the land to be acquired, fail within such time as the Lieutenant-Governor in Council shall deem reasonable to acquire the residue of the land selected by the Commissioners, and ap-
 45 proved by the Lieutenant-Governor as aforesaid, the Lieutenant-Governor-in-Council, may incorporate another company with like powers, or with such variations as the Lieutenant-Governor-in-Council may think proper, and upon payment to the former transferees, or into the High Court, of the amount
 50 paid as compensation to the owners for the land, such new transferees shall be entitled to take possession of the lands, and to receive a conveyance thereof.

Powers.

14. The Lieutenant-Governor-in-Council may confer on the transferees the following powers or any of them :—

General powers of company.

(1) Power to establish and maintain a public park on the lands so acquired, and to make all improvements which the transferees may think necessary, and the Lieutenant-Governor-in-Council approve, to give full effect to the points of interest in and about the Falls, and which may be required for the comfort and convenience of the public. 5

Proviso.

(2) Power to construct and operate inclined planes and elevators to and from the water's edge of the Niagara River, and construct tramways and railways, with one or more set of rails, and to be worked by the force and power of steam, electricity, or of the atmosphere, or of animals, or by any mechanical power, or by any combination of them, in, over and upon the lands acquired by them, as the Lieutenant-Governor-in-Council may from time to time approve. 10 15

(1) Provided always, that the works shall not be commenced until the company has submitted to the Lieutenant-Governor-in-Council plans of their proposed works and the same shall have been approved by the Lieutenant-Governor-in-council. 20

(2) Power to collect reasonable tolls for the use of the inclined planes or elevators, trams or railways, or other works or appliances which involve the expenditure of money for maintenance or service; provided that all tariffs of the company shall be subject to the approval of the Lieutenant-Governor in Council. 25

(3) Power to move and change that portion of the present highway between the new suspension bridge and the Table Rock, back from the edge of river bank or cliff, to a distance not exceeding two hundred and fifty yards at any one point so as to permit the planting of trees, and the formation of an esplanade, and other improvements thereon; in case of the removal of the present highway, the said transferees shall construct another and as convenient a highway, at their own expense, and the change of said highway shall not take place until the new and substituted highway shall have been constructed and approved by the Lieutenant-Governor in Council. 30 35

Agreements with other companies.

(4) Power to make any arrangement or agreement with any railway, road or bridge company, lawfully authorized in that behalf, for the use or otherwise of any railway, road or bridge connecting with, or in the vicinity of the said property, and for the better carrying out of the objects of the said company. 40

Rules and regulations to keep order.

(5) Power to make rules, regulations or by-laws for the user of their property by the public, and for the maintenance of order thereon, subject to the approval of the Lieutenant-Governor in Council; and any person appointed to keep order, may, after taking the oath of office before a justice of the peace, and his appointment, as approved in writing by the County Judge, and after, act as and perform the duties, and be subject to the responsibilities, of a constable and peace officer, within the limits of said property and the municipalities adjacent thereto. 45 50

Lands and Compensation.

15. The transfer and the grant of the said powers shall be subject to ratification by resolution of the Legislative Assembly.

16. If the person conveying lands or property selected 5 under this Act could not, without this Act, have conveyed the same or agreed for the compensation to be paid therefor, or if any owner or party to whom the compensation money or any part thereof is payable, refuses to execute the proper conveyance, or other requisite instrument of transfer of the lands, 10 or if the person entitled to claim the compensation cannot be found, or is unknown, or if there is reason to fear any claim or incumbrance, the compensation money agreed upon or awarded may be paid into the High Court of Justice (with the interest thereon for six months), and may deliver to the 15 registrar or other proper officer of the court a copy of the conveyance, or of the agreement or award, if there be no conveyance, verified by affidavit.

17. The compensation money for any lands acquired or taken under this Act without the consent of the proprietor, 20 shall stand in the stead of such lands; and any claim to or incumbrance upon such lands shall be converted into a claim to the compensation money or to a proportionate amount thereof, and shall be unavailing as respects the lands themselves.

18. Possession shall not be taken of any part of any lands 25 valued as aforesaid until the amount agreed on or awarded for the same shall have been paid to the persons appearing to be entitled, or paid into court under the provisions of this Act.

19. Where land selected and taken under this Act is subject to a mortgage or other incumbrance, it shall not 30 be necessary to notify the mortgagee or other incumbrances of any arbitration proceedings taken to determine the value of the land, unless the Commissioners intend to urge a price to be named which would be insufficient to pay off the incumbrance.

20. If the land is not taken and paid for within two years 35 as aforesaid, the owner shall be entitled to receive the costs to which he has been put in any proceedings taken for determining by arbitration the value of his land, the amount of such costs shall be stated in the award of the arbitrators, whether the arbitrators direct that the party shall be entitled 40 to such costs in the event of the land being purchased, or direct otherwise.

21. Subject to the provisions of the last section, the arbitrators shall have full authority to determine by and to whom any costs incurred in connection with any arbitration 45 shall be paid, but any costs which should be paid by an owner to the Commissioners shall be directed by the award to be paid to the Treasurer of Ontario; the award as to costs shall not take effect until the land is purchased, and if any such costs are directed to be paid to the said treasurer by an owner 50 the same shall be paid to the said treasurer and deducted from the price of the land.

22. For greater certainty, it is hereby declared that the following sections of the Act *respecting the Public Works of Ontario* (R. S. O. c. 30), shall, as nearly as may be, and unless where inconsistent with this Act, apply to proceedings to acquire the said lands under this Act, that is to say, sections 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 40, 41, 42, 43 and 44; and the powers or rights which by the said sections, or any of them, are vested in the Commissioner of Public Works or the Crown, are hereby vested in the said Board of Commissioners, until and unless the right to purchase is transferred as provided by this Act, and thereafter the same are hereby vested in the transferees subject to the provisions of this Act; and in applying the provisions of the said Act while the Commissioners are acting, "the Board of Commissioners" shall be substituted for "the Crown" or "the Commissioner;" where either of the said expressions is used in the said Act, and in case of a transfer to others where the transferees are acting, the transferees by their corporate or other proper name, shall be substituted for the said expressions.

23. The Act passed in the forty-third year of Her Majesty's 20 reign, chapter thirteen, entitled *An Act respecting Niagara Falls and the adjacent Territory*, is hereby repealed.

BILL.

An Act for the Preservation of the Natural
Scenery about Niagara Falls.

First Reading, 25th March, 1885.

THE ATTORNEY-GENERAL.

TORONTO:

