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An Act to amend "The Law Reform Act of 1868,"
in reference to Juries in Civil causes, and to
repeal certain enactments.

WHEREAS it is desirable to amend the procedure in Preamble.
respect to the trial of issues of fact, and the assessment
or enquiry of damages in civil causes ;

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 eighteen of chapter six of the Statutes of Ontario 32 Vic., c. 6, sec.
18, amended.
passed in the thirty-second year of Her Majesty's reign, and
entitled "The Law Reform Act of 1868," is hereby repealed
and the following substituted therefor :—

10 **18.** In amendment of the second section of chapter thirty-
one of the Consolidated Statutes for Upper Canada, entitled
"An Act respecting Jurors and Juries," it is enacted—

1. That all issues of fact now or hereafter joined in any civil Issues to be
tried by a
judge in ab-
sence of notice
for jury.
15 action when brought in either of the Superior Courts of Common
Law or in any of the County Courts in Ontario, and every
assessment or enquiry of damages in every such action may,
and in the absence of such notice as is in the next sub-section
20 mentioned, shall be heard and tried, or assessed and enquired
of (as the case may be) by a judge of the said courts without
the intervention of a jury.

2. If any one or more of the parties to any such action Party requir-
ing a jury, to
give notice.
25 be assessed or enquired of by a jury, he shall give notice there-
of to the court in which such action is pending, and to the
opposite party or parties.

3. Such notice shall be given by filing in the office of the Form of notice:
30 clerk or deputy clerk (*as the case may be*), in which the
proceedings in the action are being carried on, and serving on
the opposite party or parties a notice in writing to the effect
following—that is to say. "The Plaintiff (*or one or more of them
as the case may be*), or the Defendant (*or one or more of them
as the case may be*) requires a jury in this action," and a copy
35 of such notice shall be attached to the record.

4. Such notice, if given by a plaintiff or plaintiffs, shall be Notice by
plaintiff, how
to be given.
given as follows, that is to say—

(a) In all actions, other than actions of ejectment, such notice
shall be filed either with the declaration or with some subsequent
40 pleading of the plaintiff or plaintiffs, and shall be served on the
opposite party or parties at the time when such declaration or
other pleading is served.

(b) In actions of ejectment, such notice shall be filed at any In ejectment.

time after the defendant or defendants or any of them have appeared to the writ of summons in ejectment, and before the issue book is served, and shall be served on the opposite party or parties at the same time that the issue book is served.

Notice by defendant how to be given.

5. Such notice, if given by a defendant or defendants, shall be given as follows, that is to say—

5

(a) In all actions, other than actions of ejectment, such notice shall be filed either with the plea or with some subsequent pleading of the defendant or defendants who require such jury, and shall be served upon the opposite party or parties at the time when such plea or subsequent pleading is served.

10

In ejectment.

(b) In actions of ejectment, such notice shall be filed with the appearance;

Notice, when interlocutory judgment signed, how to be given.

(c) In actions in which the defendant or defendants, or any of them, do not appear or having appeared, do not plead to the declaration, or to some subsequent pleading of the plaintiff or plaintiffs, and in which any judgment of an interlocutory character is entered or signed against any such defendant or defendants, or any of them, and upon which judgment the damages of the plaintiff or plaintiffs require to be assessed or enquired of, such notice shall be filed within three days after the assessment book is served upon the defendant or defendants who require such jury, and shall, within the same period, be served upon the opposite party or parties.

Jury causes to have priority.

6. The Clerk of Assize, or Clerk of the County Court (as the case may be), shall enter and indicate in the lists or dockets of causes for assessment or trial furnished or prepared by him, whether such causes are jury causes or not; and jury causes shall be called on before other causes, although they may not have priority upon such lists or dockets; Provided always that the judge or other presiding officer may, in his discretion, permit all causes entered to be disposed of in such order as will most facilitate the transaction of the business of the court.

Proviso.

Finding of judge to have same effect as of a jury.

7. The verdict or finding of the judge by whom any such issue or issues shall be tried or damages assessed, shall have the like effect as the verdict or finding of a jury, and the like fees and charges shall be payable in respect of the same; Provided that the parties shall be entitled to move against such verdict or finding, by motion for non-suit, new trial, or otherwise, within the same time, and on the same grounds, (including objections against the sufficiency, or the erroneous views taken of the evidence,) as allowed in cases of trial or assessment by a jury.

Motion against finding.

On motion against finding the court may give a verdict.

8. Whenever the verdict or finding of the judge is moved against under the preceding sub-section, it shall not be obligatory on the court before which such motion is made, to grant a new trial or new assessment, when the objections taken are against the sufficiency of the evidence, or the erroneous view taken thereof by the judge, or on a mistaken view of the law of the case; but the court may pronounce the verdict which in their judgment the judge who tried the cause or assessed the damages ought to have pronounced, and amend the postea and enter the verdict accordingly, subject nevertheless, to appeal on the same grounds as if the decision of the court had been to grant a new trial or a new assessment instead of ordering the postea to be amended.

55

On appeal from verdict of the court, a verdict may be

9. In case of appeal from the decision of the court before which such motion is made, the court before which such appeal is heard, or to which it is made, shall have the same and the

like powers which are conferred upon the first mentioned court in the last preceding sub-section.

10. Whenever any one or more of the parties to any such action shall have given such notice requiring a jury as hereinbefore provided, the cause shall be carried down to trial or assessment in the same manner and with the like effect as if this section had not been passed; Provided always that it shall be competent for the parties present at the trial or assessment to consent that the said notice shall be waved and the case tried or damages assessed by the judge, and to endorse a memorandum of such consent upon the record, or to annex it thereto, and thereupon the said judge shall proceed to the trial of the issues, or the assessment of the damages without the intervention of a jury; Provided always that it shall be competent for the judge in his discretion, either of his own mere motion, or upon the application of the parties, or of any or either of them, to direct that notwithstanding anything hereinbefore contained any such action shall be tried or the damages assessed by a jury.

given by the Court of Appeal.

When notice given, how cause to be carried down.

Consent after notice that Judge may try. order case to be tried by jury.

2. Section six of chapter seven of the Statutes of Ontario, passed in the thirty-third year of Her Majesty's reign, and intituled "An Act to make further provisions for carrying out the Act intituled "The Law Reform Act of 1868," and to regulate proceedings on writs of error and certiorari," and the whole of chapter nineteen of the statutes passed in the thirty-fifth year of Her Majesty's reign, and intituled "An Act to amend the Law Reform Act of 1868," are hereby severally repealed.

33 Vic., c. 7, s. 6, and 35 Vic., c. 19, repealed.

3. Section three of chapter forty-two of the Act passed in the twenty-third year of Her Majesty's reign is hereby repealed, and the following is substituted and shall be read in lieu thereof:

How records to be entered in town causes.

3. In town causes the records shall be entered with the Clerk of the Crown and Pleas for the Court of Queen's Bench at any times before noon of the opening or commission day of the assizes. After noon of such day the presiding judge may permit any record to be entered with the clerk of assize, if on facts disclosed on affidavit or on consent of parties he see fit to do so. Such clerk of the crown and pleas shall make two lists as aforesaid, and they shall be regulated and the business disposed of as in country causes, and shall transmit the records so entered and such lists to the clerk of assize immediately after noon of the commission or opening day of the assize.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend "The Law Reform Act of 1868," in reference to juries in civil causes, and to repeal certain enactments.

First Reading, 13th January, 1873.

MR. McDONALD.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

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1. That all issues of fact now or hereafter joined in any civil Issues to be
action when brought in either of the Superior Courts of Common tried by a
15 Law or in any of the County Courts in Ontario, and every judge in ab-
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and, in the absence of such notice as is in the next sub-section for jury.
mentioned, shall be heard and tried, or assessed and enquired
of (*as the case may be*) by a judge of the said courts without
20 the intervention of a jury :

2. If any one or more of the parties to any such action Party requir-
require such issue or issues to be heard and tried, or damages to ing a jury, to
be assessed or enquired of by a jury, he shall give notice there- give notice.
of as hereinafter provided ;

3. Such notice shall be given by filing in the office of the Form of notice.
clerk or deputy clerk (*as the case may be*), in which the
proceedings in the action are being carried on, and serving on
all the other parties a notice in writing to the effect follow-
ing—that is to say, "The Plaintiff (*or one or more of them*
30 *as the case may be*), or the Defendant (*or one or more of them*
as the case may be) requires a jury in this action," and a copy
of such notice shall be attached to the record ;

4. Such notice, if given by a plaintiff or plaintiffs, shall be Notice by
given as follows, that is to say— plaintiff, how
to be given.

35 (a) Such notice shall be filed, and shall be served on the said
other parties before or with notice of trial or of assessment.

5. Such notice, if given by a defendant or defendants, shall Notice by
be given as follows, that is to say— defendant how
to be given.

(a.) Such notice shall be filed and served at any time not less
40 than four days before the sitting of the Court or Assize at
which such trial or assessment is to be had.

Jury causes to have priority. 6. The Clerk of Assize, or Clerk of the County Court (*as the case may be*), shall enter and indicate in the lists or dockets of causes for assessment or trial furnished or prepared by him, whether such causes are jury causes or not; and jury causes shall be called on before other causes, although they may not have priority upon such lists or dockets; Provided always that the judge or other presiding officer may, in his discretion, permit all causes entered to be disposed of in such order as will most facilitate the transaction of the business of the court. 5

Proviso. 7. The verdict or finding of the judge by whom any such issue or issues shall be tried or damages assessed, shall have the like effect as the verdict or finding of a jury, and the like fees and charges shall be payable in respect of the same; save and except that no fee or charge shall be payable for or in respect of a jury or to the jury fund: Provided that the parties shall be entitled to move against such verdict or finding, by motion for non-suit, new trial, or otherwise, within the same time, and on the same grounds, (including objections against the sufficiency, or the erroneous views taken of the evidence,) as allowed in cases of trial or assessment by a jury. 10 15

Finding of judge to have same effect as of a jury. 8. Whenever the verdict or finding of the judge is moved against under the preceding sub-section, it shall not be obligatory on the court before which such motion is made, to grant a new trial or new assessment, when the objections taken are against the sufficiency of the evidence, or the erroneous view taken thereof by the judge, or on a mistaken view of the law of the case; but the court may pronounce the verdict which in their judgment the judge who tried the cause or assessed the damages ought to have pronounced, and amend the *postea* and enter the verdict accordingly, subject nevertheless, to appeal on the same grounds as if the decision of the court had been to grant a new trial or a new assessment, instead of ordering the *postea* to be amended. 20 25 30

Motion against finding. 9. Whenever any one or more of the parties to any such action shall have given such notice requiring a jury as hereinbefore provided, the cause shall be carried down to trial or assessment in the same manner and with the like effect as if this section had not been passed; Provided always that it shall be competent for the parties present at the trial or assessment to consent that the said notice shall be waved and the case tried or damages assessed by the judge, and to endorse a memorandum of such consent upon the record, or to annex it thereto, and thereupon the said judge shall proceed to the trial of the issues, or the assessment of the damages without the intervention of a jury; And provided always that it shall be competent for the judge in his discretion, with or without the consent of the parties, or of either, or of any of them, to direct that notwithstanding anything hereinbefore contained any such action shall be tried or the damages assessed by a jury. 35 40 45

When notice given, how cause to be carried down. 2. Section two hundred and seven of "The Common Law Procedure Act" is hereby repealed, and the following section substituted:— 50

Consent after notice that judge may try. Judge may order case to be tried by jury. 207. In the County Courts, the plaintiffs shall enter with the clerk of such Courts, respectively, a record in the form of a Nisi Prius Record, on or before the first day of the sitting of such Courts. 55

3. In the issue book or record in any cause or action, whether in either of the Superior Courts of Common Law or in any County Court, whether the issues are to be tried or the damages to be assessed, with or without the intervention of a jury, it shall not be necessary to enter or to use any other *venire* than the following, that is to say, "Therefore, &c." Venire.

4. When issues in fact have been tried, or damages have been assessed or enquired of before a judge, without the intervention of a jury, in the roll the *postea*, as the case may be and according to the Court in which the action is brought and carried on, may be entered in words or to the effect of form A or form B in the schedule to this Act. Postea.

5. Section three of chapter forty-two of the Act passed in the twenty-third year of Her Majesty's reign is hereby repealed, and the following is substituted and shall be read in lieu thereof: 23 V., c. 42, s. 3, amended.

13. In town causes the records shall be entered with the Clerk of the Crown and Pleas for the Court of Queen's Bench at any times during the three days last before the commission day of the Assizes, and on said commission day at any time before noon: After noon of such day the presiding judge may permit any record to be entered with the clerk of assize, if on facts disclosed on affidavit or on consent of parties he see fit to do so: Such clerk of the crown and pleas shall make two lists as aforesaid, and they shall be regulated and the business disposed of as in country causes, and shall transmit the records so entered and such lists to the clerk of assize immediately after noon of the commission or opening day of the assize. How records to be entered in town causes.

6. Section six of chapter seven of the Statutes of Ontario, passed in the thirty-third year of Her Majesty's reign, and intituled "An Act to make further provisions for carrying out the Act intituled 'The Law Reform Act of 1868,' and to regulate proceedings on writs of error and certiorari," and the whole of chapter nineteen of the statutes passed in the thirty-fifth year of Her Majesty's reign, and intituled "An Act to amend the Law Reform Act of 1868," are hereby severally repealed. 33 Vic., c. 7, s. 6, and 35 Vic., c. 19, repealed.

SCHEDULE.

(FORM A.)

Afterwards on the _____ day of _____ in the year of our Lord 18 _____, at the sittings of Assize and Nisi Prius holden at the _____ in and for the _____ County of _____, the Honourable Mr. Chief Justice (*or*, the Honourable Mr. Justice, *as the case may be*), before whom the said issues were tried without a jury, found all the issues within joined in favour of the plaintiff (*or*, of the defendant, found the *or* first, second, third and fourth issues within joined in favour of the plaintiff, and found the fifth, sixth and seventh issues within joined in favour of the defendant, *or as the case may be*), and the said judge assessed the damages of the plaintiff at _____ over and above his costs, (*or, if a verdict be found for defendant for a balance on a plea of set-off, insert after the word "judge" the*

words, found a balance due to the defendant, and assessed his damages at _____ over and above his costs.) Therefore, &c.—(or, if an assessment only, omit all after the word “whom” and insert the following) the damages of the plaintiff were enquired of without a jury, assessed the same at the sum of _____ over above costs of suit. Therefore, &c.

FORM B.

Afterwards on the _____ day of _____ in the year of our Lord 18____, at a sitting of the County Court of the _____ Count of _____ holden at the _____ of _____ in the said _____ Count for trials and assessments, the presiding judge before whom the said issues were tried without a jury, found all the issues within joined in favour of the plaintiff (or, of the defendant, or, found the first, second, third and fourth issues within joined in favour of the plaintiff, and found the fifth, sixth and seventh issues within joined in favour of the defendant, or as the case may be), and the said judge assessed the damages of the plaintiff at _____ over and above his costs, (or if a verdict be found for defendant for a balance on a plea of set-off, insert after the word “judge” the words, found a balance due to the defendant, and assessed his damages at _____ over and above his costs. Therefore, &c.—or, if an assessment only, omit all after the word “whom” and insert the following: the damages of the plaintiff were enquired of without a jury, assessed the same at the sum of _____ over and above costs of suit. Therefore, &c.

No. 2.
2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend “The Law Reform Act of 1868,” in reference to juries in civil causes, and to repeal certain enactments.

(Reprinted as amended by Select Committee.)

First Reading, 13th January, 1873.
Second “ 20th “ “

MR. McDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE AND CO.

BILL.

An Act to provide for the Interdiction of Habitual Drunkards.

WHEREAS the drunkenness of certain heads of families and other persons in this Province has been in many instances the cause of ruin to themselves and their families, and of great loss to their creditors; And whereas, in the interest of society, it is deemed advisable to provide a remedy:

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

- 10 **1.** An habitual drunkard is liable to be interdicted, and any person who has the reputation, in the community in which he resides, of being a drunkard shall, *prima facie*, be taken to be an habitual drunkard. Liability to interdiction.
- 2.** The habitual drunkard shall in this Act be called the respondent. Respondent.
- 15 **3.** The interdict shall deprive the respondent of the entire management of his estate, and he shall not sell, mortgage or otherwise dispose of any part of his real or personal estate so long as the interdict continues in force. Interdict, effect of.
- 4.** The Surrogate Court of the County within which the respondent resides shall have jurisdiction under this Act, and the judge of the said court shall have full power, either in term or vacation, to exercise the said jurisdiction. Jurisdiction.
- 5.** The parent, wife, child, relation by blood or affinity, creditor or friend of the respondent may be petitioner. Petitioner, who may be.
- 25 **6.** The order for interdiction may be made upon petition filed by any of the said persons, and the petition may be in the form in schedule A to this Act annexed, and shall be verified by the affidavit of the petitioner. Petition, form of, etc.
- 7.** The petition shall be filed in the office of the Registrar of the Court, and an office copy thereof shall be served on the respondent at least eight clear days before a day, to be endorsed on the said office copy, and on the said office copy shall also be endorsed a notice according to the form in schedule B. Petition filing of, etc.
- 30 **8.** In default of appearance by the respondent at the time and place named in the notice, the judge, upon proof of service of the office copy and notice upon the respondent, and upon proof that respondent is an habitual drunkard, shall make an order for his interdiction. Order on default of appearance.

- Proceedings on appearance. **9.** If the respondent appears the judge shall, if both parties are ready to proceed with the hearing of the petition forthwith, proceed with the same, and if both parties are not ready for the hearing he shall adjourn it to a time to be fixed by him, and at such time shall proceed to hear the same. 5
- Practice. **10.** Upon the hearing of the petition the practice shall be the same, as nearly as possible, as on the hearing of a cause at examination and hearing term in the Court of Chancery.
- Order, form of. **11.** The order of interdiction may be in the form in schedule C to this Act. 10
- Allowing defence after default. **12.** In case the order for interdiction be made upon default of the respondent to appear, the judge may let the respondent in to defend the petition upon such terms as to him may seem just.
- Order after appearance in force for 12 months. **13.** In case an order for interdiction has been made after the appearance of the respondent, the same shall continue in force for the period of twelve months. 15
- Petition after 12 months to vacate order. **14.** The respondent may, at the expiration of twelve months from the date of such order of interdiction, petition the judge to remove the same, and if it be proved that the respondent has become a person of sober habits the judge shall have the power to set the order for interdiction aside. 20
- Wife, evidence of. **15.** The wife of the respondent shall, in all cases, be a competent and compellable witness against him on the hearing of any petition. 25
- Registry of interdict. **16.** Such interdict may be registered in the Registry Office for the County within which the respondent resides, and the registration thereof shall constitute notice of the interdict to all persons dealing with the respondent as to his estate, or any part thereof. 30
- Wife may be guardian of estate. **17.** The judge may appoint the wife of the respondent guardian of his estate, and she shall have full authority to take any steps necessary for the protection thereof, and may prosecute and defend all actions in his name. 35
- Persons other than the wife may be guardian. **18.** Any other person may be appointed guardian of the estate of the respondent upon giving such security for the performance of his duty as the judge shall order.
- Guardian, jurisdiction over. **19.** The guardian shall at all times be subject to the summary jurisdiction of the judge, who may at any time remove him or her, and appoint another person. 40
- Prohibition to give liquors. **20.** No person shall, after notice of the order of interdiction, sell or give to the respondent any spirituous or fermented liquor except under the direction of a duly qualified medical practitioner. 45
- Penalty. **21.** Any person violating the twentieth section of this Act shall pay a penalty of one hundred dollars, to be recovered by any person upon a summary application to the judge of the

County Court of the County within which the offence has been committed.

22. The person suing, who shall be called the plaintiff, may file with the said judge an affidavit in the form of schedule D 5 to this Act, and if, from the said affidavit, there is reason to believe that the defendant has been guilty of a violation of the twentieth section of this Act the judge shall issue his summons, calling upon the person from whom the penalty is sought to be recovered, who shall be called the defendant, to show cause why 10 the plaintiff should not recover the said penalty. Summons to recover penalty.

23. Upon the return of the summons the judge shall hear and determine the question in the same way as if the summons were a summons in the Division Court, and shall make an order, if the defendant be found guilty, for the recovery of the penalty 15 together with costs, to be taxed by the clerk of the court, and if the defendant be not found guilty shall dismiss the said summons with or without costs as may seem just, and shall return his order and all evidence taken therein into the County Court; and an execution may issue from the County Court upon the order 20 of the judge as if the same were a rule of court, and when recovered the penalty shall form part of the estate of the respondent. Proceedings on summons.

24. If the defendant be found guilty of a violation of the twentieth section, in addition to any other penalty, he shall 25 forfeit his license, if he be a license holder, for the sale of liquor, and shall not be able to procure a license for the next succeeding year. Forfeiture of license for violation of s. 20.

25. Sections twenty-six, twenty-eight, twenty-nine, and thirty of the Surrogate Courts Act shall be applicable to the 30 jurisdiction conferred by this Act upon the Surrogate Courts. Appeal from order.

26. The costs of the proceedings under this Act, except when otherwise provided, shall be in the discretion of the judge; but in all cases on the application of the wife they shall be paid by the respondent; and the judge shall not order a petitioner 40 to pay any costs in any case in which the judge shall be of opinion that there was probable ground for the presentation of the petition, and that it was presented in good faith. Costs.

SCHEDULE A.

(Section 6.)

In the Surrogate Court of the County
Between petitioner
And respondent.
To the judge of this honourable court.
The petition of (*here set out the name, place of abode, occupation or addition of the petitioner.*)

Sheweth as follows (*the above named respondent who resides at*) is and hath for some time been an habitual drunkard; your petitioner is (*set out the character in which the petitioner claims to have the right to interdict the respondent.*)

Wherefore your petitioner prays that the said respondent

may be interdicted under the statute in that behalf, and your petitioner will ever pray.

Date

Signature of Petitioner.

SCHEDULE B.

(Section 7.)

To *(the respondent giving his name, place of residence, and addition or occupation.)*

You are to appear at the chambers of the judge of this Court in the _____ on _____ day the _____ day of _____ A.D. 18 _____ to show cause, if any you have, why an order of interdiction should not be made against you as an habitual drunkard, and take notice that, on default of your so appearing, an order of interdiction may be made which will remove your estate from your management and disposition.

SCHEDULE C.

(Section 11.)

In the Surrogate Court of the County

Between _____ petitioner

And _____ respondent.

Upon hearing the above named parties by their attorneys or counsel, and upon hearing the evidence adduced in support of and in opposition to the petition in this cause [*or where the defendant fails to appear*], upon hearing evidence of the service of an office copy of the petition in this cause, endorsed in accordance with the Statute in that behalf, and upon hearing the evidence adduced by the petitioner], it is ordered that the said respondent who resides at _____ whose occupation or addition is _____ i. hereby interdicted under the provisions of the statute (*setting out the title and chapter of the Statute.*)

(Seal)

A. B.,
(Registrar of the County.)

SCHEDULE D.

(Section 22.)

In the County Court

plaintiff,

vs.

defendant.

I,

make oath and say as follows :

A. B. was by order of _____ interdicted on or
 about (date) _____
 On or about the _____ day of _____ the
 defendant sold or gave, as I am informed and have
 reason to believe, spirituous or fermented liquor to the said

I have reason to believe, and do believe, that the defendant
 was, at and before the time of such sale or gift, aware of the
 said interdict

Sworn &c.

FORM OF SUMMONS.

In the County Court

_____ plaintiff.

vs.

_____ defendant.

Whereas the above named defendant was this day charged
 before me with a violation of section

of the Statute (*describing it*) on or about the _____ day of _____

A.D. _____ by selling or giving, as the case may be, intoxi-
 cating liquor to _____, a person interdicted as an
 habitual drunkard, well knowing the said

to have been so interdicted; let the above named defendant
 appear before me at _____, in the Court of _____

on _____ the _____ day of _____ A.D. _____,
 to show cause why he should not be ordered to pay
 the penalty of \$ _____ for the said offence, together with such
 costs as may be taxed and awarded against him.

Dated _____

(*Signature of Judge.*)

No. 3.

2nd Session, 2nd Parliament, 36th Victoria, 1873.

BILL

An Act to provide for the Interdiction of
Habitual Drunkards.

First Reading, 13th January, 1873,

Mr. BETHUNE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the "Registration of Titles (Ontario) Act," in so far as relates to certain portions of the County of Leeds.

WHEREAS the Townships of Front of Leeds and Lansdowne, Rear of Leeds and Lansdowne, Front of Escott, Front of Yonge, and Rear of Yonge and Escott, in the County of Leeds, were not the Townships originally laid out, but were formed from the former Townships of Leeds, Lansdowne, Escott, and Yonge, and in the Registry Office for the County of Leeds no change was, or has been, made in the manner of keeping the Registry Books and Indices for said Townships since the establishment by law of the first named five Townships, or any of them, but the same have been kept, and are still kept, respectively, for the Townships of Leeds, Lansdowne, Escott, and Yonge, and it is desirable to provide that all registrations and entries heretofore made, or hereafter to be made, in such Books and Indices shall be valid in every respect: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

- 1.** In the Registry Office for the County of Leeds, there shall not require to be kept or provided separate Registry Books and Indices for the Townships of Front of Leeds and Lansdowne, Rear of Leeds and Lansdowne, Front of Escott, Front of Yonge, and Rear of Yonge and Escott, respectively, but there shall be kept (as heretofore) separate Registry Books and Indices for the said Townships of Leeds, Lansdowne, Escott, and Yonge, respectively.
- 2.** All entries and registrations heretofore made, or which shall be hereafter made in the Registry Books and Indices for the said Townships of Leeds, Lansdowne, Escott, and Yonge, respectively, are hereby declared to have been, and to be, and shall be, as valid and effectual, in all respects, as if such entries and registrations had been made in Registry Books and Indices kept for the said Townships of Front of Leeds and Lansdowne, Rear of Leeds and Lansdowne, Front of Escott, Front of Yonge, and Rear of Yonge and Escott, respectively.
- 3.** Nothing contained in this Act shall in any way affect any suit or proceeding now pending, in which the validity of the entries or registrations in any of the said Registry Books or Indices shall, or may be, brought into question.

Registry Books for Townships in County of Leeds.

Former registrations &c.

Pending suits not affected.

No. 4.

2nd Session, 2nd Parliament, 35 Victoria, 1873.

BILL.

An Act to amend "The Registration of Titles (Ontario) Act," in so far as relates to certain portions of the County of Leeds.

1st Reading, 13th January, 1873.

Mr. McDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

[No. 5.

BILL.

[1873.

An Act to amend the Law of Slander.

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

1. In any action for slanderous words spoken of any woman, Actions for Slandering women.
5 imputing to her any immoral or unchaste conduct, it shall not be necessary to allege in pleading, or prove at the trial, that any special damage resulted to her from the utterance of such words ; but she shall recover such damages as may be assessed, without such averment or proof of special damage.

No. 5.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to Amend the Law of Slander.

First Reading, 13th January, 1873.

MR. BETHUNE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to provide that, in civil causes, the verdict of a Jury shall not require to be unanimous.

WHEREAS it is desirable to provide that, in civil causes, Preamble.
 where the damages are assessed and enquired of, or the issues are tried and determined by a Jury, the verdict of such Jury shall not require to be unanimous :

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

1. Every Jury, in a civil cause, shall consist of
 jurors, who shall be duly sworn for the trial of the issue or Number of jurors in civil causes.
 10 issues, or for the assessment or enquiry of the damages, as the case may be.

2. The verdict of at least of the jurors sworn Verdict of jurors to govern.
 upon a Jury shall be considered to be, and shall be, the verdict
 of such Jury, and shall have the same force and effect as if
 15 such verdict were the unanimous finding and verdict of the whole of the jurors.

3. All enactments, or parts of enactments, inconsistent with Inconsistent enactments repealed.
 any of the provisions of this Act, are hereby repealed ; but no
 Act previously repealed shall be thereby revived.

No. 6.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to provide that, in civil causes, the verdict of a Jury shall not require to be unanimous.

First Reading, 13th January, 1873.

MR. McDONALD.

An Act to amend the Upper Canada Jurors' Act,
so as to provide for the payment of Special Jurors.

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 paid to every Special Juror summoned upon the trial of any issue in any civil cause, the sum of \$ _____ for each day's attendance at the sitting of the Court to which he is summoned, and for each day coming to and returning from the said Court, together with mileage for the number of miles necessarily travelled by him, in coming to the said Court, at the rate of _____ per mile, and the sums so paid shall be the fees of Jurors, mentioned in section one hundred and twenty-three of the Upper Canada Jurors' Act.

Fees and mileage of special jurors in civil causes.

2. Immediately after the striking of such Special Jury, the Sheriff, or other officer charged with the execution of the writ of *venire facias juratores*, shall certify the sum required to pay the attendance of such Jurors for three days, and the allowance for mileage; and the party suing out the said writ shall deposit with the said Sheriff or other officer to pay such expenses as aforesaid, but nothing herein contained shall limit the payment required to be made to such Jurors to the sum so deposited.

Parties issuing writ of *ven. fac.* to deposit certain expenses of jurors with Sheriff.

BILL.

An Act to amend the Upper Canada Jurors' Act, so as to provide for the payment of Special Jurors.

1st Reading, 13th January, 1873.

Mr. BETHUNE.

TORONTO.

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act intituled, "An Act respecting Short Forms of Mortgages in Upper Canada."

WHEREAS it is expedient to amend the Act passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chaptered thirty-one, and intituled, "An Act respecting Short Forms of Mortgages in Upper Canada," by providing some more easy and certain method of realizing mortgage securities drawn or purporting to have been drawn in pursuance of the said Act :

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

1. Form fourteen of column two of the second schedule of the said Act, is amended by inserting after the word "previous," in the twenty-seventh line of the said form fourteen, the following words: "or after causing a notice of his intention in that behalf to be published in some newspaper published in the county or united counties in which the said lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be are situate, not less than previous."
- 27 & 28 V. c. 31
form 14 of
column 2 of
Schedule 1
amended.
2. Form fourteen of column one of the second schedule of the said Act, is amended by inserting after the word "notice" in the fourth line of said form fourteen the following words; "given to the Mortgagor, or given by publication in a newspaper."
- Form 14 of
column 1 of
Schedule 2
amended.

No. 8.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Act intituled, "An Act respecting Short Forms of Mortgages in Upper Canada."

1st Reading, 13th January, 1873.

Mr. McDONALD.

TORONTO.

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act to amend the Election Law of 1868, by providing that betting or wagering shall be an illegal act. Preamble.

WHEREAS it is desirable to provide that betting or wagering in reference to elections should be declared an illegal act, and should disqualify persons guilty thereof from voting at elections :

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

1. Any elector who shall bet or wager any money, property, or other valuable thing, upon the result of any election held under the Act passed in the thirty-second year of the reign of Her Majesty, Queen Victoria, intituled "An Act respecting the elections of Members of the Legislative Assembly," and Chaptered twenty-one, or shall bet or wager money, property, or other valuable thing upon the number of votes which may be given to any one or more persons at any such election either in the county, city, town, riding or electoral division, or in any part or parts thereof, or as to the person who will receive the greatest number of votes at any such election either in the county, city, town, riding or electoral division, or in any part or parts thereof, or who shall agree to pay to any other person or persons any money, property, or other valuable thing, in the event that any election as aforesaid shall result in one way, or in the event that any person or persons shall or shall not be elected, or shall receive, either in the county, city, town, riding or electoral division, or in any part or parts thereof, a greater number of votes than another or than others, shall be guilty of an illegal act, and shall *ipso facto* be disqualified from voting at such election, and for every such offence shall incur a penalty of _____ dollars ; and it shall not be necessary, in order to constitute an offence under this Act, that the money, property, or valuable thing bet or wagered shall be exhibited or staked at the time of making such bet or wager, or at any other time.

Electors not to bet on elections.

Penalty for betting.

2nd Session, 2nd Parliament, 35 Victoria, 1873.

BILL.

An Act to amend "the Election Law of 1868," by providing that betting or wagering shall be an illegal act.

First Reading, 14th January, 1873.

MR. McDONALD.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the seizure and attachment of
Equitable Interests.

WHEREAS the existing law is defective in not providing Preamble.
adequate means for enabling judgment creditors to obtain satisfaction from the property of their debtors; And whereas it is desirable that all the property of such debtors, save such
5 as is specially exempted by law, should be chargeable with the payment of the just claims of the said creditors:

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

- 10 **1.** If any judgment debtor is, or shall become, entitled to any government, municipal or other securities, or moneys, shares, or funds, or in the dividends, interest, income or annual produce of the same or in any debt, interest, income, rent, annuity, legacy, money, claim, contract or other property of any nature
15 or kind whatsoever or to any share or interest therein, and whether the amount thereof be or be not liquidated or ascertained, and whether due or to become due at a future time, or whether the same be an interest in realty to be converted into personalty, whether vested or contingent, and whether standing
20 in his own name or in the name of any person, or of any officer of any court of law or equity, for or in trust for such debtor, and whether for his own life or for the life of another, or for years, and over which any such debtor shall have any disposing power, or which he might without the assent of another exercise for his own benefit, or which the said debtor has the sole
25 right of enforcing, as a claim or debt against another person, or which he is entitled to enforce as a charge against or recover out of any real or personal property, it shall be lawful for the court or judge, having jurisdiction in the matter, on the application of the judgment creditor to order that such government,
30 municipal or other securities, or moneys, shares or funds, or the dividends, interest, income or annual produce of the same, or in such interest, income, rent, annuity, legacy, money, claim, contract, or other property or the share or interest of such debtor
35 therein as aforesaid or such of them, or such part thereof respectively as he shall think fit, shall stand charged with the payment of the amount due upon such writ of execution.

Certain interests etc., of a judgment debtor liable to be charged by order of court, at instance of judgment creditor.

- 40 **2.** Such order may in the first instance be made *ex parte*; but it shall provide that such judgment debtor may, within such time after service as such order shall limit, apply to discharge the same, and such time may be enlarged as the court or judge may think reasonable.

Order, how obtained and discharged.

- 3.** Such order shall restrain such judgment debtor from transferring, alienating, encumbering, releasing or in any way

Order, effect of.

intermeddling with such government, municipal or other securities, moneys, shares or funds, or the dividends, interest, income or annual produce of the same, or in such interest, income, rent, annuity, legacy, money, claim, contract or other property, or the share or interest of such debtor therein as aforesaid; and shall bind the interest of such judgment debtor therein; and shall entitle the said judgment creditor to all such remedies, in respect of the same, as he would be entitled to if such charge had been made by such debtor by any instrument in writing in favour of such judgment creditor.

Order, effect of after service.

4. Such order, when served upon the said judgment debtor, and upon the person liable to pay the same, and upon the trustee or other person in whose name the same may be standing, and upon the proper officer having the right to transfer or approve of the transfer of the same, or on the proper officer or person paying the same, or upon the proper officer of the court of law or equity in which the same may be deposited, shall restrain the dealings of all such parties and officers with the same, until such order is discharged or the said execution is paid or satisfied.

Persons served with order may apply for relief.

5. Any person so served with such order may forthwith, on notice to all proper parties, apply to the said court or judge for leave to pay, or to bring that which is attached into court, to abide the final decision of the matter, or may apply for such further or other relief or interpleader as the said court or judge may adjudge such person entitled to, in respect of that which may have been attached as aforesaid, and the order authorizing such payment or bringing into court, or other relief or interpleader shall declare the terms upon which such person shall be relieved from further responsibility in regard to the subject matter of such attaching order.

Order when subject matter thereof recoverable in Equity.

6. In case the subject matter of such attaching order is only recoverable in equity, or in case the validity of any alleged assignment of such subject matter is impeached or in any other case as the court or judge may think proper, the court or judge making such order may direct such proceedings to be taken, or any suit or action to be instituted, or issue tried or special case stated, in any court of law or equity, and may give such directions for the prosecution of any such proceedings, suit, action, issue or special case, as will ensure the speedy disposal of the same.

Order for examination ex parte, and discharge thereof.

7. The order for the examination of a judgment debtor, in the superior courts of law and equity and the county court, under any of the Acts at present in force, may in the first instance be made *ex parte*; but such order shall provide that such judgment debtor, may within such time after service as such order shall limit, apply to discharge the same; and such time may be enlarged as the court or judge may think reasonable; and the costs of every such order shall be in the discretion of the court or judge.

Corporations brought within this Act and other Acts as to examinations, &c.

8. The provisions of this Act, and of the Acts relating to the examination of judgment debtors, and the attachment of debts shall apply to corporations; and the court or judge making the order shall designate the officers of such corporation, who shall be liable and be bound to submit to examination, under such order.

9. The sheriff, or officer to whom the proper writ of execution in that behalf is directed, may seize and sell the equitable estate or interest of the debtor, named in such writ, in any freehold or leasehold lands within his bailiwick, except where the interest of such debtor is not declared in any instrument in writing.

Any equity in lands may be sold under execution.

10. The sheriff or other officer to whom the proper writ of execution in that behalf is directed, may seize and sell the equitable estate or interest of the judgment debtor, named in such writ, in any crown lands vested in such judgment debtor, by any agreement for sale to him made with the Crown Lands Department, or by any title whatsoever, and the purchaser at such sale, upon registering his sheriff's deed in the said Crown Lands Department, shall stand in the same position as if the judgment debtor had assigned all his estate, right, title or interest in such lands to such purchaser.

Equitable interest in Crown Lands saleable under execution.

11. The sheriff, or other officer to whom the proper writ of execution in that behalf is directed, may seize and sell the estate or interest of the judgment debtor, named in such writ, in any lands of or to which such debtor may be entitled at law or in equity, whether in possession, reversion, remainder, or expectancy, or over which such debtor has any disposing power, and which he might, without the assent of any other person then or thereafter, exercise for his own benefit; and the sheriff's sale of the said estate or interest shall bind the said debtor and all persons claiming under him, and shall be binding upon all other persons whom he might without the assent of any other person cut off and debar from the remainder, reversion, or other interest in the said lands; but nothing in this section shall be construed to declare that such sheriff's sale shall operate so as to bar an estate tail.

Any legal or equitable interest saleable under execution, except estates tail.

12. It shall be the duty of the attorney for the execution creditor, and of the sheriff, before selling any estate or interest under this Act, to procure a statement of the title of the debtor in the same, or of the estate or interest of the debtor therein, for the information of intending purchasers.

Plaintiff's Attorney and Sheriff to procure and give information as to value, etc.

13. This Act shall take effect upon and after the first day of next; and thereupon all Acts and portions of Acts inconsistent with this Act shall be repealed, but no Act previously repealed shall be thereby revived.

When this Act operates.

No. 10.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act respecting the Seizure and Attachment of Equitable Interests.

First Reading, 14th January, 1873.

MR. HODGINS,

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting Sheriffs' Sales of Real Estate.

WHEREAS it is expedient to amend the Law in respect of Preamble.
 Sheriffs' Sales of Real Estate under writs of execution,
 and to provide that, hereafter, such sales shall be conducted, as
 far as practicable, according to the practice of the Court of
 5 Chancery :

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 _____ day of _____ next, Time and conduct of sales.
 10 all Sheriffs' Sales of Land, under writs of execution, may take
 place at the end of six months after such writ shall have been
 placed in the Sheriff's hands, and shall be conducted as far as
 practicable according to the practice of the Court of Chancery :

2. The Sheriff upon receiving any writ of execution against Information as to the property.
 15 lands of a judgment debtor may require of the attorney lodg-
 ing such writ in his hands a statement of the real estate be-
 longing to such debtor within the bailiwick of such Sheriff, and
 of the liens, charges or incumbrances affecting the same, and
 a short description of the situation of and improvements upon
 20 such real estate ; and such attorney shall, within fourteen
 days after such requisition from such Sheriff, furnish such
 statement ; or, in default, the Sheriff may obtain such state-
 ment himself, and may charge the expenses of obtaining the
 same as part of his fees under such writ of execution :

3. In case the debtor does not pay the amount of the said Appointment to consider as to sale, &c.
 25 execution within six months after the receipt of such writ, the
 attorney for the execution creditor shall procure from the
 said Sheriff a certificate of such writ being in his hands, and
 upon filing the same, together with a statement or abstract of
 30 title, in the office of the Clerk of the Court from whence the
 said writ issued, or with any Master in Chancery, such Clerk or
 Master shall issue to such attorney a notice in writing appoint-
 ing a day to consider the said statement, or abstract, and to
 settle an advertisement for the sale of such real estate ; and
 35 such notice shall be forthwith served upon the said judgment
 debtor, or upon his attorney.

4. Upon the day mentioned in such notice, the said Clerk Settlement of advertisement.
 or Master shall, in the presence of the said parties, or their
 attorneys, if they attend before him for such purpose, or *ex-*
 40 *parte*, if either neglect or refuse to attend, settle the
 advertisement for sale of such real estate ; and such advertise-
 ment shall contain—

1. The name of the Court from which the writ has issued, and Contents of advertisement.
 the short style of cause.

45 2. The time and place of sale.

3. A short and true description of the property, its situation and improvements, and a statement of any incumbrances affecting the same.

4. The manner in which the property is to be sold, whether in one lot or several.

5. What proportion of the purchase money is to be paid down by way of deposit, and at what time or times, and whether there is an upset price or reserved bidding.

Settlement of advertisement and preliminaries.

5. The said advertisement shall be settled on the day appointed, or at such adjourned appointment as may be made by the said Clerk or Master; and all necessary arrangements preparatory to such sale shall be then made, so that nothing shall remain to be done but to insert the said advertisement; but such attorney or attorneys shall not be allowed, in any case, more than the costs of attending two meetings before such Clerk or Master. 10

Conditions of sale.

6. The standing conditions of sale shall be as set out in the Schedule A to this Act, subject to such alterations as may be made by the said Clerk or Master, pursuant to the provisions of this Act. 20

Upset price, reserve bid.

7. The said Clerk or Master may, at the request of either party, if he considers it expedient so to do, fix an upset price or reserved bidding; to be determined at the time of settling the said advertisement, and to be notified in the advertisement.

Publishing advertisement.

8. The advertisement shall be inserted in such newspapers as shall appear to be the best mediums for giving publicity to such sale, to be determined by the said Clerk or Master at the time of settling the same; but it shall not be necessary to insert the same in the Official Gazette unless requested by either of the parties. 25 30

Sale, when to had, and adjournment.

9. The said sale shall take place, before the Sheriff, at the time appointed, and shall not be adjourned unless on the order of the Court or Judge, on cause shown to his satisfaction, by affidavit or otherwise.

Sheriff and creditor not to be liable as to title.

10. Neither the Sheriff nor the execution creditor shall incur any liability in regard to the title of such real estate, by reason of any statement in the said advertisement or otherwise. 35

Proceedings if purchaser neglects to complete purchase.

11. In case the purchaser at such sale neglects or refuses to complete his purchase, pursuant to his contract the said execution creditor may apply by a summary application to the Court or Judge, against the said purchaser, for an order to compel him to pay the amount bid or due by him in respect of such sale; or the said execution creditor may proceed to settle another advertisement as herein-before provided and sell the said property; in case such and latter sale does not realize sufficient to cover the amount bid at the first sale, or due in respect thereof, and also the subsequent costs and expenses, the balance shall be made good by such first purchaser, and the said execution creditor may, on a summary application, obtain an order to compel such first purchaser to pay such deficiency, and the costs of and incidental to the same. 40 45 50

12. After such sale is concluded the purchaser shall sign a written agreement, and the said sheriff shall certify the same together with all other proceedings had before him in pursuance of such advertisement.

Agreement to purchase to be signed and certified.

13. The party having the conduct of the sale shall thereupon procure from the Clerk or Master in whose office such advertisement was settled, a report on the said sale in the form set forth in schedule B to this Act, or as near thereto as circumstances will permit.

Report on sale.

14. Such report shall be settled on notice to all proper parties, and shall be filed in the office of the court from whence the writ issued; and shall become absolute on the fourteenth day thereafter, unless objected to, as hereinafter provided.

Settlement of report.

15. Any such sale may be objected to within fourteen days from the filing of such report, or such further time as the Court or Judge may allow, and notice of the objections shall be served upon the purchaser and such other parties as the Court or Judge may determine; but the biddings shall only be opened on special grounds, as may be determined by the said Court or Judge.

Objections to sale.

16. At any time after the confirmation of the report on sale, the purchaser may complete the payment of his purchase money and interest; and when he is entitled to be let into the possession of the estate he may, if possession is wrongfully withheld from him, proceed at his own expense to obtain an order against the party in possession, for the delivery thereof to him; or he may require the said Sheriff to cause possession to be delivered to him, as hereinafter provided.

Completion of purchase and possession.

17. In case the execution debtor, or his family, or any person claiming through or under him by a title acquired subsequent to the said writ, is in possession of the said property when such purchaser becomes entitled to the possession thereof, the said purchaser shall serve upon such debtor or upon some person of full age of his family residing upon the said property or upon the said person so claiming title, a notice according to the form or to the effect set forth in schedule C to this Act, calling upon the parties named in the said notice within fourteen days to deliver up possession of the said property to such purchaser.

Notice to deliver up possession.

18. Any party so served with such a notice may, within the said fourteen days, apply to the Court or Judge to allow further time for the delivery of possession, or to set aside such notice on such grounds as the said party may consider himself entitled to, and the said Court or Judge may after hearing the parties, make such order as shall be just, or may direct the trial of any issue to dispose of any claim of either party.

Application to set aside notice, and proceedings thereon.

19. But if no such application be made or issue directed, and in case the possession be not so delivered to such purchaser according to the terms of such notice, then it shall be lawful for the said Sheriff, upon proof to him of due service of such notice upon the said parties and of the neglect to obey the same, to proceed to eject and dispossess all such persons as he

Delivery of possession by Sheriff.

may find wrongfully holding such possession as against such purchaser, and may collect as against them his proper fees as upon a writ of *habere facias possessionem*.

Application for possession as against one not being the debtor, or claiming under him.

20. But in case any other parties than those hereinbefore, referred to should be found in possession of the said property then the said purchaser may apply to the Court or Judge by summons, calling upon such party to show cause why he should not deliver up possession or attorn to such purchaser; and thereupon the Court or Judge may make an order respecting such possession or attornment or the trial of an issue, ejectment or special case, as to the said Court or Judge may seem proper.

Investigation of title.

21. In case the purchaser desire the title to be investigated, or the conveyance to be settled, the same may be proceeded upon before the said Clerk or Master in the same manner as if the sale had taken place under a decree of the Court of Chancery: and the said Clerk or Master in proceeding upon the said title shall have the same powers and shall proceed in the same manner as a Master in Chancery in respect of sales by the said Court of Chancery.

The conveyance

22. The conveyance shall be made by the Sheriff, unless the purchaser desire to have a conveyance executed by the parties to the suit, in which case all proper parties may be ordered by the Court or Judge to execute the said conveyance, and the said conveyance may be settled by the Clerk or Master as directed by any such order.

Rules of court.

23. The Courts of Queen's Bench and Common Pleas may make such general rules or orders for the carrying out of this Act, and for Sheriff's fees thereunder, as may be necessary, and such general rules or orders shall apply to sales made under writs of execution issued out of the said Courts, or out of any County Court; but until such general rules or orders are promulgated the practice of the Court of Chancery in respect of sales in the said Court, shall, as far as practicable, apply to sales under this Act.

Jurisdiction.

24. The Court from whence the writ against lands has issued, or any Judge thereof, shall have jurisdiction in all matters affecting the said sale; and, in respect of sales under his Act, shall possess all the powers of the Court of Chancery in respect of sales in the said Court.

SCHEDULE A.

In the (*QB.*, *CP.* or *CC.*)

vs.

CONDITIONS OF SALE.

- 1st. No person shall advance less than \$10 at any bidding under \$500 nor less than \$20 at any bidding over \$500 and no person shall retract his bidding.
- 2nd. The highest bidder shall be the purchaser, and if any dispute shall arise as to the last, or highest bidder, the property shall be put up at a former bidding.
- 3rd. The parties to the suit, with the exception of the execu-

tion creditor, are to be at liberty to bid (*here state if such execution creditor is to have a reserved bid, or if there is an upset price*).

- 4th. The purchaser shall, at the time of sale, pay down a deposit in the proportion of \$10 for every \$100 of his purchase money, to the Sheriff and shall pay the remainder of the purchase money on the _____ day of _____ next, and upon such payment the purchaser shall be entitled to the conveyance and to the possession of the premises, or receipt of the rents and profits thereof. The purchaser at the time of sale is to sign an agreement for the completion of the purchase.
- 5th. The purchaser shall have the Conveyance prepared at his own expense, and tender the same for execution.
- 6th. If the purchaser fail to comply with the conditions aforesaid, or any of them, the deposit and all other payments made thereon shall be forfeited, and the premises may be re-sold, and the deficiency (if any) by such re-sale, together with all charges attending the same, or occasioned by the defaulter, are to be made good by the defaulter.
- 7th. The (Clerk or Master as the case may be) will on the day of _____ next, at _____ of the clock in the _____ noon at his office in (*state place of his office*) settle the report on the sale herein, and all parties and the purchaser are required to attend on such appointment.

Dated the _____ day of _____ A. D. 18 _____

I agree to purchase the premises mentioned in the annexed particulars and being (*describe the property as described as in the advertisement*) for the sum of _____

and upon the

terms mentioned in the above Conditions of Sale.

Dated the _____ day of _____ A.D. 18 _____

Witness,

SCHEDULE B.

In the (*QB. CP. or CC.*)

Style of Cause.

Pursuant to the Writ of Execution against lands issued out of this Honourable Court, bearing date the _____ day of _____, in this cause, I have under the Act respecting Sheriff's sales of real estate, in the presence of all parties concerned, settled an advertisement and particulars and conditions of sale for the sale of the land sseized under and by virtue of the said writ and being (*here set forth a description of the said lands*) and such advertisement having been duly published according to my directions in the (*state name or names of newspapers*), immediately preceding the said sale, and bills of the said sale having been also published and posted as directed by me, the said lands were offered for sale by public auction on the _____ day of _____ by the Sheriff of the County of _____ and such sale was conducted in a fair, open and proper manner, when _____ of _____ was declared the highest bidder for, and became the purchaser of the same, at the price or sum of _____ payable as follows,

All of which having been proved to my satisfaction by proper

and sufficient evidence, I humbly certify to this honourable Court.

Dated,

SCHEDULE C.

To——

Take notice that I claim possession (*or the rents and profits as the case may be*) of the lands and premises now occupied by you, and being (*here describe the property*) and that you are required within fourteen days from the service upon you of this notice to deliver up possession of the said premises to me (*or to attorn to me as your landlord of the said premises now or lately occupied by you as tenant of, (naming the party whose interest has been acquired by the purchaser or as the case may be).*

And take notice that I claim such possession (*or attornment as the as the case may be*) by virtue of a conveyance made under the Act respecting Sheriffs' sales of real estate, and bearing date the _____ whereby the estate and interest of (*naming the party or parties whose interest has been thus sold and conveyed*) has been granted and conveyed to me under and by virtue of a writ against the said _____ lands issued out of the Court of (*as the case may be.*)

And take further notice that if you neglect or refuse to comply with this notice within the time above limited, you will be liable to be summarily dispossessed by the Sheriff, or be liable to such order or suit or action as the Court of (*naming the Court from which the writ against lands has issued*) may order pursuant to the said Act.

Dated this _____ day of _____ A.D. 187
 Attorney for
 (or in person)

An Act for the protection in Ontario, of Insectivorous and other Birds beneficial to Agriculture.

WHEREAS it is expedient to amend the Law providing Preamble.
for the protection of insectivorous and other birds beneficial to Agriculture, in so far as the same applies to the Province of Ontario, and to make further provision for the protection of such birds :

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 Act intituled, 27 & 28 Vic., c. 52 repealed.
10 "An Act for the protection of Insectivorous and other Birds beneficial to Agriculture," passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chaptered fifty-two of the Statutes of the late Province of Canada, shall be and the same is hereby repealed, in so far as the **15** same relates to the Province of Ontario.

2. It shall not be lawful to shoot, destroy, wound or injure, Birds that may be killed.
or to attempt to shoot, destroy, kill, wound or injure any bird whatsoever, save and except eagles, falcons, hawks and other birds of the eagle kind, wild pigeons, king-fishers, crows and **20** ravens, and the birds especially mentioned in an Act passed in the thirty-fifth year of Her Majesty's reign, chaptered thirty-eight, and intituled, "An Act to consolidate and amend the laws for the protection of Game and Fur-bearing animals of Ontario."

3. It shall not be lawful to take, capture, buy, sell, expose Selling or exposing for sale or trapping certain birds.
for sale or have in possession any bird whatsoever, save the kinds hereinbefore or hereinafter excepted, or to set, wholly or in part, any net, trap, spring, snare, cage or other machine or engine by which any bird whatsoever, save and except eagles, **30** falcons, hawks and other birds of the eagle kind, wild pigeons, king-fishers, crows, and ravens might be killed and captured; and any net, trap, spring, snare, cage or other machine or engine, set either wholly or in part for the purpose of either capturing or killing any bird or birds, save and except eagles, falcons, hawks, Power to seize nets, traps, &c
35 and other birds of the eagle kind, wild pigeons, king-fishers, crows and ravens, may be destroyed by any person, without such person incurring any liability therefor.

4. It shall not be lawful to take, injure, destroy or Nest, young or egg not to be taken except of certain birds.
have in possession any nest, young or egg of any bird whatsoever, except of eagles, falcons, hawks, and other birds of the eagle kind, wild pigeons, king-fishers, crows and ravens.

- Power to seize birds unlawfully possessed.** **5.** Any person may seize, on view, any bird unlawfully possessed, and carry the same before any Justice of the Peace, to be by him confiscated, and if alive to be liberated; and it shall be the duty of all market clerks and police-officers, or constables, on the spot to seize and confiscate, and if alive, to liberate such birds: Provided always, that this Act shall not apply to any imported cage birds or other domesticated bird or birds generally known as cage birds, or to any bird or birds commonly known as poultry. 5
- Cage birds and poultry.**
- Eggs or birds required for scientific purposes.** **6.** The Commissioner of Agriculture, and all persons authorized by him to that effect, may grant written permission to any person or persons who may be desirous of obtaining birds or eggs for *bona fide* scientific purposes, to procure them for that purpose, and such person or persons shall not be liable to any penalty under this Act. 10 15
- Penalties.** **7.** The violation of any provisions of this Act, shall subject the offender to the payment of not less than one dollar and not more than twenty dollars with costs, on summary conviction, on information or complaint before one or more Justices of the Peace, and the whole of such fine shall be paid to the prosecutor, unless the convicting justice or justices shall have reason to believe that the prosecutor is in collusion with and for the purpose of benefiting the accused, in which case the said justice or justices may order the disposal of the fine as in ordinary cases; and in default of payment of such fine and costs, the offender shall be imprisoned, in the nearest common jail, for a period of not less than two and not more than twenty days, at the discretion of such Justice or Justices of the Peace: And it shall be lawful for any police officer or constable to seize any gun, rifle or pistol, found in the possession of, and used by any person contrary to the provisions of this Act, and to deliver the same to the Justice or Justices of the Peace, before whom such offender is convicted, and it shall be the duty of such Justice or Justices of the Peace, to cause the said gun, rifle or pistol, to be publicly sold at a date not less than three days nor more than six days after the date of such conviction, and the proceeds of the sale shall, after the deduction of necessary expenses, be applied towards payment of the fine imposed upon such offender, and if the proceeds of such sale, after deducting such necessary expenses, shall exceed the amount of such fine, then the overplus shall be paid to the offender, in whose possession such gun, rifle or pistol was found, but if the proceeds of such sale shall be not sufficient to satisfy the amount of such fine, the offender shall be required to pay the balance still remaining unpaid, or be imprisoned as hereinbefore provided. 20 25 30 35 40 45
- Application of fines.**
- Conviction not invalid for want of form.** **8.** No conviction under this Act shall be annulled or vacated for any defect in the form thereof, or for any omission or informality in any summons or other proceeding under this Act, so long as no substantial injustice results therefrom. 50



BILL.

An Act for the protection, in Ontario, of Insectivorous and other Birds beneficial to Agriculture.

1st Reading, 14th January, 1873.

MR. CLARKE,
(Centre Wellington.)

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Law relating to the Remmneration of Attorneys and Solicitors.

(Imperial Act, 33 and 34 Vic., c. 28, 1870.)

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

1. This Act shall be known as “The Attorney and Solicitors’ Short title.
5 Act, 1873.”

2. In the construction of this Act, unless where the context Interpretation clause. otherwise requires, the words following have the significations hereinafter respectively assigned to them, that is to say :—

“Attorney” or “Solicitor” shall mean an attorney or solic- “Attorney.”
10 itor qualified according to the provisions of the Acts for the “Solicitor.” time being in force, relating to the admission of attorneys and solicitors :

“Person” includes a corporation : “Person.”

“Client” includes any person who as a principal, or on be- “Client.”
15 half of another person, retains or employs, or is about to retain or employ an attorney or solicitor ; and any person who is or may be liable to pay the bill of an attorney or solicitor for any services, fees, costs, charges or disbursements.

3. An attorney or solicitor may make an agreement in wri- Attorney may agree with client as to remuneration.
20 ting with his client respecting the amount and manner of pay- ment for the whole or any part of any past or future services, fees, charges or disbursements in respect of business heretofore done or to be done by such attorney or solicitor, whether as an attorney or solicitor, or as an advocate or conveyancer, either
25 by a gross sum or by commission, or per centage, or by salary or otherwise, and either at the same or at a greater or at a less rate as or than the rate he would otherwise be entitled to be remunerated.

4. Such an agreement shall not affect the amount of, or any Costs between party and party.
30 rights or remedies for the recovery of, any costs recoverable from the client by any other person, or payable to the client by any other person, and any such other person may require any costs payable or recoverable by him to or from the client to be
35 taxed according to the rules for the time being in force for the taxation of such costs unless such person has otherwise agreed ; Provided always, that the client who has entered into such agreement shall not be entitled to recover from any other per-

son under any order for the payment of any costs which are the subject of such agreement more than the amount payable by the client to his attorney or solicitor under the same.

Agreement made shall exclude further claim.

5 Such an agreement shall be held to exclude further claim of the attorney or solicitor beyond the terms of the agreement in respect of any services, fees, charges or disbursements in relation to the conduct and completion of the businesses in reference to which the agreement is made except such services, fees, charges or disbursements, if any, as are expressly excepted by the agreement. 5 10

Liability for neglect to continue.

6. A provision in any such agreement that the attorney or solicitor shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as such attorney or solicitor, shall be wholly void.

How agreement may be enforced.

7. Any such agreement may be enforced without suit or action, on motion or petition of any person or the representative of any person a party to such agreement, or being or alleged to be liable to pay, or being or claiming to be entitled to be paid the costs, fees, charges or disbursements in respect of which the agreement is made, by the court in which the business or any part thereof was done or a judge thereof; or if the business was not done in any court, then when the amount payable under the agreement exceeds two hundred dollars, by any superior court of law or equity or by a judge thereof; and where such amount does not exceed two hundred dollars by the judge of a county court which would have jurisdiction in an action upon the agreement. 15 20 25

Costs and proceedings on applying to enforce agreement.

8. Upon any such motion or petition as aforesaid, the same may be enforced by such court or judge by rule or order in such manner and subject to such conditions, if any, as to the costs of such motion or petition as such court or judge may think fit; or the court or judge may make order that the same may be enforced by any action or suit as to the said court or judge may seem fit; and the costs of such motion or petition shall be in the discretion of such court or judge. 30 35

Agreement by guardian, trustee, etc.

9. When any such agreement is made by the client in the capacity of guardian or of trustee under a deed or will, or of committee of any person or persons whose estate or property will be chargeable with the amount payable under such agreement, or with any part of such amount, the agreement shall be- fore payment be laid before the taxing officer of a court having jurisdiction to enforce the agreement, and such officer shall examine the same and may disallow any part thereof, or may require the direction of the court or judge to be taken thereon by motion or petition; and if in any such case the client pay the whole or any part of the amount payable under the agreement without the previous allowance of such officer or court or judge as aforesaid, but not otherwise, he shall be liable at any time to account to the person whose estate or property is charged with the amount paid, or with any part thereof for the amount so charged; and if in any such case the attorney or solicitor accept payment without such allowance, any court which would have had jurisdiction to enforce the agreement, may, if it think fit, order him to refund the amount so received by him under the agreement. 40 45 50

10. Nothing in this Act contained shall be construed to give validity to any purchase by an attorney or solicitor of the interest or any part of the interest of his client in any suit, action or other contentious proceeding to be brought or maintained; or to give validity to any agreement by which an attorney or solicitor retained or employed to prosecute any suit or action stipulates for payment only in the event of success in such suit, action or proceeding.

Purchase by
Attorney of
subject matter
of suit.

11. Where an attorney or solicitor has made an agreement with his client in pursuance of the provisions of this Act, and anything has been done by such attorney or solicitor under the agreement, and before the agreement has been completely performed by him such attorney or solicitor dies or become incapable to act, an application may be made to any court which would have jurisdiction to enforce the agreement by any party thereto or by the representatives of any such party, and such court shall thereupon have the same power to enforce such agreement so far as the same may have been acted upon as if such death or incapacity had not happened; and such court may order the amount due in respect of the past performance of the agreement to be ascertained by taxation, and the taxing officer in ascertaining such amount shall have regard, so far as may be, to the terms of the agreement, and payment of the amount found to be due may be enforced in the same manner as if the agreement had been completely performed by the attorney or solicitor.

Death of the
attorney.

12. If after any such agreement as aforesaid shall have been made, the client shall change his attorney or solicitor before the conclusion of the business to which such agreement shall relate (which he shall be at liberty to do notwithstanding such agreement) the attorney or solicitor, party to such agreement, shall be deemed to have become incapable to act under the same within the meaning of the eleventh section of this Act, and upon any order being made for taxation of the amount due to such attorney or solicitor in respect of the past performance of such agreement the court shall direct the taxing master to have regard to the circumstances under which such change of attorney or solicitor has taken place; and upon such taxation the attorney or solicitor shall not be deemed entitled to the full amount of the remuneration agreed to be paid to him unless it shall appear that there has been no default, negligence, improper delay or other conduct on his part affording reasonable ground to the client for such change of attorney or solicitor.

Change of
attorney.

13. Except as in the foregoing sections of this Act provided the bill of an attorney or solicitor for the amount due under an agreement made in pursuance of the provisions of this Act shall not be subject to any taxation nor to the provisions of chapter thirty-five of the Consolidated Statutes for Upper Canada, and any Act or Acts amending the same, respecting the signing and delivery of the bill of an attorney or solicitor.

Right to tax
limited.

14. An attorney or solicitor may take security from his client for his future fees, charges and disbursements to be ascertained by taxation or otherwise.

Attorney may
take security
for fees.

15. Subject to any general rules or orders hereafter to be made, upon every taxation of costs, fees, charges, or disburse-

Interest.

ments the taxing officer may allow interest at such rate and from such time as he thinks just, on moneys disbursed by the attorney or solicitor for his client, and on moneys of the client in the hands of the attorney or solicitor and improperly retained by him. 5

On taxation, skill, etc., to be considered.

16. Upon any taxation of costs the taxing officer may in determining the remuneration, if any, to be allowed to the attorney or solicitor for his services, have regard, subject to any general rules or orders hereafter to be made, to the skill, labour and responsibility involved. 10

Abatement and revivors of suit.

17. Whenever any decree or order for the payment of costs is made in any suit, and such suit shall afterwards become abated, it shall be lawful for any person interested under such decree or order to revive such suit, and thereupon to prosecute and enforce such decree or order, and so on, from time to time, as often as 15 any such abatement shall happen.

Taxation *ex parte*.

18. In case either party to any reference under an order for the taxation of the costs, fees, charges and disbursements of an attorney or solicitor, made under chapter thirty-five of the Consolidated Statutes for Upper Canada, having due notice, refuses 20 or neglects to attend the taxation, the officer to whom the reference is made may tax the bill *ex parte*, and determine what he finds to be due to or from either party, and the state of the accounts between them.

Court or judge may reserve costs of taxation.

19. In making any such order of reference for taxation, the 25 court or judge may, on special grounds shown, reserve the costs of the taxation, and of the taking of such account, until after the officer shall have made his certificate or report, and in such case the officer shall certify specially any circumstances relating to such bill, account or taxation, and the court or judge 30 after such taxation may thereupon make such order as may be deemed right respecting the payment of the costs of the taxation and reference.

Costs of taxation according to event.

20. But in all other cases, the costs of the reference and taxation shall be paid according to the event of the taxation, but if 35 the taxation is on the application of the attorney or solicitor, and if the sum allowed to the attorney or solicitor be within the jurisdiction of the division court, only division court costs shall be allowed; if the sum allowed be within the jurisdiction of the county court, only county court costs shall be allowed; and in 40 all other cases the costs allowed to such attorney or solicitor shall be superior court costs.

Con. Stat. U. C. c. 35, s. s. 31, 32, 33, repealed.

21. Sections thirty-one, thirty-two and thirty-three of chapter thirty-five of the Consolidated Statutes for Upper Canada, and all Acts or parts of Acts inconsistent with this Act are 45 hereby repealed.

No. 13.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the law relating to the Remuneration of Attorneys and Solicitors.

1st Reading, 14th January, 1873.

Mr. HODGINS.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act respecting Line Fences.

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

1. The Act, Chaptered fifty-seven of the Consolidated Statutes for Upper Canada; the Act, Chapter forty-six, of the Statutes of Ontario, passed in the thirty-second year of Her Majesty's reign, so far as they affect line fences, and all Acts, and parts of Acts, respecting the subject provided for in this Act are repealed.
2. Owners of adjoining lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence, they shall so make, keep up, and repair the same proportion, which is to mark such boundary.
3. In case of dispute between owners respecting such proportion, the following proceedings shall be adopted:
 Either owner may notify the other owner or the occupant of the land of the owner so notified, that he will, not less than one week from the service of such notice, cause the fence viewers of the locality to arbitrate in the premises. Such owners so notifying shall also notify three fence viewers, not less than one week before their services are required. The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown up person residing thereat, or in case of such lands being unoccupied, by leaving such notice with any agent of such owner.
4. The fence viewers shall examine the premises, and if required by either party, they shall hear evidence, and are authorised to examine the parties and their witnesses on oath, and any one of them may administer the oath or an affirmation as in courts of law.
5. The fence viewers shall make an award in writing, signed by any two of them respecting the matters so in dispute. The award shall specify the locality, quantity, quality, and the lowest price of the fence it orders to be made, and in making such award the fence viewers shall regard the nature of the fences in use in the locality, the pecuniary circumstances of the persons between whom they arbitrate, and generally the suitability of the fence ordered to the

*Repeal of
previous
enactments.*

*Duties of
owners of ad-
joining lands
as to fences.*

*Disputes be-
tween owners
how to be
settled.*

*Duties and
powers of
fence viewers.*

*Award of fence
viewers.*

wants of each party, whether in respect of ornament or usefulness. If necessary, the fence viewers may employ a Provincial land surveyor, and have the locality described by metes and bounds.

- 6.** The award shall be deposited in the office of the Clerk of the Council of the Municipality in which the lands are situate. It is an official document, and may be given in evidence in any legal proceeding by certified copy, as are other official documents and notice of its being made shall be given to all parties interested. 5 10
- 7.** The award may be enforced as follows: The person desiring to enforce it must serve upon the owner or occupant of the adjoining lands a notice in writing, requiring him to obey the award, and if the award is not obeyed within one week after service of such notice, the person so desiring to enforce it may do the work which the award directs, and immediately recover its value from the owner by action, in any of the courts of proper jurisdiction. 15
- 8.** The award is a lien and charge upon the lands which it affects to the same extent as a mortgage, provided that it is registered in the Registry Office of the County in which the lands are. Such registration may be in duplicate or copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any deed which is within the meaning of the Acts respecting registration of deeds of lands. 20 25
- 9.** An occupant, not the owner of land notified in the manner above mentioned, must immediately notify the owner of such notification; if he neglects so to do, he is liable for all damage caused to the owner by such neglect.
- 10.** The fence viewers are entitled to receive each for every day's work under this Act. Provincial land-surveyors and witnesses are entitled to the same compensation as if they were subpoenaed by such in any court of law. 30
- 11.** Any person dissatisfied with the award made may appeal therefrom to the Judge of the County Court of the County in which the lands are situate; for such appeal the proceedings shall be as follows: The appellants shall serve upon the fence viewers, and all parties interested, a notice in writing of his intention to appeal, not less than one week from the time he has been notified of the award; such notice may be served as other notices mentioned in this Act. The appellant must also deliver a copy of such notice to the Clerk of the Division Court of the Division in which the land lies, which Clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he think fit, order such sum of money to be paid by the appellant to the said Clerk as shall be a sufficient indemnity against costs of the appeal, and the Judge shall order the time and place for the hearing of the appeal, and communicate the same to the Clerk, who shall notify the fence viewers and all parties interested, in the manner hereinbefore provided for the service of other notices under this Act, and the Judge shall hear and determine the appeal, and set aside, alter, or affirm the award; he may examine parties and witnesses on oath, and, if he so 35 40 45 50

please, may inspect the premises; he may order payment of costs by either party, and fix the amount, and his decision shall be final; and the award, as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

12. This Act is not to affect any proceedings under former Acts. Pending proceedings excepted.

13. This Act may be cited in any proceeding or document as the "Ontario Line Fences Act." Short title.

No. 14.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL

Act respecting Line Fences.

First Reading 14th January, 1873.

Mr. PRINCE

An Act respecting Line Fences.

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

- 5 **1.** The Act, Chaptered fifty-seven of the Consolidated Statutes for Upper Canada; the Act, Chapter forty-six, of the Statutes of Ontario, passed in the thirty-second year of Her Majesty's reign, so far as they affect line fences, and all Acts, and parts of Acts, respecting the subject provided for in this Act are repealed. Repeal of previous enactments.
- 10 **2.** Owners of occupied adjoining lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence, they shall so make, keep up and repair the same proportion, which is to mark such boundary. Duties of owners of adjoining lands as to fences.
- 15 **3.** In case of dispute between owners respecting such proportion, the following proceedings shall be adopted: Disputes between owners, how to be settled.
 Either owner may notify the other owner or the occupant of the land of the owner so notified, that he will, not less than one week from the service of such notice, cause the fence viewers of the locality to arbitrate in the premises. Such owners so notifying shall also notify three fence viewers, not less than 20 one week before their services are required. The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the 25 place of abode of such owner or occupant, with some grown-up person residing thereat, or in case of such lands being unoccupied, by leaving such notice with any agent of such owner.
- 30 **4.** The fence viewers shall examine the premises, and if required by either party, they shall hear evidence, and are authorized to examine the parties and their witnesses on oath, and any one of them may administer the oath or an affirmation as in courts of law. Duties and powers of fence viewers.
- 53 **5.** The fence viewers shall make an award in writing, signed by any two of them, respecting the matters so in dispute. The award shall specify the locality, quantity, description, and the lowest price of the fence it orders to be made, and the time within which the work shall be done; and in making such 40 award, the fence viewers shall regard the nature of the fences in use in the locality, the pecuniary circumstances of the persons between whom they arbitrate, and generally the suitability of
- Award of fence viewers.

the fence ordered to the wants of each party, whether in respect of ornament or usefulness; and where from the formation of the ground, by reason of streams or other causes, it is found impossible to locate the fence upon the line between the parties, it shall be lawful for the fence viewers to locate the said fence either wholly or partially on the land of either of the said parties, where to them it may seem to be most convenient. If necessary, the fence viewers may employ a Provincial land surveyor, and have the locality described by metes and bounds. 5

Deposit of award.

6. The award shall be deposited in the office of the Clerk of the Council of the Municipality in which the lands are situate. 10

Award may be evidence.

It is an official document, and may be given in evidence in any legal proceeding by certified copy, as are other official documents, and notice of its being made shall be given to all parties interested. 15

Award, how enforced.

7. The award may be enforced as follows: The person desiring to enforce it must serve upon the owner or occupant of the adjoining lands a notice in writing, requiring him to obey the award, and if the award is not obeyed within one week after service of such notice, the person so desiring to enforce it may do the work which the award directs, and immediately recover its value from the owner by action, in any of the courts of proper jurisdiction. 20

Award to be charge on lands, if registered.

8. The award is a lien and charge upon the lands which it affects to the same extent as a mortgage, provided that it is registered in the Registry Office of the County in which the lands are. Such registration may be in duplicate or copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any deed which is within the meaning of the Acts respecting registration of deeds of lands. 25 30

How registered.

Duty and liability of occupants as to notifying owners.

9. An occupant, not the owner of land notified in the manner above mentioned, must immediately notify the owner of such notification; if he neglects so to do, he is liable for all damage caused to the owner by such neglect.

Fees to fence viewers and witnesses.

10. The fence viewers are entitled to receive two dollars each for every day's work under this Act. Provincial land surveyors and witnesses are entitled to the same compensation as if they were subpoenaed in any superior court of law. 35

Appeals.

11. Any person dissatisfied with the award made may appeal therefrom to the Judge of the County Court of the County in which the lands are situate; for such appeal the proceedings shall be as follows: The appellant shall serve upon the fence viewers, and all parties interested, a notice in writing of his intention to appeal, not less than one week from the time he has been notified of the award; such notice may be served as other notices mentioned in this Act. The appellant must also deliver a copy of such notice to the Clerk of the Division Court of the Division in which the land lies, which Clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he think fit, order such sum of money to be paid by the appellant to the said Clerk as shall be a sufficient indemnity against costs of the appeal, and the Judge shall order the time and place for the hearing of the appeal, and communicate the same to the Clerk, who 40 45 50

shall notify the fence viewers and all parties interested, in the manner hereinbefore provided for the service of other notices under this Act, and the Judge shall hear and determine the appeal, and set aside, alter, or affirm the award; he may examine 5 parties and witnesses on oath, and, if he so please, may inspect the premises; he may order payment of costs by either party, and fix the amount, and his decision shall be final; and the award, as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed 10 from.

12. Any agreement between owners respecting such line fence in writing may be filed or registered and enforced as if it was an award of fence viewers, and such agreement may be in the words or to the effect following: "The undersigned, owners 15 of adjoining lands (*describe them*), agree that each shall make, keep up and repair the fence which divides their properties, as follows:—(*state agreement.*)

Registration
of agreements.

13. This Act is not to affect any proceedings under former Acts. Pending proceedings excepted.

20 14. This Act may be cited in any proceeding or document as the "Ontario Line Fences Act." Short title.

BILL.

An Act respecting Line Fences.

(*Reprinted as Amended in Committee.*)

1st Reading, 14th January, 1873.

2nd " 20th February, "

MR. PRINCE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting precedence of Counsel in the Law in Ontario.

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

1. No commission, patent or appointment of or to any person to hold the office of Her Majesty's Counsel in the Law, shall confer upon any person any right in any Court of Law or Equity in Ontario, beyond the right possessed by every Barrister-at-law. Privileges of Queen's Counsel abolished in the Courts in Ontario.

2. This Act shall not interfere with or affect the right of the Judges of the said Courts to regulate the proceedings of counsel therein; nor shall this Act interfere with or affect the authority of the Benchers of the Law Society of Ontario, respecting the regulation of the conduct of members of the legal profession. Sec. 1 not to interfere with power of the Judges or of the Benchers.

No. 15.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act Respecting Bank and Precedence
of Counsel in the Law in Ontario.

First Reading, 14th January, 1873.

MR. PRINCE.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the maintaining of Claims by Assignees thereof.

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

1. Any person may, by any mode of transfer or conveyance, Right, claim, &c., to be assignable.
 5 convey, impart, or transmit any right, claim or interest, present or future, vested or otherwise, in any estate, real or personal, and any debt whether liquidated or ascertained, or otherwise, or any such right, claim or interest in respect of any wrong which such person claims to have been committed against him.
 10 and the person to whom the same is so conveyed, imparted, or transmitted, shall have all the rights in respect thereof which were in the person so conveying, imparting, or transmitting, as if he had been the original owner of the thing so conveyed, imparted,
 15 or transmitted.

2. But in case the person to whom the said claim is so transferred is a person usually practising the profession of the law, or as an advocate for the causes and suits of parties litigating in any court in Ontario (whether he be or be not a barrister or If assignee practice as a lawyer, transfer to be in writing and attested.
 20 attorney), or as a legal adviser or conveyancer, or land or division court agent, the transfer shall be in writing, signed and attested by a witness not interested in the transaction.

No. 16.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

Act respecting the maintaining of Claims by
Assignees thereof.

1st Reading, 14th January, 1873.

M. PRINCE.

An Act respecting the University of Toronto.

WHEREAS it is expedient to amend the Act passed in the 16th year of the reign of Her Majesty Queen Victoria chaptered 89, relating to the University of Toronto, in order to promote the usefulness of the said University; 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 University of Toronto shall hereafter consist of the Chancellor, Vice-Chancellor, and Members of the Senate and of Convocation for the time being. Corporation, how composed.
- 10 2. The Senate shall consist of the Chancellor and twenty-four other Members, exclusive of *ex-officio* Members, of whom fifteen shall be elected by Convocation in manner hereinafter provided and nine appointed by the Lieut-Governor of the Province under his hand and seal at arms.
- 15 3. The persons filling the following offices for the time being, viz: the President of University College; the Chief Superintendent of Education for this Province; a representative appointed by the Law Society of Ontario; the Principal of Upper Canada College; a representative for the time being appointed by each college or school in this Province affiliated to the said University; and all former Chancellors and Vice-Chancellors of the Senate; and two members of the Council of the University College shall also annually in rotation become members of the Senate, and such rotation shall proceed by seniority until each Member of the Council has in turn become a member of the senate and so successively, and in case the Member of the Council in rotation at any time is otherwise of the senate, then the office shall fall to the next Member of the Council, and the Registrar of said college shall from time to time certify to the Registrar of the University, the members of said council who under this Provision become members of the senate. Ex-officiomembers of Senate.
- 35 4. The chancellor of the said University shall be elected by the members of Convocation in the manner hereinafter mentioned, provided always that the present Chancellor shall continue in office for the first term of three years after this Act shall come into effect. Chancellor.
- 40 5. The office of Chancellor of the said University shall be a triennial one—that is to say, the term of office of each Chancellor shall expire on the election of his successor, in the year next but two after that in which he shall have been elected, and the day on which the Chancellor (except the first Chancellor nomi-

nated in this Act,) shall be elected, shall be appointed by statute of the Senate, and the Members of the Convocation entitled to vote shall on that day, of which notice shall be given in such a manner as shall be directed by Statute of the Senate, elect a fit and proper person to be Chancellor, and thereupon the term of office of the then Chancellor shall expire, and so from time to time triennially; or in the case of the death, resignation or other vacancy in the office of any such Chancellor before the expiration of his term of office, then, at a special election to be holden for that purpose, of which election notice shall be given in such manner as shall be provided by Statute of the Senate, the Members of Convocation entitled to vote shall elect a Chancellor for the remainder of the term in which such death, resignation or other avoidance shall happen.

6. The election of the first fifteen elective members of the Senate under this Act, shall be held in Toronto, on the day of one thousand eight hundred and seventy-three. Immediately upon such election being held, the persons at present members of the Senate shall cease to be such members, except such of them as may be elected or appointed, or are *ex-officio* members of the Senate under this Act and the present Vice-Chancellor shall continue in office for the residue of the term for which he has been elected.

7. The following Graduates of the University for the time being shall constitute the Convocation of the University, that is to say, all Doctors and Bachelors of Law, all Doctors and Bachelors of Medicine, all Masters in Surgery, all Masters of Arts, all Bachelors of Arts of three years standing, all Doctors of Science, and all Bachelors of Science of three years standing and also all Graduates holding such other Degrees to be hereafter conferred by the University, as shall be recognized as qualifications for admission to Convocation in manner hereinafter provided.

8. A Register of the Graduates constituting for the time being the Convocation of the said University shall be kept by the Registrar of the University, and such Register shall be conclusive evidence that any person whose name shall appear thereon at the time of his claiming to vote as a Member of Convocation is so entitled to vote, and that any person whose name shall not so appear is not so entitled to vote.

Election
register.

Provided.

9. The Registrar of the University shall, at least one month previous to the time of any election under this Act, make out an alphabetical list or register, to be called "The Election Register," of the names and known addresses of the members of Convocation, being Graduates of the University as aforesaid, who are entitled to vote at such succeeding election, and shall put up a copy of said register at the entrance hall annually after Convocation, and such register may be examined by any member of Convocation at all reasonable times at the office of the said Registrar, and no person whose name is not inserted in the said list shall be entitled to vote at such election; Provided always, that in case any member of Convocation complains to the said Registrar in writing of the improper omission or insertion of any name in the said list, it shall be the duty of the said Registrar forthwith to examine into the said complaint and rectify such error if any there be, and it further shall be the duty of the registrar to make out such list annually after com-

mencement when degrees are conferred, and to put up copies thereof in the entrance hall of the University.

10 **10.** The votes at any election by Convocation shall be given for the Chancellor, and for the Members of the Senate respectively by closed voting papers, in the form in schedule "A" of this Act, or to the like effect, being delivered to the Registrar of the University at such time and place, prior to the closing of such election, as may be prescribed by Statute of the Senate and any voting papers received by the said Registrar by post during the time of such election, or during the preceding week shall be deemed as delivered to him for the purposes of such election.

How votes are to be given.

15 **11.** It shall be the duty of the Registrar to send to each Graduate of the University whose name is on the Register or list of persons entitled to vote, where his residence is known to the Registrar one copy of the form of voting paper in Schedule "A" of this Act, applicable to the election or elections then next to be held, and such form shall be sent in such manner and at such time before the holding of such election as shall be directed by Statute of the Senate.

List of voters to be sent to graduates.

20 **12.** It shall be the duty of the said Registrar to send with the said form of voting paper a list of those persons then already Members of the Senate, and of those whose retirement has created the vacancies to be filled at the then ensuing election.

List of members of Senate to be sent with list of voters.

25 **13.** The said voting papers shall, upon the appointed day of election, and at an hour to be stated by the Statute, be opened by the registrar of the University in the presence of the scrutineers to be appointed as hereinafter mentioned, who shall scrutinize and count the votes, and keep a record thereof in a proper book to be provided by the Senate.

Opening voting papers.

30 **14.** The person who shall have the highest number of votes at any election for Chancellor by voting papers in the form of schedule "A" shall be Chancellor of the University for the term of office then next ensuing, or for the unexpired portion of the then current term (*as the case may be*).

Election of chancellor.

35 **15.** The fifteen persons who shall have the highest number of votes for Members of the Senate by voting papers in the form of schedule "A" shall be the fifteen elective members of the Senate of the said University.

Election of members of senate.

40 **16.** Any person entitled to vote at such election shall be entitled to be present at the opening of the said voting papers.

Who may be present at opening of papers.

45 **17.** In case of an equality of votes between two or more persons which leaves the election of the Chancellor, or of one or more Members of the Senate undecided, then the said scrutineers shall forthwith put into a ballot-box a number of papers with the names of the candidates respectively having such equality of votes written thereon one for each such candidate, and the Registrar of the University shall draw by chance from such ballot-box in the presence of the said scrutineers one of such papers in the election of Chancellor, and one or more of such papers in the case of the election of Members of the Senate, sufficient to make up the required number, and the persons

Equality of votes.

whose names are upon such papers so drawn shall be respectively the Chancellor and such Members of the Senate.

Declaration of result of election.

18. Upon the completion of the counting of the votes and of the scrutiny, the Vice-Chancellor, or other person acting as and for him, shall forthwith declare the result of the election to the Senate of the University; and shall, as soon as conveniently may be, report the same in writing, signed by himself and by the scrutineers, to the Senate and to the Secretary of the Province. 5

Appointment of scrutineers.

19. The Senate of the University or in default the Chancellor shall, at least two weeks previous to such election, appoint two persons who, with the Vice-Chancellor, shall act as scrutineers at the next ensuing election; and the said Senate, or in default the Chancellor, shall also, at the same time, appoint a Member of the Senate, who shall act for and as the Vice-Chancellor should he be absent from such election. 15

Informal voting papers.

20. In the event of any elector placing more than one name on his voting paper for Chancellor, or more than the required number on his voting paper for Members of the Senate, the first name only shall be taken for Chancellor, and the first names only, not exceeding the required number, shall be taken for the Members of the Senate. 20

Tennre of office of members of senate after first election.

21. At the first meeting of the Senate, next after the first election of Members thereto, as provided in this Act, the Chancellor, Vice-Chancellor, or other presiding officer, shall put into a ballot-box fifteen papers with the names of the fifteen persons elected as members of the Senate, one name upon each paper; and the Registrar, or other officer to be appointed to act as and for him in his absence, shall draw by chance from such ballot-box, and in the presence of the Senate, the fifteen papers in succession, and the persons whose names are upon the first three papers so drawn, shall serve as Members of the Senate for five years from the date of the election, and the persons whose names shall in like manner be drawn by the second series of three shall serve for four years, by the third series for three years, by the fourth series for two years, and the three remaining shall serve for one year from the date of the said election. 25 30 35

Vacancies, how filled.

22. After the first election of Members of the Senate, as directed by this Act, the vacancies in the Senate, by expiry of term of service, shall be three in each year; the rotation of retirement being first determined by ballot, as hereinbefore provided; and on such day in each year thereafter, as shall be appointed by Statute, three persons shall be elected by Convocation in manner aforesaid, to fill the vacancies thus arising, and to be Members of the Senate for the five years then next ensuing such election. 40 45

23. The Convocation of the University shall have the powers following—that is to say, the power of electing the Chancellor and fifteen Members of the Senate in manner hereinbefore provided; the power of discussing any matter whatsoever relating to the University, and of declaring the opinion of Convocation in any such matter; the power of taking into consideration all questions affecting the well-being and prosperity of the University, and to make representations from time to time on such 50

questions to the Senate of the said University, who shall consider the same and return to Convocation their conclusions thereon; the power of deciding upon the recognition, upon such terms as the Senate shall propose, of the affiliation of any College
 5 or School with the said University: the power of deciding upon the mode of conducting and registering the proceedings of Convocation: the power of appointing and removing the Clerk of Convocation, and of prescribing his duties: the power of requiring
 10 a fee to be paid by Members of Convocation as a condition of being placed on the Register of members; and its members shall have the right to attend the annual Commencement for conferring degrees, provided always that, except as in this Act expressly provided, Convocation shall not be entitled to interfere in or have any control over the affairs of the Univer-
 15 sity.

24. Once at least in every year, and as often as they may think fit, the Senate shall convene a meeting of Convocation.

25. If twenty-five or more Members of Convocation shall, by writing under their hands, require the Chairman for the time
 2 being of Convocation, to be appointed as hereinafter prescribed, to convene an extraordinary meeting of Convocation, and such requisition shall express the object of the meeting required to be called, it shall be the duty of the said Chairman if within a reasonable time to convene such meeting of Convocation.

26. Provided always, that after the first of such extraordinary meetings, no such extraordinary meeting shall be convened in pursuance of the clause lastly hereinbefore contained until the expiration of three calendar months from the last of such extraordinary meeting: Provided also, that no matter shall
 30 be discussed at any such extraordinary meeting except the matter for the discussion whereof it was convened.

27. The Senate shall provide a proper place for the meeting of Convocation, and the proceedings of any meeting of Convocation shall be transmitted to the Senate at the next following
 35 meeting of the Senate.

28. Notice of the meeting of Convocation shall be given by advertisement, or in such other manner as the Senate shall from time to time determine.

29. The office of Chairman of Convocation shall be an office
 40 held for the term of three years, unless sooner determined by death, resignation, or otherwise. The Chairman shall be eligible for re-election. At the first meeting of Convocation the members present shall elect a Chairman, and the Vice-Chancellor shall preside at such first meeting until such Chairman is elected.
 45 Within the year preceding the expiration of every term of the said office, or in case of the death or resignation of the Chairman, or any vacancy of the said office, the members of Convocation present at any meeting duly convened, or the major part of them, shall elect a Chairman who, if elected during the
 59 term of office of any Chairman, shall hold office three years after the expiration of the tenure of office of such Chairman, and, if elected during a vacancy then till the expiration of the third year after the commencement of the vacancy. If from any cause no Chairman is elected to succeed any Chairman for the

time being, then such last mentioned Chairman shall continue in office until his successor is appointed.

30. If the Chairman shall be absent at the time of the meeting of Convocation, or if there shall be a vacancy in the office, then, before proceeding to business, the Members of Convocation then present, or the major part of them, shall elect a Chairman, who shall hold office during such meeting only. 5

31. All questions which shall come before Convocation shall be decided by the majority of the Members present, and the Chairman, at any meeting thereof, shall have a vote, and in case of equality of votes, a second or casting vote. 10

Quorum.

32. No question shall be decided at any meeting of Convocation unless thirty Members at least shall be present.

33. Any meeting of Convocation shall have power to adjourn to a future day. 15

Appointments by the Crown.

34. The Lieutenant-Governor of this Province may, at any time after the passing of this Act, appoint nine persons to be Members of the Senate of the said University, and thereupon the Secretary of the Province for the time being shall forthwith communicate the names of the persons so appointed to the Registrar of the University. 20

Appointees by Crown, their term of office.

35. The nine persons so appointed by the Lieutenant-Governor shall retire in rotation by seniority, that is to say, the first three named by the Lieutenant-Governor shall retire in three years from the date of their appointment, the second three in two years from such date, and the remaining three in one year from such date, and the vacancies in the senate respectively created by such retirements in each year, shall from time to time be filled by appointment by the Lieutenant-Governor, the Members so appointed holding office for three years and retiring by rotation on expiry of the said term. 25

Retirement of Crown appointees to be notified to the registrar.

36. Whenever any such appointment shall be so made by the Lieutenant-Governor to fill vacancies whether on retirement by rotation, or from other cause arising, the Secretary of the Province for the time being shall forthwith communicate the names of the person so appointed to the Registrar of the University. 35

Provision when vacancies are not filled by Lieutenant-Governor.

37. If at any time by death or otherwise, the number of the said appointed Members of the Senate shall be reduced below the number of nine and shall so remain reduced for three months, then and in such case, and as often as the same shall happen, if the Lieutenant-Governor do not think proper to complete the said number by appointment, the Members of the Senate may at a meeting to be holden for that purpose, of which notice shall be given to the Provincial Secretary, and to the members of the senate, in such manner as shall be provided by statute, elect one or more fit and proper persons to be Members of the Senate in addition to the then remaining appointed members thereof to the end, that by means of such election the number of nine appointed members of the senate may thus be completed, and such Members so elected to vacancies by the Senate shall hold office for the term or for the remainder of the term pertaining to each such vacancy respectively. 45 50

38. If any time by death or resignation, or otherwise than by retirement by rotation, the number of the Members of the Senate elected thereto by Convocation, shall be reduced below the number of fifteen, then at the next ensuing annual election to be held as directed by section 5 of this Act, such additional persons shall be elected in manner therein provided, as may be necessary to complete the number of elected Members of the Senate to the number of fifteen

Vacancies, how filled.

39. At all elections to take place under this Act, all retiring Chancellors or Members of the Senate shall be re-eligible.

Former chancellors, etc., re-eligible for election.

40. The said Chancellor, Vice-Chancellor and Members of the Senate, 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 or such as they shall think fit of the Degrees of Bachelor and Master of Arts, Bachelor and Doctor in Laws, Science, Medicine, and Music, and Master in Surgery; and also to confer the several Degrees of Bachelor, Master and Doctor in any Departments of knowledge whatever, except Theology as the said Chancellor, Vice-Chancellor and Members of the Senate by regulations in that behalf shall from time to time determine, and whether such Departments of knowledge shall or shall not include any portion of the Departments of knowledge for which Degrees in Arts, Laws, Science, Medicine and Music, or any of them, are authorized to be conferred by this Act; and such reasonable fees may be charged for or in respect of such Examinations and Degrees respectively, or either of them as the said Chancellor, Vice-Chancellor and Members of the Senate shall by statute in that behalf from time to time direct.

42. The said Chancellor, Vice-Chancellor and Members of the Senate shall also have power to confer any of the said Degrees as *ad eundem* Degrees; but no Degree so conferred shall without the consent of Convocation in each case entitle the holder thereof to be or become a Member of Convocation.

43. The said Chancellor, Vice-Chancellor and Members of the Senate shall have power to examine for, and after examination to grant in such mode and on compliance by the Candidate with such conditions as they shall from time to time determine Certificates of Proficiency in such branches of knowledge as the said Chancellor, Vice-Chancellor and Members of the Senate shall from time to time by Regulations made in that behalf determine; and in addition to the Examination of Candidates for Degrees as herein before provided, the said Chancellor, Vice-Chancellor and Members of the Senate may cause to be held from time to time examinations of persons, including women, who shall have prosecuted the study of such branches of knowledge in Literature, Science or Art, and who shall be Candidates for such Certificates of Proficiency as aforesaid, subject to such Regulations as by the said Chancellor, Vice-Chancellor and Members of the Senate shall from time to time be made in that behalf, and on every such examination the Candidates shall be examined by Examiners appointed by the said Chancellor, Vice Chancellor and Members of the Senate, and at the conclusion of every examination of the Candidates the Examiners shall declare and certify to the Registrar of the University the name of every Candidate whom they shall have deemed to be qualified to receive any such Certificate together

with such particulars as the said Chancellor, Vice-Chancellor and Members of the Senate shall from time to time determine; and he or she shall if otherwise approved by the said Chancellor, Vice-Chancellor and Members of the Senate and if they shall think fit, receive from the said Chancellor a Certificate under the seal of the said University, and signed by the said Chancellor or by the Vice-Chancellor in which the branch or branches of knowledge in respect of which he or she has been allowed by the said Chancellor, Vice-Chancellor and Members of the Senate to obtain the Certificate shall be stated together with such other particulars, if any, as the said Chancellor, Vice-Chancellor and Members of the Senate shall deem fitting to be stated therein, and such reasonable fees may be charged for or in respect of such Examinations and Certificates of Proficiency respectively or either of them, as the said Chancellor, Vice-Chancellor and Members of the Senate shall by Statute in that behalf from time to time direct.

44. No Member of the Senate shall be eligible as an Examiner, and no Examiner shall be eligible for re-election more than four years consecutively.

45. The Chancellor, Vice-Chancellor, and Members of the Senate may, with the approval of the Lieut-Governor in Council, from time to time, by statute in that behalf, prescribe that any College, School, or other Institution established in this Province for the promotion of Literature, Science or Art, or for instruction in Law, Medicine, Mechanical Science, Engineering, Agriculture or other useful branch of education, upon the application of such College, School or other Institution, shall be deemed to be affiliated with the said University for the purpose of admitting therefrom as Candidates at any of the respective Examinations for Standing, Scholarships, Honours, Degrees and Certificates which the said Chancellor, Vice-Chancellor, and Members of the Senate are authorized to confer, such persons as shall have respectively completed in such College, School or other Institution whilst in connection with the said University, such course of instruction preliminary to any of the said respective examinations for Standing Scholar-ships, honours, Degrees and Certificates as the said Chancellor, Vice-Chancellor and Members of the Senate shall from time to time by regulation in that behalf determine, and the said Chancellor, Vice-Chancellor and Members of the Senate may with the like consent of the Lieut-Governor in Council remove any of such Institutions which shall be affiliated under this section, from its said connection with the said University: Provided also that, excepting such Colleges, Schools or Institutions as are now in connection with the University under special applications heretofore made in that behalf, or as may become so, in conformity with the provisions in this section contained, and excepting University College, and the Schools of Law and Medicine in the 18th section of the Act in the recital hereof mentioned,—no other College School or Institution shall be deemed or taken to be affiliated for any purpose with the University.

46. Persons not educated in any of the said Institutions for the time being affiliated with the said University may be admitted as candidates for Examination for Standing or for any of the Honours, Scholarships, Degrees, or Certificates authorized to be conferred by the said University other than in Medicine or Surgery, on such conditions as the said Chancellor, Vice-Chan-

cellor and Members of the Senate may from time to time determine.

47. The said Chancellor, Vice-Chancellor, and Members of Senate may make such Regulations with regard to the examination of Candidates at any affiliated College, School, or Institution in this Province as may appear convenient, and such examinations may be conducted by Sub-Examiners upon papers or questions prepared by the Examiners in the prescribed subjects, and may be deemed and taken as equivalent to the ordinary examinations held for any purpose at the University, and also for Certificates of having undergone a satisfactory examination in any Department of Literature, Science, or Art

48. The Dean of Residence in University College for the time being shall be a member of the Council of said College.

49. The senate of the University, upon representations made to it in that behalf, may enquire into the conduct or efficiency of any professor in University College, and report to the Lieutenant-Governor the result of such enquiry, and may make such recommendations as the senate may think the circumstances of the case require.

50. The Lieutenant-Governor in Council may, upon the recommendation of the senate, establish such other professorships or chairs in any department of knowledge, science or art in University College as may promote the further efficiency and usefulness of said College.

51. To remove doubts, it is hereby declared that the Lieutenant-Governor in Council may appropriate from the general Income Fund such sum or sums as may from time to time be necessary for providing retiring allowances or gratuities to aged and infirm Professors, Lecturers, Teachers, and Officers upon their resignation or other deprivation of their respective offices.

52. The salary of the Bursar of the said University may be fixed by the Lieutenant-Governor in Council at an amount not to exceed \$

53. Without prejudice to any of the powers conferred by the said recited Act, so much of any of the provisions thereof as conflict with the express provisions of this Act are hereby repealed.

SCHEDULE "A."

UNIVERSITY OF TORONTO.

ELECTION

187 .

I, _____ M.A., (or other degree,) of the University of Toronto, resident at _____ in the County of _____ do hereby declare:—

I. That the signature affixed hereto, is my proper handwriting.

II. That I vote for the following person (*or persons*) as Chancellor or as members of the Senate (*as the case may be*) of the University of Toronto, viz., _____ of _____ in the County of _____ &c., &c.

III. That I have signed no other voting paper at this election.

IV. That this voting paper was executed on the day of the date hereof.

Witness my hand this _____ day of _____ A.D. 187 .

No. 17.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act respecting the University of Toronto

First Reading 14th January, 1873.

Hon. MR. CROOKS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies in the Province of Ontario.

WHEREAS it is desirable and expedient to consolidate and amend the several Acts relating to Mutual Fire Insurance Companies in the Province of Ontario; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

FORMATION OF NEW COMPANIES.

- 1.** Ten freeholders in any municipality may call a meeting of the freeholders thereof to consult whether it be expedient to establish therein a Fire Insurance Company upon the mutual principle.
- 2.** Such meeting shall be called by advertisement, mentioning the time, and place within the county in which the municipality may be situate, and the object of the meeting; and the said advertisement shall be published for three weeks in one or more of the newspapers published in said county.
- 3.** If thirty freeholders of such municipality are present at such meeting, and a majority of them determine that it is expedient to establish a Mutual Fire Insurance Company, they may elect three persons from among them to open and keep a subscription book, in which the owners of property, moveable or immoveable, within the Province of Ontario, may sign their names, and enter the sums for which they shall respectively bind themselves to effect insurances with the said company.
- 4.** Whenever one hundred or more persons, being owners of moveable or immoveable property in the Province of Ontario, shall have signed their names in said subscription book, and bound themselves to effect insurances in said company, which in the aggregate shall amount to two hundred thousand dollars at least, a meeting shall be called, as hereinafter provided.
- 5.** As soon as convenient after the subscription book shall have been completed in manner aforesaid, any ten of the subscribers thereto may call the first meeting of said company, at such time and place within the aforesaid municipality as they shall determine; such meeting shall be called by sending a printed notice by mail, addressed to each subscriber at his or her post office, at least ten days before the day of such meeting, and by advertisement in one or more papers published in the county in which the municipality is situated; said notice and advertise-

Preamble.

Meetings to establish companies,—how called.

Advertisement calling such meeting.

Subscription books.

When meeting may be called.

How meeting to be called

ment to contain the object of said meeting, and the time and place at which it shall be held.

Election of directors.

6. At such meeting, the name and style of the company, including the appellations "Fire" and "Mutual," shall be adopted, and a secretary *ad interim* appointed, and a board of not more than fifteen nor less than five directors shall be elected, and the place named in the municipality at which the head office of such company shall be located, and thereupon copies of the resolutions adopting such name or style, and the place of the head office of the company, and of such subscription book and the names of the directors elected, and all such documents being certified as correct under the hands of the chairman and secretary, shall be filed in the office of the Registrar of the County or Riding of the County, within which the municipality is situate; and upon the filing of said documents with such certificate, the several subscribers above named, and all other persons thereafter effecting insurances therein, shall become members of the said company and shall be a body corporate and politic by and under such name so adopted, and which shall not thereafter be changed; and as soon after the aforesaid meeting as convenient, the secretary *ad interim*, shall call a meeting of the board of directors, for the election of a president and vice-president from amongst themselves, for the appointment of a secretary, treasurer, or manager, and the transaction of such other business as may be brought before them.

Names of directors to be filed with the Clerk of the Peace.

Thereon the corporation formed.

Meeting of the directors to elect president and officers.

Power to admit members and insure.

7. The company may admit, as a member thereof, the owner of any property, moveable or immoveable, and may insure the same whether the owner thereof be or be not a freeholder; and every person admitted a member of said company by such insurance shall be entitled to the like rights, and be subjected to the like liabilities as other members of said company.

GENERAL MEETINGS.

Annual meeting for election of directors.

8. A meeting of the members for the election of directors shall be held in every year, within two months after the thirty-first of December in each year, at such time and place as may be prescribed by the by-laws of the company.

Annual report and statement.

9. At annual meetings, in addition to the election of directors, a report of the transactions of the company for the year, which shall have ended on the previous thirty-first day of December, shall be presented, and read, together with a full and unreserved statement of its affairs, exhibiting receipts and expenditures, assets and liabilities.

Notice of annual or special meetings.

10. Notice of any annual or special meeting of the members of said company shall be published in one or more newspapers for at least two weeks previous to the day of such meeting; and such notice shall also be sent by registered letter, pre-paid, to the post-office address of each member of the company: and the Board of Directors may convene at any time a general meeting of the company upon any urgent occasion, giving notice therefor as herein provided.

11. Each member of the company shall be entitled, at all meetings of the company, to the number of votes proportioned to the amount by him insured, according to the following rates, that is to say: For any sum under fifteen hundred dollars, one vote; from fifteen hundred to three thousand dollars, two votes; from three thousand dollars to six thousand dollars, three votes; and one vote for every additional three thousand dollars; but no member shall be entitled to vote while in arrear for any assessment or premium due by him to the company.

Members to have votes proportionate to the amount of their insurance.

10

ELECTION OF BOARD OF DIRECTORS.

12. The election of directors shall be held and made by such members of the company as shall attend for that purpose in their own proper persons, or by proxy, and each and every proxy shall bear date not less than one nor more than three months before the election at which they are intended to be used, and shall be filed with the secretary of the company at least one month before said election, and each and every proxy holder shall be a member of the company.

Election of directors.

Proxies.

13. The election of directors shall be by ballot.

Mode of election.

14. If at any such election two or more members have an equal number of votes, in such manner that a less number of persons than the whole number to be elected appear to have been chosen directors by a plurality of votes, then the said members of the company shall proceed to elect by ballot, until it is determined which of the persons so having an equal number of votes, shall be the director or directors, so as to complete the whole number of directors to be elected. And the directors shall at their first meeting after any such election, proceed to elect by ballot among themselves, a president and vice-president, and at such election the secretary shall preside.

Case of a tie at an election

Election of a president and vice president.

15. The directors shall be members of the company, and insurers therein, for the time they hold office, to the amount of eight hundred dollars at least.

Qualification of directors.

16. The manager of any Mutual Insurance Company may be a director of such company, and may be paid an annual salary, but only under a by-law of the said company.

Manager may be a director.

His salary.

17. No agent or paid officer, or person in the employment of any such company, other than the manager, shall be eligible to be elected a director, and shall not be allowed to take or hold proxies or to interfere in the election of directors for such company.

Certain persons not eligible to be elected directors or to hold proxies.

18. Three directors shall constitute a quorum for the transaction of business: and in case of an equality of votes at any meeting of the board, the question shall pass in the negative.

Quorum of directors.

Equality of votes.

19. Any director disagreeing with the majority of the board at any meeting, may have his dissent recorded, with his reasons therefor.

Directors disagreeing with the majority may record their dissent.

Vacancies in office of director, how filled up.

20. If any vacancies happen among the directors during the term for which they may have been elected, by death, resignation, ceasing to have the necessary qualification under the fifteenth section of this Act, insolvency, or by being absent from the board meetings three times in succession, which shall *ipso facto* create such vacancy, such vacancies shall be filled up for the remainder of the term, by some other person duly qualified to be nominated by a majority of the remaining directors, and as soon as may be after the vacancy occurs. 5

Provision in case of failure of election of directors on proper day.

21. In case an election of directors be not made on the day on which it ought to have been made, the company shall not for that cause be dissolved, but the election may be held on any subsequent day, at a meeting to be called by the directors, or as otherwise provided by the by-laws of the company, and in such case the directors shall continue to hold office till their successors are elected. 15

GENERAL POWERS OF THE BOARD OF DIRECTORS.

Appointment of managers and other officers.

22. The board may from time to time appoint a manager, secretary, treasurer, and such other officers, agents, or assistants as to them may seem necessary; prescribe their duties, fix their compensations or allowances; take such security from them as may be required by this Act for the faithful performance of their respective duties, and remove them and appoint others instead; the board may also adopt a tariff of rates for insurance, and vary the same from time to time, and determine the sum to be insured on any property; they may hold their meetings monthly, or oftener if necessary, for transacting the business of the company; and they shall keep a record of their proceedings. 20 25

Board may adopt a tariff of rates.

Meetings of the board.

The board may pass by-laws.

23. The board of directors may, from time to time, make and subscribe such by-laws and regulations as to them may appear needful and proper, respecting the funds and property of the company, the duty of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by this Act, the holding of the annual meeting, and all such other matters as appertain to the business of the company, and are not contrary to law, and may from time to time alter and amend the said by-laws and regulations, except in cases with regard to which it is provided that any such by laws shall not be repealed, or where such repeal would affect the rights of others than the members of the company, in any of which cases such by-law shall not be repealed. Every by-law and regulation of the board shall be duly entered on the minutes, and when confirmed at any subsequent meeting of the members, shall be held to be and have the same force and effect as a by-law of the company. 30 35 40 45

When by-laws are not repealable.

When resolution of the board to have the effect of a by-law.

The board to manage the property, &c., of the company.

24. The board of directors shall superintend and have the management of the funds, and property of the company and of all matters relating thereto, and not otherwise provided for.

Risks that may be insured against.

25. The board of directors may make arrangements with any mutual or other insurance company for the re-insurance of risks on such conditions with respect to the payment of premiums thereon as may be agreed between them. 50

26. The company shall be at liberty to cancel any policy by giving to the insured notice to the effect that they have cancelled or will cancel the same, by registered letter, signed by the secretary of the company, addressed and sent by mail, postage paid, to the post-office address of the insured, as given by him or her in the application for insurance or subsequent writing to the company, or by giving to the insured, personally, notice in writing, signed by the secretary, or an officer or agent of the company, to such effect; the party insured shall nevertheless be liable to pay his proportion of the losses and expenses of the company to the time of cancelling the policy, and on payment of his proportion of all assessments then payable and to become payable in respect of losses and expenses sustained up to such period, shall be entitled to a return of his premium note and such portion of the premium paid by him as shall not have been absorbed by the losses and expenses of the company up to such period, and a condition to this effect shall be endorsed on the policy.

Cancellation of policies.

27. Any member of such company may withdraw therefrom at any time, by giving notice in writing to the President or Secretary thereof, and on payment of his proportion of all assessments then payable and to become payable in respect of losses and expenses theretofore sustained, he shall be entitled to a return of his premium note, and shall cease to be a member of such company.

28. The board of directors of any such company may invest the capital and funds of the company in shares of any chartered bank, having its head office in Ontario, in mortgages on freehold real estate, municipal debentures, and the public securities of the Dominion or this Province, and may, in the name of the company, recover from any member of such company, in any court of competent jurisdiction, any premium or assessment upon his premium note payable by him.

Investment of capital and funds of the company.

Recovery of assessments.

29. The board of directors of any such company may issue debentures or promissory notes in favour of any person, firm, building society, banking or other company, for the loan of money, and may borrow money therefrom on such debentures or promissory notes for any term not exceeding twelve months, and on such conditions as they may think proper, and may renew the same from time to time for any such term, the whole of the assets, including premium notes of the company being held liable to pay the same at maturity, but no such debenture or promissory note, shall be for a less sum than one hundred dollars, and Provided always all the debentures and promissory notes at any one time outstanding shall not exceed one-fifth of the amount remaining unpaid upon the said premium notes.

Directors may issue debentures and promissory notes for loans.

Assets of the company to be liable for the same.

POLICIES OF INSURANCE.

30. The company may issue policies of insurance for any term not exceeding five years.

Term of policies.

31. No policy of insurance shall be issued by any such company until application shall have been made for insurance, to the extent of two hundred thousand dollars at least, and approved of by the board.

When policies may issue.

Property which may be insured.

32. The company may insure dwelling-houses, stores, shops and other buildings, household furniture, merchandize, machinery, live stock, farm produce, and other commodities, against damage or loss by fire or lightning, whether the same happens by accident or any other means, except that of design on the part of the insured, or by the invasion of an enemy, or by insurrection. 5

Policies to be binding on the company.

33. All policies of insurance issued by the board of directors, sealed with the seal of the company, signed by the president or vice-president, and countersigned by the secretary or acting secretary, shall be binding on the company: Provided that any fraudulent misrepresentation contained in the application therefor, or any false statement respecting the title or ownership of the applicant or his circumstances, or the concealment of any encumbrance on the insured property, or on the land on which it may be situate, or the failure to notify the company of any change in the title or ownership of the insured property, and to obtain the written consent of the company thereto, shall render the policy void, and no claim for loss shall be recoverable thereunder, unless the board of directors in their discretion shall see fit to waive the defect. 10 15 20

Proviso in case of fraud.

Double insurance.

34. If an insurance subsists by the act or with the knowledge of the insured in the company and in any other office at the same time the insurance in the company shall be void, unless the double insurance subsists with the consent of the directors signified by endorsement on the Policy, signed by the secretary or other officer authorized to do so, or otherwise acknowledged in writing. 25

Notification of insurance in another company.

35. Whenever notification in writing shall have been received by a company from an applicant for insurance, or from a person already insured, of his intention to insure, or of his having insured an additional sum on the same property in some other company, the said additional insurance shall be deemed to be assented to, unless the company so notified shall within two weeks after the receipt of such notice, signify to the party in writing, their dissent; and in case of dissent the liability of the insured on the premium note shall cease from the date of such dissent on account of any loss that may occur to such company thereafter, and the policy of the assured shall be void. 30 35 40

Dissent of the company to the additional insurance.

Policy to be void on alienation of property insured.

36. In case any property, real or personal, be alienated by sale, insolvency, or otherwise, the policy shall be void, and shall be surrendered to the directors of the company, to be cancelled, and thereupon the assured shall be entitled to receive his deposit note or notes, upon payment of his proportion of all losses and expenses which had accrued prior to such surrender, but the assignee may have the policy transferred to him, and upon application to the directors such assignee on giving proper security to their satisfaction for such portion of the deposit or premium note as remains unpaid, and with their consent within thirty days next after such alienation may have the policy ratified and confirmed to him, and by such ratification and confirmation, said assignee shall be entitled to all the rights and privileges and be subject to all the liabilities and conditions to which the original party insured was entitled 45 50 55

Assignee may have the policy assigned.

and subject: Provided, however, that in cases where the assignee is a mortgagee, the directors may permit the policy to remain in force, and to be transferred to him by way of additional security, without requiring any premium note from such assignee, or his becoming in any manner personally liable for premiums or otherwise; but in such cases the premium note and liability of the mortgagor in respect thereof shall continue in nowise affected.

37. If any alteration be made in any house or building insured by the proprietor thereof, or if the risk on any house or building or other property insured be increased by any means whatever after the insurance has been made thereon with the company, whereby it is exposed to greater risk or hazard from fire, than it was when insurance was effected, the insurance thereon shall be void, unless previous notice thereof be given in writing and the requisite additional premium note or deposit after such alteration be given or paid to the directors, but no alterations or repairs in buildings not increasing such risk or hazard shall affect the insurance previously made thereon.

Where the premises are altered, or risk increased

PREMIUM NOTES AND ASSESSMENTS.

38. The company may accept promissory or premium notes for insurances, and may issue policies thereon, said notes to be assessed for the losses and expenses of the company in manner hereinafter provided.

Company may accept premium notes.

39. The directors shall demand a part or first payment of a premium note at the time that application for insurance is made, and such first payment shall be in cash, and not less than ten per centum of the premium note, and may be credited upon said premium note or against future assessments.

Part payment may be demanded at the time of application for insurance.

40. All premium notes belonging to the company, shall be assessed under the direction of the board of directors, at yearly intervals at least from their respective dates, for such sums not less than ten per centum of the amount of the premium note, as the directors shall determine, and for such further sums as they may think necessary to meet the losses and other expenditures of said company during the currency of the policies for which said notes were given, and in respect to which they are liable to assessment: and every member of the company or person who has given a premium note shall pay the sums from time to time payable by him to the company during the continuance of his policy, in accordance with such assessment: and any such assessment shall become payable in thirty days after notice of such assessment shall be mailed to such member, or person who has given the premium note, directed to his post office address, as given in his original application, or in writing to the secretary of the company.

Assessment of premium notes.

Proviso—Notice to be given of the assessment.

41. If the assessment on the premium note of any policy, be not paid within thirty days after the day on which the said assessment shall have become due, the policy of insurance for which such assessment shall have been made shall be null and void as respects all claim for losses occurring during the time of such non-payment: Provided always that the said policy

Policy to be void, if any assessment or note is not paid within thirty days.

but shall be revived by subsequent payment.

shall be revived when such assessment shall have been paid, unless the secretary give notice to the contrary to the assessed party in the manner as in this Act provided; but nothing shall relieve the assured party from his liability to pay said assessment or any subsequent assessments, nor shall such assured party be entitled to recover the amount of any loss or damage which may happen to property insured under such policy while such assessment shall remain due and unpaid, unless the board of directors in their discretion shall decide otherwise.

Requisites of notice of assessment.

42. A notice of assessment of any premium note mailed as aforesaid shall be deemed sufficient if it embody the number of the policy, the period over which the assessment extends, the amount of the assessment, the time when and the place where payable.

Assessment, how proportioned.

43. The assessment of premium notes shall always be in proportion to the amount of said premium notes, having regard to the branch or department to which their policies respectively appertain.

Company may sue for assessments on premium notes.

44. If any member or other person, who has given a premium note, shall, for thirty days after notice of assessment shall have been mailed to him in manner aforesaid, neglect or refuse to pay said assessment, the company may sue for and recover the same with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment.

Certificate of the Secretary to be *prima facie* evidence of amount due to the company.

45. Whenever any assessment is made on any premium note given to the company for any risk taken by the company, or as a consideration for any policy of insurance issued, or to be issued by the company, and an action is brought to recover such assessment, the certificate of the secretary of the company, specifying such assessment, and the amount due to the company on such note by means thereof, shall be taken and received as *prima facie* evidence thereof in any court in this Province.

Reserve fund.

46. The company may form a reserve fund, to consist of all moneys which shall remain on hand at the end of each year, after payment of the ordinary expenses and losses of the said company, and for that purpose the board of directors may levy an annual assessment not exceeding ten per centum on the premium notes held by said company, and such reserve fund may from time to time be applied by the directors to pay off such liabilities of the company as may not be provided for out of the ordinary receipts for the same or any succeeding year: Provided that such reserve fund shall be invested either in debentures or other securities of the Dominion of Canada or of this Province or in municipal debentures, or may remain in a chartered Bank in Ontario on deposit at interest.

Annual assessment,

how applied,

how invested.

When premium notes to be returned.

47. Forty days after the expiration of the term of insurance the premium note given for such insurance, shall, on application therefor, be given up to the signer thereof, provided all losses and expenses with which said note may be chargeable shall have been paid.

48. Any Mutual Fire Insurance Company to be incorporated under this Act shall not issue policies otherwise than upon the mutual principle.

PAYMENT OF LOSSES.

49. In case of any loss or damage by fire happening to any member upon property insured with the company, such member shall give notice thereof to the secretary of the company forthwith, and the proofs, declarations, evidences, and examinations, called for by or under the policy, must be furnished to the company within thirty days after said loss, and upon receipt of notice and proofs of claim as aforesaid, the board of directors shall ascertain and determine the amount of such loss or damage.

50. If the party be not satisfied with the determination of the board of directors, all questions as to the value of property damaged or destroyed may be submitted to three disinterested persons as referees, one of whom shall be named by the board, and one by the suffering party, and the third by the two referees, or on their failing to agree in their choice, by the County Judge in the county in which the loss may have taken place, and the decision or award of a majority of them shall be binding.

51. No action or suit either at law or in equity shall be brought against such company upon any policy or contract of insurance granted, or entered into by such company after the lapse of one year, next after the happening of the loss or damage, in respect of which such action or suit is brought, saving in all cases the right of parties under legal disability; and all policies to be issued by such company shall have a condition to this effect endorsed thereon.

52. If upon the trial of such action a greater sum be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against the company with interest thereon from the time such loss or damage would become payable under section of this Act with costs of suit.

53. If no more be recovered than the amount so previously determined upon by the directors, the Plaintiff in the suit shall have judgment for such amount only, and he shall not be entitled to costs against the Defendants, and the Defendants shall be entitled to costs against the Plaintiff, as in the case of a verdict for the Defendant.

54. No execution shall issue against the company upon any judgment until after the expiration of three months from the recovery thereof.

55. Any Justice of the Peace, or any one having lawful authority to administer an oath or affirmation, in any legal proceeding, may examine on oath or solemn affirmation any party or person who comes before him to give evidence touching any loss by fire in which any Mutual Insurance Company is interested, and may administer any oath or affirmation required under this Act.

Directors may retain amount of premium notes. **56.** If there be any loss on property insured by the company, the board of directors may retain the amount of the premium note given for insurance thereof, until the time has expired for which insurance has been made, and at the expiration of said time the insured shall have the right to demand and receive such part of the retained sum as has not been assessed for. 5

BRANCHES OR DEPARTMENTS.

Establishment of branches. **57.** Any mutual company may separate its business into branches or departments, with reference to the nature or classification of the risks, or the localities in which Insurances may be effected. 10

Scale of risks to be made for each branch. **58.** The directors of every such company so separating its business shall make a scale of risks and tariff of rates for each branch, and direct that the accounts of each shall be kept separate and distinct the one from the other. 15

Members to be liable to one branch only. **59.** Members of any such company insuring in one branch shall not be liable for claims on any other branch.

Expenses to be divided between branch proportionately. **60.** All necessary expenses incurred in the conducting and management of such companies shall be assessed upon and divided between the several branches in such proportion as the directors may determine. 20

MISCELLANEOUS PROVISIONS.

61. No member of any Mutual Insurance Company to which this Act may apply shall be liable in respect of any loss or other claim or demand against the company, otherwise than upon and to the extent of the amount unpaid upon his premium note. 25

Treasurer to give security. **62.** The treasurer or other officer having charge of the money of the company, shall give security to the satisfaction of the board of directors in a sum of not less than two thousand dollars for the faithful discharge of his duties. 30

Head office can be changed only by a two-thirds vote. **63.** The present location of head offices of companies in existence, and the original location of head offices of companies hereafter to be formed, shall only be changed by a two-third vote of the members of the company at a special meeting called for that purpose. 35

Suits in division courts where brought. **64.** Any suit cognizable in a division court upon or for any premium note or notes, or any sum assessed or to be assessed thereon, may be entered and tried and determined in the court for the division wherein the head office or any agency of such company is situate. 40

Lands that may be held by the company. **65.** Every Mutual Insurance Company may hold lands, but such lands only as are requisite for the accommodation of the company, in relation to the transaction of their business, or such lands as have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts contracted in the course of their dealings previously to such conveyance, or purchased at sales upon judgments obtained for 45

such debts, and may from time to time sell and convey or lease any such lands.

66. Any lien for the premium note upon lands on which the insured property is situate shall cease to exist after this Act comes into effect.

67. No guarantee capital or fund shall hereafter be raised by any company to which this Act is applicable, nor shall any such company contract with any director or officer thereof for any loan or borrowing of money or credit, and every such attempted loan or borrowing is hereby prohibited and declared void.

68. Any Mutual Fire Insurance Company at present doing business in Ontario, and to which this Act shall apply shall after the first day of July next cease to effect any insurance upon the cash premium or proprietary principle, and by the first day of July in the year 1874 (one thousand eight hundred and seventy four) shall finally close all transactions connected with such cash premium business, and also in respect of any guarantee capital or fund of such company, which guarantee capital or fund shall thenceforth cease to exist.

69. It shall be the duty of the president, or vice-president and secretary of each Mutual Fire Insurance Company, incorporated under this Act, or the Act of the Consolidated Statutes of Upper Canada, entitled, "An Act respecting Mutual Insurance Companies and the amendments thereto," or any special Act, and transacting the business of Fire Insurance in this Province, annually on the first day of January, or within one month thereafter, to prepare, and deposit, in the office of the Secretary and Registrar of this Province, a statement verified by their own oath of the condition of such company, on the 31st day of December, then next preceding, exhibiting the following facts and items in the following form, namely:—

First—The assets of the company, specifying

1. The value of any real estate.
2. The amount of cash on hand and deposited in banks to the credit of the company, naming the banks and amount in each.
3. The amount of cash in company's office and in agents' hands respectively.
4. The amount of any loans or investments, and the nature of the security held therefor, in detail, and what, if any, payment in arrear thereon.
5. The arrears of assessments on premium notes—paid and unpaid—and in respect of the different classes of risks.
6. The amount of premium notes on hand in each branch or class of risk.

Second—The liabilities of the company specifying, —

1. The amount of losses due and yet unpaid.
2. The amount of claims for losses resisted.
3. The amount of losses incurred during the year, including those claimed or reported.
4. The amount of money borrowed, and security given, and from whom, and the interest payable.
5. The amount of all other existing claims against the company.

Third—The income of the company for the preceding year, specifying,—

1. The amount of cash received on premium notes.
2. The amount of premium notes.
3. The amount of interest received. 5
4. The amount of income from all other sources.

Fourth—The expenditure during the preceding year, specifying:—

1. The amount of losses paid during the year, stating how much of the same accrued prior and how much subsequent to the date of the preceding statement, and the amount at which such prior accrued losses were estimated in such preceding statement. 10
2. The amount of expenses paid during the year, in detail, including all payments to officers and agents of the company. 15
3. The amount of taxes,
4. The amount paid for re-insurance.
5. The amount of all other payments and expenditures.

And any company shall further, when required, make prompt and explicit answer in reply to any inquiries in relation to its transactions, which may be required by the Lieutenant-Governor in Council. 20

Any such Mutual Fire Company which fails to make and deposit such statement so verified, or to reply to such enquiry, its president and secretary, shall be subject, respectively, for each offence, to a fine or penalty of \$, to be recovered on behalf of Her Majesty, for the use of this Province. 25

70. The Lieutenant-Governor in Council, whenever he shall deem it expedient, may appoint any one or more qualified persons, not being officers of any other Fire Insurance Company, to examine into the affairs of any Mutual Fire Insurance Company incorporated under this Act, or to which the provisions of this Act apply, and it shall be the duty of the officers or agents of any such company, to cause their books to be opened for the inspection of the person or persons so appointed, and otherwise to facilitate such examinations, and for that purpose such person or persons shall have power to examine, under oath, such officers and agents, and whenever it shall appear from such examination that the assets and financial position of such company are such as not to justify the continuance in business of any such company, the Attorney-General may apply, in a summary manner, on motion to one of the superior courts of law or equity, for an order requiring such company to shew cause why the business of the company should not be closed, and the court shall thereupon proceed to hear the allegations and proofs of the respective parties, and in case it shall appear to the satisfaction of the court that the assets and funds of the company are not sufficient as aforesaid, or that the interests of the public so require, the said court shall decree a dissolution of said company's affairs, and may appoint a receiver, to take possession of, collect and get in the assets and effects of the said company, and otherwise to wind up the affairs thereof. 30 35 40 45 50

71. Such receiver shall have full power, under the authority of the court appointing him, to make all such assessments on the premium notes of said company as may be necessary to pay its debts and claims against it, as the directors would have 55

authority to make, and the notice of assessment may be given in the same manner as is hereinbefore provided, and the said receiver shall have the like rights and remedies upon and in consequence of the non-payment of such assessments as are given to the company or the directors thereof; and such receiver may receive a surrender of any policy of said company, or cancel any policy in all cases where the directors are authorized to receive the surrender of or cancel policies.

72. The court by which such receiver is appointed, may also, upon his application, examine, by a reference or otherwise, as it may deem proper, into the proceedings and acts of said company, and if it shall appear upon such examination that the directors or officers of such company, or any of them, have in any manner misapplied or improperly disposed of the funds, property or effects of such company, it shall be lawful for the Court to order and decree that such persons as may be found guilty of such mis-application or improper disposition, shall pay the amount thereof to such receiver, and to enforce such order or decree by the ordinary process of said court.

73. The provisions of this Act shall, apply to every Mutual Fire Insurance Company doing business in this Province, whether incorporated under the Act of the Consolidated Statutes of Upper Canada, or any special Act of the former Province of Canada, or of Ontario; And also to every other Mutual Fire Insurance Company doing business in this Province, so far as the provisions of this Act can be made applicable to such Company.

This Act to apply to companies formed under previous Acts.

74. After this Act takes effect the Act of the Consolidated Statutes for Upper Canada, intituled, "An Act respecting Mutual Insurance Companies," and all amendments thereto, and all special or other Acts or parts of Acts so far as inconsistent herewith shall be, and the same are hereby repealed, but such repeal shall not affect, defeat, or invalidate any policy, contract, suit, proceeding or other matter, or thing whatsoever made, entered into, pending, existing, or in force at the time of such repeal, but the same shall and may remain and continue as if no such repeal had taken place, but as respects all transactions, regulations, modes of assessment and other matters herein provided for, subsequent to this Act taking effect, the provisions contained herein shall prevail.

Inconsistent Acts repealed but not so as to affect existing rights.

74. This Act shall come into effect on the day of Act when to take effect.
one thousand eight hundred and seventy-three.

BILL.

An Act to consolidate and amend the laws
having reference to Mutual Fire Insur-
ance Companies in the Province of On-
tario.

1st Reading, 14th January, 1873.

Hon. Mr. CROOKS.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies in the Province of Ontario.

WHEREAS it is desirable and expedient to consolidate and amend the several Acts relating to Mutual Fire Insurance Companies in the Province of Ontario; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Preamble.

FORMATION OF NEW COMPANIES.

1. Ten freeholders in any municipality may call a meeting of the freeholders thereof to consult whether it be expedient to establish therein a Fire Insurance Company upon the mutual principle.
2. Such meetings shall be called by advertisement, mentioning the time, and place within the county in which the municipality may be situate, and the object of the meeting; and the said advertisement shall be published for three weeks in one or more of the newspapers published in said county.
3. If thirty freeholders of such municipality are present at such meeting, and a majority of them determine that it is expedient to establish a Mutual Fire Insurance Company, they may elect three persons from among them to open and keep a subscription book, in which the owners of property, moveable or immoveable, within the Province of Ontario, may sign their names, and enter the sums for which they shall respectively bind themselves to effect insurances with the said company.
4. Whenever fifty or more persons, being owners of moveable or immoveable property in the Province of Ontario, shall have signed their names in said subscription book, and bound themselves to effect insurances in said company, which in the aggregate shall amount to two hundred thousand dollars at least, a meeting shall be called, as hereinafter provided.
5. As soon as convenient after the subscription book shall have been completed in manner aforesaid, any ten of the subscribers thereto may call the first meeting of said company, at such time and place within the aforesaid municipality as they shall determine; such meeting shall be called by sending a printed notice by mail, addressed to each subscriber at his or her post office, at least ten days before the day of such meeting, and by advertisement in one or more papers published in the county in which the municipality is situated; said notice and

Meetings to establish companies,--how called.

Advertisement calling such meeting.

Subscription books.

When meeting may be called.

How meeting to be called.

advertisement to contain the object of said meeting, and the time and place at which it shall be held.

Election of directors.

6. At such meeting, the name and style of the company, including the appellations "Fire" and "Mutual," shall be adopted, and a secretary *ad interim* appointed, and a board of not more than fifteen nor less than five directors shall be elected, and the place named in the municipality at which the head office of such company shall be located, and thereupon copies of the resolutions adopting such name or style, and the place of the head office of the company, and of such subscription book and the names of the directors elected, and all such documents being certified as correct under the hands of the chairman and secretary, shall be filed in the office of the Registrar of the County or Riding of the County, within which the municipality is situate; and upon the filing of said documents with such certificate, the several subscribers above named, and all other persons thereafter effecting insurances therein, shall become members of the said company and shall be a body corporate and politic by and under such name so adopted, and which shall not thereafter be changed; and as soon after the aforesaid meeting as convenient, the secretary *ad interim* shall call a meeting of the board of directors, for the election of a president and vice-president from amongst themselves, for the appointment of a secretary, treasurer, or manager, and the transaction of such other business as may be brought before them.

Names of directors to be filed with the Clerk of the Peace.

Thereon the corporation formed.

Meeting of the directors to elect president and officers.

Power to admit members and insure.

7. The company may admit, as a member thereof, the owner of any property, moveable or immovable, and may insure the same whether the owner thereof be or be not a freeholder; and every person admitted a member of said company by such insurance shall be entitled to the like rights, and be subjected to the like liabilities as other members of said company.

GENERAL MEETINGS.

Annual meeting for election of directors.

8. A meeting of the members for the election of directors shall be held in every year, within two months after the thirty-first of December in each year, at such time and place as may be prescribed by the by-laws of the company.

Annual report and statement.

9. At annual meetings, in addition to the election of directors, a report of the transactions of the company for the year which shall have ended on the previous thirty-first day of December, shall be presented and read, together with a full and unreserved statement of its affairs, exhibiting receipts and expenditures, assets and liabilities.

Notice of annual or special meetings.

10. Notice of any annual or special meeting of the members of said company shall be published in one or more newspapers for at least two weeks previous to the day of such meeting; and the Board of Directors may convene at any time a general meeting of the company upon any urgent occasion, giving notice therefor as herein provided.

Members to have votes proportionate to the amount of their insurance.

11. Each member of the company shall be entitled, at all meetings of the company, to the number of votes proportioned to the amount by him insured, according to the following rates that is to say: For any sum under fifteen hundred dollars, one

vote; from fifteen hundred to three thousand dollars, two votes; from three thousand dollars to six thousand dollars, three votes; and one vote for every additional three thousand dollars; but no member shall be entitled to vote while in arrear for any assessment or premium due by him to the company.

ELECTION OF BOARD OF DIRECTORS.

12. The election of directors shall be held and made by such members of the company as shall attend for that purpose in their own proper persons.

Election of directors.

13. The election of directors shall be by ballot.

Mode of election.

14. If at any such election two or more members have an equal number of votes, in such manner that a less number of persons than the whole number to be elected appear to have been chosen directors by a plurality of votes, then the said members of the company shall proceed to elect by ballot, until it is determined which of the persons so having an equal number of votes, shall be the director or directors, so as to complete the whole number of directors to be elected. And the directors shall at their first meeting after any such election, proceed to elect by ballot among themselves, a president and vice-president, and at such election the secretary shall preside.

Case of a tie at an election.

Election of a president and vice-president.

15. The directors shall be members of the company, and insurers therein, for the time they hold office, to the amount of eight hundred dollars at least.

Qualification of directors.

16. The manager of any Mutual Insurance Company may be a director of such company, and may be paid an annual salary, but only under a by-law of the said company.

Manager may be a director. His salary.

17. No agent or paid officer, or person in the employment of any such company, other than the manager, shall be eligible to be elected a director, and shall not be allowed to interfere in the election of directors for such company.

Certain persons not eligible to be elected directors.

18. Three directors shall constitute a quorum for the transaction of business; and in case of an equality of votes at any meeting of the board, the question shall pass in the negative.

Quorum of directors. Equality of votes.

19. Any director disagreeing with the majority of the board at any meeting, may have his dissent recorded, with his reasons therefor.

Directors disagreeing with the majority may record their dissent.

20. If any vacancy happen among the directors during the term for which they may have been elected, by death, resignation, ceasing to have the necessary qualification under the fifteenth section of this Act, insolvency, or by being absent without previous leave of the board from the board for three regular meetings in succession, which shall *ipso facto* create such vacancy, such vacancy shall be filled up for the remainder of the term, by any person duly qualified to be nominated by a majority of the remaining directors, and as soon as may be after the vacancy occurs.

Vacancies in office of director, how filled up.

21. In case an election of directors be not made on the day on which it ought to have been made, the company shall not for

Provision in case of failure

of election of directors on proper day.

that cause be dissolved, but the election may be held on any subsequent day, at a meeting to be called by the directors, or as otherwise provided by the by-laws of the company, and in such case the directors shall continue to hold office till their successors are elected.

5

GENERAL POWERS OF THE BOARD OF DIRECTORS.

Appointment of manager and other officers.

22. The board may from time to time appoint a manager, secretary, treasurer, and such other officers, agents, or assistants as to them may seem necessary; prescribe their duties, fix their compensations or allowances; take such security from them as may be required by this Act for the faithful performance of 10 their respective duties, and remove them and appoint others instead; the board may also adopt a tariff of rates for insurance, and vary the same from time to time, and determine the sum to be insured on any property; they may hold their meetings monthly, or oftener if necessary, for transacting the 15 business of the company; and they shall keep a record of their proceedings.

Board may adopt a tariff of rates.

Meetings of the board.

The board may pass by-laws.

23. The board of directors may, from time to time, make and prescribe such by-laws as to them may appear needful and proper, respecting the funds and property of the company, the 20 duty of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by this Act, the holding of the annual meeting, and all such other matters as appertain to the business of the company, and are not contrary to law, and may from time to time alter and amend the said by- 25 laws, except in cases with regard to which it is provided that any such by-laws shall not be repealed, or where such repeal would affect the rights of others than the members of the company, in any of which cases such by-law shall not be repealed. Every by-law of the board shall be duly entered on the minutes, 30 and when confirmed at any subsequent meeting of the members, shall be held to be and have the same force and effect as a by-law of the company.

When by-laws are not repealable.

When resolution of the board to have the effect of a by-law.

The board to manage the property, &c., of the Company.

24. The board of directors shall superintend and have the management of the funds and property of the company, and of 35 all matters relating thereto, and not otherwise provided for.

Risks that may be insured against.

25. The board of directors may make arrangements with any mutual or other insurance company for the re-insurance of risks on such conditions with respect to the payment of premiums thereon as may be agreed between them. 40

Cancellations of policies.

26. The company shall be at liberty to cancel any policy by giving to the insured notice to the effect that they have cancelled or will cancel the same, by registered letter, signed by the secretary of the company, addressed and sent by mail, postage paid, to the post-office address of the insured, as given by him 45 or her in the application for insurance or subsequent writing to the company, or by giving to the insured, personally, notice in writing, signed by the secretary, or an officer or agent of the company, to such effect; the party insured shall nevertheless be liable to pay his proportion of the losses and expenses of the 50 company to the time of cancelling the policy, and on payment of his proportion of all assessments then payable and to become payable in respect of losses and expenses sustained up to such

the policy ratified and confirmed to him, and by such ratification and confirmation, said assignee shall be entitled to all the rights and privileges and be subject to all the liabilities and conditions to which the original party insured was entitled and subject: Provided, however, that in cases where the assignee is a mortgagee, the directors may permit the policy to remain in force, and to be transferred to him by way of additional security, without requiring any premium note from such assignee, or his becoming in any manner personally liable for premiums or otherwise; but in such cases the premium note and liability of the mortgagor in respect thereof shall continue in nowise affected.

40. If any alteration be made in any house or building insured by the proprietor thereof, or if the risk on any house or building or other property insured be increased by any means whatever after the insurance has been made thereon with the company, whereby it is exposed to greater risk or hazard from fire, than it was when insurance was effected, the insurance thereon shall be void, unless previous notice thereof be given in writing and the requisite additional premium note or deposit after such alteration be given or paid to the directors, but no alterations or repairs in buildings not increasing such risk or hazard shall affect the insurance previously made thereon.

Where the premises are altered, or risk increased.

PREMIUM NOTES AND ASSESSMENTS.

41. The company may accept premium notes or the undertaking of the insured for insurances, and may issue policies thereon; said notes or undertakings to be assessed for the losses and expenses of the company in manner hereinafter provided.

Company may accept premium notes.

42. The directors shall demand a part or first payment of the premium note or undertaking at the time that application for insurance is made, and such first payment may be in cash or by promissory note, and may be credited upon said premium note or undertaking or against future assessments.

Part payment may be demanded at the time of application for insurance.

43. All premium notes or undertakings belonging to the company shall be assessed under the direction of the board of directors, at such intervals from their respective dates, for such sums as the directors shall determine, and for such further sums as they may think necessary to meet the losses and other expenditures of said company during the currency of the policies for which said notes or undertakings were given, and in respect to which they are liable to assessment; and every member of the company or person who has given a premium note or undertaking, shall pay the sums from time to time payable by him to the company during the continuance of his policy, in accordance with such assessment: and any such assessment shall become payable in thirty days after notice of such assessment shall be mailed to such member, or person who has given the premium note or undertaking, directed to his post office address, as given in his original application, or in writing to the secretary of the company.

Assessment of premium notes.

Proviso—
Notice to be given of the assessment.

44. If the assessment on the premium note or undertaking upon any policy be not paid within thirty days after the day on

Policy to be void, if any assessment or

note is not paid within thirty days, but shall be revived by subsequent payment.

which the said assessment shall have become due, the policy of insurance for which such assessment shall have been made shall be null and void as respects all claim for losses occurring during the time of such non-payment: Provided always that the said policy shall be revived when such assessment shall have been paid, unless the secretary give notice to the contrary to the assessed party in the manner as in this Act provided; but nothing shall relieve the assured party from his liability to pay such assessment or any subsequent assessments, nor shall such assured party be entitled to recover the amount of any loss or damage which may happen to property insured under such policy while such assessment shall remain due and unpaid, unless the board of directors in their discretion shall decide otherwise.

Requisites of notice of assessment.

45. A notice of assessment upon any premium note or undertaking mailed as aforesaid shall be deemed sufficient if it embody the number of the policy, the period over which the assessment extends, the amount of the assessment, the time when and the place where payable.

Assessment, how proportioned.

46. The assessment upon premium notes or undertakings shall always be in proportion to the amount of said notes or undertakings, having regard to the branch or department to which their policies respectively appertain.

Company may sue for assessments on premium notes.

47. If any member or other person, who has given a premium note or undertaking, shall, for thirty days after notice of assessment shall have been mailed to him in manner aforesaid, neglect or refuse to pay said assessment, the company may sue for and recover the same with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment.

Certificate of the Secretary to be *prima facie* evidence of amount due to the company.

48. Whenever any assessment is made on any premium note or undertaking given to the company for any risk taken by the company, or as a consideration for any policy of insurance issued, or to be issued by the company, and an action is brought to recover such assessment, the certificate of the secretary of the company, specifying such assessment, and the amount due to the company on such note or undertaking by means thereof, shall be taken and received as *prima facie* evidence thereof in any court in this Province.

Reserve fund.

49. The company may form a reserve fund, to consist of all moneys which shall remain on hand at the end of each year, after payment of the ordinary expenses and losses of the said company, and for that purpose the board of directors may levy an annual assessment not exceeding ten per centum on the premium notes or undertakings held by said company, and such reserve fund may from time to time be applied by the directors to pay off such liabilities of the company as may not be provided for out of the ordinary receipts for the same or any succeeding year: Provided that such reserve fund shall be invested either in debentures or other securities of the Dominion of Canada or of this Province or in municipal debentures, or may remain in a chartered bank in Ontario on deposit at interest.

Annual assessment, how applied, how invested.

When premium notes to be returned.

50. Forty days after the expiration of the term of insurance, the premium note or undertaking given for such insurance, shall,

the policy ratified and confirmed to him, and by such ratification and confirmation, said assignee shall be entitled to all the rights and privileges and be subject to all the liabilities and conditions to which the original party insured was entitled and subject: Provided, however, that in cases where the assignee is a mortgagee, the directors may permit the policy to remain in force, and to be transferred to him by way of additional security, without requiring any premium note from such assignee, or his becoming in any manner personally liable for premiums or otherwise; but in such cases the premium note and liability of the mortgagor in respect thereof shall continue in nowise affected.

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Where the premises are altered, or risk increased.

PREMIUM NOTES AND ASSESSMENTS.

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Part payment may be demanded at the time of application for insurance.

43. All premium notes or undertakings belonging to the company shall be assessed under the direction of the board of directors, at such intervals from their respective dates, for such sums as the directors shall determine, and for such further sums as they may think necessary to meet the losses and other expenditures of said company during the currency of the policies for which said notes or undertakings were given, and in respect to which they are liable to assessment; and every member of the company or person who has given a premium note or undertaking, shall pay the sums from time to time payable by him to the company during the continuance of his policy, in accordance with such assessment: and any such assessment shall become payable in thirty days after notice of such assessment shall be mailed to such member, or person who has given the premium note or undertaking, directed to his post office address, as given in his original application, or in writing to the secretary of the company.

Assessment of premium notes.

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Policy to be void, if any assessment or

note is not paid within thirty days, which the said assessment shall have become due, the policy of insurance for which such assessment shall have been made shall be null and void as respects all claim for losses occurring during the time of such non-payment: Provided always that the said policy shall be revived when such assessment shall have been paid, unless the secretary give notice to the contrary to the assessed party in the manner as in this Act provided; but nothing shall relieve the assured party from his liability to pay such assessment or any subsequent assessments, nor shall such assured party be entitled to recover the amount of any loss or damage which may happen to property insured under such policy while such assessment shall remain due and unpaid, unless the board of directors in their discretion shall decide otherwise.

Requisites of notice of assessment. **45.** A notice of assessment upon any premium note or undertaking mailed as aforesaid shall be deemed sufficient if it embody the number of the policy, the period over which the assessment extends, the amount of the assessment, the time when and the place where payable.

Assessment, how proportioned. **46.** The assessment upon premium notes or undertakings shall always be in proportion to the amount of said notes or undertakings, having regard to the branch or department to which their policies respectively appertain.

Company may sue for assessments on premium notes. **47.** If any member or other person, who has given a premium note or undertaking, shall, for thirty days after notice of assessment shall have been mailed to him in manner aforesaid, neglect or refuse to pay said assessment, the company may sue for and recover the same with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment.

Certificate of the Secretary to be *prima facie* evidence of amount due to the company. **48.** Whenever any assessment is made on any premium note or undertaking given to the company for any risk taken by the company, or as a consideration for any policy of insurance issued, or to be issued by the company, and an action is brought to recover such assessment, the certificate of the secretary of the company, specifying such assessment, and the amount due to the company on such note or undertaking by means thereof, shall be taken and received as *prima facie* evidence thereof in any court in this Province.

Reserve fund. **49.** The company may form a reserve fund, to consist of all moneys which shall remain on hand at the end of each year, after payment of the ordinary expenses and losses of the said company, and for that purpose the board of directors may levy an annual assessment not exceeding ten per centum on the premium notes or undertakings held by said company, and such reserve fund may from time to time be applied by the directors to pay off such liabilities of the company as may not be provided for out of the ordinary receipts for the same or any succeeding year: Provided that such reserve fund shall be invested either in debentures or other securities of the Dominion of Canada or of this Province or in municipal debentures, or may remain in a chartered bank in Ontario on deposit at interest.

When premium notes to be returned. **50.** Forty days after the expiration of the term of insurance, the premium note or undertaking given for such insurance, shall,

on application therefor, be given up to the signer thereof, provided all losses and expenses with which said note or undertaking may be chargeable shall have been paid.

51. Any Mutual Fire Insurance Company to be incorporated Cash policies.
5 under this Act shall not issue policies otherwise than upon the mutual principle.

PAYMENT OF LOSSES.

52. In case of any loss or damage by fire happening to any Notice of loss
member upon property insured with the company, such member shall give notice thereof to the secretary of the company forth-
10 with, and the proofs, declarations, evidences, and examinations, called for by or under the policy, must be furnished to the company within thirty days after said loss, and upon receipt of notice and proofs of claim as aforesaid, the board of directors shall ascertain and determine the amount of such loss or damage,
15 and such amount shall be payable in three months after the receipt by the company of such proofs.

53. If the party be not satisfied with the determination of In cases of
the board of directors, all questions as to the value of property dispute, the
damaged or destroyed may be submitted to three disinterested value to be
20 persons as referees, one of whom shall be named by the board determined by
and one by the suffering party, and the third by the two referees, or on their failing to agree in their choice, by the county arbitration.
judge in the county in which the loss may have taken place, and the decision or award of a majority of them shall be binding.

54. No action or suit either at law or in equity shall be Limitation of
brought against such company upon any policy or contract of suits against
insurance granted, or entered into by such company after the company.
25 lapse of one year, next after the happening of the loss or damage, in respect of which such action or suit is brought, saving This condition
30 in all cases the right of parties under legal disability; and all endorsed upon
policies to be issued by such company shall have a condition to policies.
this effect endorsed thereon.

55. If upon the trial of such action a greater sum be re- Interest and
covered than the amount determined upon by the directors, the cost where
35 party suffering shall have judgment therefor against the com- more is re-
pany with interest thereon from the time such loss or damage covered than
would become payable under section fifty-two of this Act with the directors
costs of suit. determine.

56. If no more be recovered than the amount so previously Costs where
40 determined upon by the directors, the plaintiff in the suit shall no more is
have judgment for such amount only, and he shall not be enti- recovered than
tled to costs against the defendants, and the defendants shall the amount so
be entitled to costs against the plaintiff, as in the case of a ver- determined by
dict for the defendant. directors.

57. No execution shall issue against the company upon any Issue of execu-
judgment until after the expiration of three months from the tion against
45 recovery thereof. company.

58. Any justice of the peace, or any one having lawful Justices of the
authority to administer an oath or affirmation, in any legal pro- Peace may
18—2 swear and ex-

amine witnesses regarding loss.

ceeding, may examine on oath or solemn affirmation any party or person who comes before him to give evidence touching any loss by fire in which any Mutual Insurance Company is interested, and may administer any oath or affirmation required under this Act.

5

Directors may retain amount of premium notes.

59. If there be any loss on property insured by the company, the board of directors may retain the amount of the premium note or undertaking given for insurance thereof, until the time has expired for which insurance has been made, and at the expiration of said time the insured shall have the right to demand and receive such part of the retained sum as has not been assessed for.

10

BRANCHES OF DEPARTMENTS.

Establishment of branches.

60. Any mutual company may separate its business into branches or departments, with reference to the nature or classification of the risks, of the localities in which insurances may be effected.

15

Scale of risks to be made for each branch.

61. The directors of every such company so separating its business shall make a scale of risks and tariff of rates for each branch, and direct that the accounts of each shall be kept separate and distinct the one from the other.

20

Members to be liable to one branch only.

62. Members of any such company insuring in one branch shall not be liable for claims on any other branch.

Expenses to be divided between branch proportionately.

63. All necessary expenses incurred in the conducting and management of such companies shall be assessed upon and divided between the several branches in such proportion as the directors may determine.

25

MISCELLANEOUS PROVISIONS.

64. No member of any Mutual Insurance Company to which this Act may apply shall be liable in respect of any loss or other claim or demand against the company, otherwise than upon and to the extent of the amount unpaid upon his premium note or undertaking.

30

Treasurer to give security.

65. The treasurer or other officer having charge of the money of the company shall give security to the satisfaction of the board of directors in a sum of not less than two thousand dollars for the faithful discharge of his duties.

35

Head office can be changed only by a two-thirds vote.

66. The present location of head offices of companies in existence, and the original location of head offices of companies hereafter to be formed, shall only be changed by a two-third vote of the members of the company at a special meeting called for that purpose.

40

Suits in division courts where brought.

67. Any suit cognizable in a division court upon or for any premium note or undertaking, or any sum assessed or to be assessed thereon, may be entered and tried and determined in the court for the division wherein the head office or any agency of such company is situate.

45

Lands that may be held by the company.

68. Every Mutual Insurance Company may hold lands, but such lands only as are requisite for the accommodation of the

company, in relation to the transaction of their business, or such lands as have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts contracted in the course of their dealings previously to such conveyance, or purchased at sales upon judgments obtained for such debts, and may from time to time sell and convey or lease any such lands.

69. Any lien for the premium note or undertaking upon lands on which the insured property is situate shall cease to exist after this Act comes into effect. Liens on lands for premium notes abolished.

70. No guarantee capital or fund shall hereafter be raised by any company to which this Act is applicable, except as hereinbefore mentioned, nor shall any such company contract with any director or officer thereof for any loan or borrowing of money or credit, and every such attempted loan or borrowing is hereby prohibited and declared void. Loaning or borrowing money.

71. Any Mutual Fire Insurance Company heretofore incorporated and now doing business in Ontario, and to which this Act shall apply, may effect any insurance upon the cash premium principle, for a period not exceeding three years on farm and other non-hazardous property, and for one year or less on any other class of property, but the amount of cash insurances in any one year shall be limited, so that the cash premiums received thereon during any one year shall not be in excess of one-half of the amount of premium notes or undertakings on hand on the thirty-first day of December of the previous year, according to the statement made under the next following section, and all the property and assets of the company, including premium notes or undertakings, shall be liable for all losses which may arise under insurances for cash premiums, and any such company may also create or possess a guarantee capital or fund for such company. Powers of incorporated companies to insure on the cash premium principle.

72. It shall be the duty of the president or manager and secretary of each Mutual Fire Insurance Company, incorporated under this Act, or the Act of the Consolidated Statutes of Upper Canada, entitled, "An Act respecting Mutual Insurance Companies and the amendments thereto," or any special Act, and transacting the business of Fire Insurance in this Province, annually on the first day of January, or within one month thereafter, to prepare, and deposit in the office of the Secretary and Registrar of this Province, a statement verified by their own oath of the condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items in the following form, namely:— Annual statements.

- 45 First, the assets of the company, specifying—
1. The value of real estate;
 2. The amount of cash on hand and deposited in banks to the credit of the company, naming the banks and amount in each;
 - 50 3. The amount of cash in company's office and in agents' hands respectively;
 4. The amount of any loans or investments, and the nature of the security held therefor, in detail, and what, if any, payment in arrear thereon;
 - 55 5. The amount of assessments on premium notes or undertakings unpaid;

- 6. The amount still payable upon premium notes or under takings on hand.
 - 7. Other amounts due the company;
 - Second—The liabilities of the company specifying—
 - 1. The amount of losses due and yet unpaid; 5
 - 2. The amount of claims for losses resisted;
 - 3. The amount of losses incurred during the year, including those claimed but not adjusted;
 - 4. The amount payable for money borrowed, and security given, and interest payable; 10
 - 5. The amount of all other existing claims against the company;
 - 6. The amount covered by policies in force in respect of each class of risk;
 - Third—The income of the company for the preceding year, 15 specifying—
 - 1. The amount of cash received on premium notes;
 - 2. The amount of premium notes or undertakings;
 - 3. The amount of interest received;
 - 4. The amount of income from all other sources; 20
 - Fourth—The expenditure during the preceding year, specifying—
 - 1. The amount of losses paid during the year, stating how much of the same accrued prior and how much subsequent to the date of the preceding statement, and the amount at which such prior accrued losses were estimated in such preceding statement; 25
 - 2. The amount of expenses paid during the year;
 - 3. The amount of taxes;
 - 4. The amount paid for re-insurance; 03
 - 5. The amount of all other payments and expenditures under their appropriate heads;
- And any company shall further, when required, make prompt and explicit answer in reply to any inquiries in relation to its transactions, which may be required by the Lieutenant-Governor in Council. 35
- Any such Mutual Fire Company which fails to make and deposit such statement so verified, or to reply to such enquiry, its manager and secretary shall be subject, respectively, for each offence, to a fine or penalty of fifty dollars, to be recovered on behalf of Her Majesty, for the use of this Province; and it shall be the duty of the Provincial Secretary to publish a synopsis of such returns, as well as the names of such companies which have not made returns, in the *Ontario Gazette*, on or before the first day of March in each year. 45
- 73.** The foregoing section and all the provisions thereof shall also apply to every Fire Insurance Company, by whatever authority incorporated, and now or any time hereafter transacting the business of Fire Insurance in this Province.
- 74.** The Lieutenant-Governor in Council, whenever he shall deem it expedient, may appoint any one or more qualified persons, not being officers of any other Fire Insurance Company, to examine into the affairs of any Mutual Fire Insurance Company, incorporated under this Act, or to which the provisions of this Act apply, and also into the affairs of any other Mutual Insurance Company doing business in this Province; and it shall be the duty of the officers or agents of any

Companies to reply to inquiries of Lt.-Gov. in Council.

Penalty for not replying.

Previous section to apply to all Fire Ins. Coys.

Lt.-Governor in Council may appoint persons to examine into the affairs of Mutual Insurance Companies.

such company to cause their books to be opened for the inspection of the person or persons so appointed, and otherwise to facilitate such examinations; and for that purpose such person or persons shall have power to examine, under oath, such officers and agents; and whenever it shall appear from such examination that the assets and financial position of such company are such as not to justify the continuance in business of any such company, the Attorney-General may apply, in a summary manner, on motion to one of the superior courts of law or equity, for an order requiring such company to shew cause why the business of the company should not be closed; and the court shall thereupon proceed to hear the allegations and proofs of the respective parties, and in case it shall appear to the satisfaction of the court that the assets and funds of the company are not sufficient as aforesaid, or that the interests of the public so require, the said court shall decree a dissolution of said company's affairs, and may appoint a receiver, and take possession of, collect and get in the assets and effects of the said company, and otherwise to wind up the affairs thereof.

Proceedings to close companies whose affairs are in an unsatisfactory condition.

75. Such receiver shall have full power, under the authority of the court appointing him, to make all such assessments on the premium notes or undertakings held by the said company as may be necessary to pay its debts and claims against it, as the directors would have authority to make; and the notice of assessment may be given in the same manner as is hereinbefore provided; and the said receiver shall have the like rights and remedies upon and in consequence of the non-payment of such assessments as are given to the company or the directors thereof; and such receiver may receive a surrender of any policy of said company, or cancel any policy in all cases where the directors are authorized to receive the surrender of or cancel policies.

Powers and rights of the receiver appointed by the Court.

76. The court by which such receiver is appointed, may also, upon his application, examine, by a reference or otherwise, as it may deem proper, into the proceedings and acts of said company, and if it shall appear upon such examination that the directors or officers of such company, or any of them, have in any manner misapplied or improperly disposed of the funds, property or effects of such company, it shall be lawful for the court to order and decree that such persons as may be found guilty of such misapplication or improper disposition, shall pay the amount thereof to such receiver, and to enforce such order or decree by the ordinary process of said court.

Examination into improper conduct of directors.

77. The provisions of this Act shall apply to every Mutual Fire Insurance Company doing business in this Province and incorporated under the Act of the Consolidated Statutes for Upper Canada, or any special Act of the former Province of Canada, or of Ontario.

This Act to apply to companies formed under previous Acts.

78. After this Act takes effect the Act of the Consolidated Statutes for Upper Canada, intituled, "An Act respecting Mutual Insurance Companies," and all amendments thereto, and all special or other Acts or parts of Acts so far as inconsistent herewith shall be, and the same are hereby repealed, but such repeal shall not affect, defeat or invalidate any policy, contract, suit, proceeding or other matter, or thing whatsoever made, entered into, pending, existing, or in force at the time of

Inconsistent Acts repealed but not so as to affect existing rights.

such repeal, but the same shall and may remain and continue as if no such repeal had taken place, but as respects all transactions, regulations, modes of assessment and other matters herein provided for, subsequent to this Act taking effect, the provisions contained herein shall prevail.

5

Act when to
take effect.

19. This Act shall come into effect immediately after the passing thereof.

No. 18.
2nd Session, 2nd Parliament, 36 Victoria, 1873.

An Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies in the Province of Ontario.

(Reprinted as amended by Select Committee.)

First Reading, 4th January, 1873.
Second Reading, 24th January, 1873.

Hon. Mr. CROOKS.

TORONTO:

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SCHEDULE OF AMENDMENTS TO BILL (No. 19).

Respecting Municipal Institutions in the Province of Ontario.

Page 5. Clause 15, line 5. For "three" read ["two."]

Page 7. Clause 20a. [The council of any town which has withdrawn from a county, or union of counties, may, after the expiration of ten years from such withdrawal, pass a by-law, to be assented to by the electors in manner provided for by this Act in respect of by-laws for creating debts to re-unite with such county or union of counties: Provided that the said by-law shall have no effect unless ratified and confirmed by the council of the county or union of counties from which the said town had previously withdrawn, within six months after the passing of the said by-law, and unless the terms and conditions which the town shall pay, perform, or be subject to, shall have been previously agreed upon or settled in manner following, that is to say—Before the said by-law shall be confirmed by the council of the county, the councils of the town and county shall determine by agreement the amounts of the debts of the town and county respectively which shall be paid or borne by the county after the re-union, or what amount shall be payable by a special rate to be imposed upon the rate-payers of the town, on and above all other county rates, and all other matters relating to property, assets, or advantages consequent upon such re-union, and as affecting the county or town respectively, and such other terms or conditions as may appear just shall be settled by such agreement; and in default of such agreement being come to within three months after the passing of the by-law by the council of the town, then the said matters shall be settled by arbitration, as provided by this Act.]

Page 8. Sect. 24. (Add to Sect.) :—

[And in case it should be deemed advisable by the council of any county in which any township is situate that any portion of such township should be separated and erected into a new township, then such council may by by-law order such separation and erection into a new township, and thereafter such separated portion shall become and be a township to all intents and purposes.]

Page 10. Clause 38 :—

Substitute the following after "gaol," in line 43, ["such council, and the council of the senior or remaining counties, may enter into an agreement for the settlement of their joint liabilities and the disposition of their joint assets (other than real estate), and for determining the balance or amount that may be due by the one county to the other, and the times of payment thereof; and in determining such balance the senior or remaining counties shall assume the debts of the union, and the junior county be charged with such part thereof as may be

just, and the value of the real estate, which, upon the separation, becomes the property of the senior or junior county respectively, shall also be taken into account, and any improvement effected by the union which either county gets the exclusive benefit of.”]

Pages 10 and 11. Clause 40:—

To read, [“ In case the councils, within one month after their separation, are unable to determine by agreement the several matters hereinbefore mentioned with respect to their debts, assets and property, such matters shall be settled between them by arbitration under this Act, and the county found liable shall pay to the other county the balance or amount agreed or settled to be due by such county, and such amount shall bear interest at six per cent. per annum from the day on which the union is dissolved, and shall be provided for, like other debts, by the council of the county liable therefor after separation.”]

Page 11. Clause 41. After “ sum,” in line 21, insert [“ if any.”]

Page 11. Clause 42, line 48. For “ in the absence of any agreement,” read [“ if not otherwise disposed of by agreement or arbitration.”]

Page 16. Clause 65, line 39. After “ consist of,” insert [“ the mayor, who shall be the head thereof.”] Strike out “ one of whom shall be mayor,” line 40.

Page 17. Clause 68. After “ councillors,” in line 19, insert [“ one councillor being elected for each ward where the township is divided into wards.”]

Page 18. Clause 74. For “ any,” in line 43, read [“ such.”]

Page 19. Clause 74. After “ saloon-keeper,” line 2, insert [“ or shopkeeper licensed to sell spirituous liquors by retail; no person who has not paid, on or before the fourteenth day of December next preceding the nomination, all municipal taxes due by him, no person holding any office in Her Majesty’s Customs, or in the Internal Revenue or Excise Department.”]

Page 20. Clause 76. Add at end of Clause:—

[“ And in cities, towns, and incorporated villages, and in townships that may pass by-laws requiring this to be done, the electors shall also have paid all municipal taxes due by them respectively, on or before the fourteenth day of December next preceding the election.”]

Page 20. Clause 77. In line 27, for “ five,” read [“ four.”]

Page 20. Clause 79. After line 40, read [“ but in the case of mayor of cities, mayor, reeve or deputy-reeve of towns, the election is limited to one vote.”]

Page 20. Clause 80. After “ divisions,” line 42, read [“ or wards;”] after “ division,” line 43, read [“ or ward.”]

Page 22. Clause 88. Line 10, after “ divisions,” insert [“ or wards.”]

Page 22. Clause 89. Line 12, after "general vote," insert ["except in townships divided into wards."]

Page 22. Clause 89a. New clause as follows:—

["In case a majority of the qualified electors of a township on the last revised assessment roll do petition the council of the township to divide the township into wards, or to abolish or alter any then existing division into wards, the council shall, within one month thereafter, pass a by-law to give effect to such petition; and if such petition is for division into wards, shall divide such township into wards, having regard to the number of electors in each ward, being as nearly equal as may be, and the number of wards shall be four in all cases; and where the township is divided into wards, and is entitled to one or more deputy-reeves, the councillors shall, at their first meeting, elect from amongst themselves such deputy-reeve or reeve."]

Page 23. Clause 97. In line 25, after "vote," insert ["(and if tendering his vote for mayor, reeve or deputy-reeve), that he has not voted before or elsewhere in the municipality for the election of mayor, reeve or deputy-reeve (as the case may be)."]

Page 23. Clause 98. In line 42, after "vote," insert ["(and if tendering his vote for mayor, reeve or deputy-reeve), that he has not voted before or elsewhere in the municipality for the election of mayor, reeve or deputy-reeve (as the case may be)."]

Page 24. Clause 100. To read, ["A meeting of the electors shall take place for the nomination of candidates for the office of mayor in cities, and for mayor, reeve and deputy-reeves in towns, at the hall of the municipality, on the last Monday in the month of December annually, at ten of the clock in the forenoon."]

Page 24. Clause 101. Line 20, for "town-clerk," read ["clerk of the municipality."]

Page 24. Clause 102. Line 31, strike out ["but one."]

Page 24. Clause 103. Line 34, after "towns," insert ["and in townships divided into wards."]

Page 25. Clause 104. For clause 104 read, ["At the said meetings, the person or persons to fill each office shall be proposed and seconded *seriatim*; and if no other candidate but one for any particular office is proposed, the clerk or other chairman shall, after the lapse of one hour from the time fixed for holding the meeting, declare such candidate duly elected for such office. But if two or more candidates be proposed for any particular office, and if a poll, &c. (as in clause) after 'proceedings,' in line six, 'for filling each such office.'"]

Page 25. Clause 106. [At the nomination meeting, any person proposed for one or more offices may resign, or elect for which office he is to remain nominated; and in default, he is to be taken as nominated for the office in respect of which he was firstly proposed and seconded] (and continue clause from line 18).

Page 25. Clause 107. Add to clause :—
 [And in cities, towns and incorporated villages, and in townships which have passed by-laws requiring this to be done, shall exclude from such list such persons as shall have been returned to him by the treasurer, as in default for not having paid their municipal taxes respectively on or before the fourteenth day of December preceding the election.]

Page 26. Clause 112. After "clerk," in line 21, insert ["of the municipality."]

Page 27. Clause 116. Strike out from line 3 after "polled" to end of clause. Clauses 118, 119, strike out.

Page 28. Clause 125. Begin clause, strike out line 15 and insert, instead, ["In case no return be made for one or more wards or electoral divisions, in consequence of non-election, owing to interruption by riot or other cause, or in case"] (continue as in line 16). Line 25, add ["s"] to "officer."

Page 28. Clause 128. Line 43, after "shall" insert ["appoint a time and place for the nomination of candidates, and, in case a poll be demanded, shall at least four days before such polling"] (and continue as in clause to end).

Page 35. Clause 164. Strike out in line 19 all after "person."

Page 36. Clause 167. In line 2, for "two" read ["eleven."] Line 3, for "after" read ["fore."]

Page 36. Clause 170. Line 18, after "county" add ["or township,"] after "city" add ["town or incorporated village."] Line 21, after "city" add ["town or incorporated village."]

Page 36. Clause 172 (a) new. [The mayor or other head of any city, town or incorporated village may be paid such annual sum or other remuneration as the council of the municipality may determine.]

Page 38. Clause 186. Line 28, for "by-law" read ["resolution."]

Page 39. Clause 186. Line 1, for "by-law" read ["resolution."]

Page 39. Clause 189. Line 35, for "January" read ["March."]

Page 40. Clause 189. Insert item 37 after item 30 in line 25.

Page 40. Clause 190. For "February," line 42, read ["April."]

Page 40. Clause 191. For "February," line 51, read ["April."]

Page 40. Clause 191. After "city," line 50, insert ["and town separated from a county."] After "city," line 52, insert ["or town."]

Page 41. Clause 196. Add to clause ["and in cities towns and incorporated villages, and in townships which have passed by-laws requiring this to be done, the treasurer shall, on or be-

fore the 20th day of December in each year, prepare and transmit to the clerk of the municipality a list of such persons, who shall not have paid their municipal taxes on or before the 14th day of said month of December.]

Pages 41 and 42. Clause 198. Expunge from "but the," on line 3, page 42, to "municipality," inclusive, on line 6.

Page 42. Clause 198. Add to clause, ["and in cities, towns, and incorporated villages it shall be the duty of the collectors, on the 15th day of December in each year, upon oath to return to the treasurer the names of all persons who have not paid their municipal taxes on or before the fourteenth day of the said month of December."]

Page 42. Clause 198 (a), new. ["In cities and towns the council, instead of appointing assessors under the foregoing section, may appoint an assessment commissioner, who in conjunction with the mayor for the time being shall, from time to time, appoint such assessors and valuers as may be necessary, and such commissioner, assessors and valuers shall constitute a board of assessors, and shall possess all the powers and perform the duties of assessors appointed under the last preceding section; and the council shall also have power by by-law to determine the number of collectors to be appointed and prescribe their duties, and may by by-law require the payment of taxes to be made into the office of the treasurer by a day to be named, and in default may in said by-law impose an additional percentage charge on every unpaid tax or assessment which shall be added to such unpaid tax or assessment, and collected by the collectors as if the same had originally been imposed and formed part of such unpaid tax or assessment, and any assessor or collector to be appointed by any city or town need not be appointed annually, but shall hold office at the pleasure of the council, and any city or town availing itself of this provision for the current year may extend the time for the return of the assessment rolls till the first day of April, and for closing the Court of Revision till the fifteenth day of September next, and for final return by the Judge of the County Court till the first day of October next."]

Page 43. Clause 206 (a) new. ["The council may also appoint in cities and towns an auditor, who shall, daily or otherwise as directed by the council, examine and report and audit the same in conformity with any regulation or by-law of the council, and in other municipalities the auditors shall also monthly or quarterly, as directed by by-law, examine into and audit the accounts of the corporation."]

Page 43. Clause 207. Line 14, for "may" read ["shall;"] line 16, strike out "and personal;"; line 15, insert "within the county" after "property" in line 16; line 17, for "as" read ["in the manner;"] line 17, after "ascertain" insert ["in every fifth year at furthest.]"

Page 45. Clause 217 (a). Line 33, read ["twenty"] for "fifteen;"; line 34, after incapable "through old age," add the following to clause 216 as follows: ["and no municipal council shall assume to make any appointment to office, or any arrangement for the discharge of the duties thereof, by tender, or to applicants at the lowest remuneration."]

Page 55. Clause 245 (a). Line 15, strike out ["equal."]

Page 55. Clause 246. Strike out [or expunge.]

Page 58. Clause 255. Add to clause, line 11, after "establishment," ["or whole or in part;"] on line 12, after "years" ["and to renew this exemption for a further period not exceeding five years."]

Page 61. Clause 266. Line 16, after "Dominion" insert ["municipal debentures."] Strike out lines 22 and 23, and after "invested," line 24, add ["shall not."]

Page 61. Clause 267. At end of clause add ["or may by by-law grant any portion of such moneys or other general funds by way of gift to aid poor school sections within the municipality."]

Page 63. Clause 278. Line 29, for "ten" read ["twenty;"], line 34, after "and" ["town or either"] for "either;" line 35 read ["any."]

Page 68. Clause 298 (a), new. Read as follows: ["The council of every municipality may authorize its head, with the treasurer thereof, under the seal of the corporation, to borrow from any person or bank such sums as may be required to meet the then current expenditure of the corporation until such time as the taxes levied therefor can be collected, and the council shall by by-law regulate the amounts to be so borrowed and the promissory note or notes to be given in security therefor."]

Page 69. Clause 309. Expunge.

Page 69. Clause 310. Amend by adding after "mayor," ["reeve, alderman."]

Page 70. Clause 312. For "fourteen," in fifth line, read ["thirty."]

Page 78. Clause 356. Add at the end ["whose salaries shall be fixed by the county council, subject to the revision or requirement of the Inspector of Prisons."]

Page 82. Clause 368, sub. sec. five. Amend as follows: ["For granting aid by way of bonus for the promotion of manufactures within its limits, by granting such sum or sums of money to such person or body corporate, and in respect of such branch of industry as the said municipality may determine upon; and to pay such sum, either in one sum or in an annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said municipality may deem expedient, and may take security therefor: Provided however that no such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts: Any municipality granting such aid, may take and receive of and from such person or body corporate that may receive any such aid security for the compliance with the terms and conditions upon which such aid may be given."]

Page 83. Sub-sect. 14 of sect. 368. For "subject," line 21 read ["accordinging."]

Page 86. Clause 375. Line 32, after "municipality" insert ["but not within any city, town or incorporated village,"] and at the end of this-sub sect. add ["and the trustees of any burial ground may agree for the sale or transfer thereof to the municipality which may desire to acquire the same, and in cases where such grounds have not been used for burials the municipality may dispose thereof, and acquire other ground instead thereof."]

Page 86. Blank, in lines 5 and 7, to be filled with ["four hundred."] After "billiard" insert in title ["and bagatelle,"] and in lines 11, 12, 13 and 15, after "billiard" insert ["or bagatelle."]

Page 89. After sub-division (27) insert ["27a.] For seizing and forfeiting bread or other articles when of light weight, short measurement, or."]

Page 92. Sub-section 10. In line 21, after "out" insert ["and shall also fix the fees to be paid him by persons attending the said fair."]

Page 93. Sub-section 7. Line 12, after the word "grains" insert ["wood."]

Page 88. Clause 375. Insert after sub-section 18, ["shade trees. For allowing to any person who shall plant any fruit trees, or any trees, shrubs or saplings, suitable for affording shade on any highway within the municipality, in abatement of statute labour or out of the general fund, a sum of not less than twenty-five cents for every tree so planted, provided also that no allowance shall be made unless such trees have been planted at least two years previous to a demand for such allowance and are living and well protected from animals at the time of such demand.]"

Page 89. Clause 376. Line 41, after "thereby" add ["or upon its own motion."]

Page 90. Clause 377, sub-section 2. Line 8, after "at large" insert ["or trespassing."]

Page 95. Clause 380. Add to sub-section 42, the following ["and in case of non-payment to charge such expense as a special assessment against such premises, to be recovered in like manner as other municipal rates."]

Page 96. Sub-section 54. In line 42, strike out "less than one year" and insert ["temporary"] before "period."

Page 96. After sub-section 54, add the following: ["user of streets."]

55. For regulating the conveyance of traffic in the public streets, and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares, or merchandise.

Page 97. Clause 301, sub-section 6, ["and also for prohibiting the erection or placing of buildings, other than with main walls of brick, iron or stone, and roofing of incombustible material within defined areas of the city or town, and for authorising the pulling down or removal at the expense of the owner thereof, of any building or erection, which may be construed in contravention of any by-law."]

Page 98. Sub-section 12. Line 1, read for "person" ["Provincial Land Surveyor,"] and expunge all after "Surveyor" in line 2.

Page 100. Clause 389, (a) new. ["It shall be lawful for the council of the county to pay the registrar of the county or riding within the county, for the entries made in the Abstract Index Book, notwithstanding the number may exceed twenty thousand, any former Act to the contrary notwithstanding."]

Page 101. Clause 391. Sub-section 4. For disqualifying any elector from voting at municipal elections who has not paid all municipal taxes, due by him on or before the fourteenth day of December next, preceding the election.

Page 102. Clause 394. After "roads," line 35, insert ["and."]

Page 103. Clause 398. Line 30, for "five," read ["two."]

Page 103. Line 31, after "highway," read ["which is in continuation of a county road."]

Page 103. Clause 400. Line 50, for "five," read ["two."]

Page 104. Clause 401. Strike out all after "county," in line 1, page 104.

Page 103. Clause 401. After "forming," in line 6, insert ["or crossing boundary lines between two municipalities (other than in case of a city or separated town) within the county,"] and expunge in line 6, the words "township or county boundary lines," in line 8, after "between," insert "two counties or," and in line 9, after of the ["counties or"] and after "city," insert ["respectively."]

Page 105. Clause 410. Expunge lines 43 and 44, and insert instead ["unless the council, in addition to compensation, shall also provide for the use of such person some other convenient road or way of access to his said lands or residence."]

Clause 411, "expunge."

Page 106. Clause 412. Line 1, for "lane," read ["street,"] line 2, for "30," read ["sixty-six,] unless with the permission of the council of the county in which the municipality is situate," and add to clause ["and no highway or street shall be laid out by any owner of land of a less width than 66 feet, without the consent of the council of the municipality."]

Page 106. Clause 414. Sub-section 1, add at end ["and also for permitting subways for cattle, to be made under any highway."]

Page 110. Clause 429. Line 35, for "five," read ["two."]

Page 111. Clause 429, sub-section 4, add at end of section ["and also for guaranteeing the debentures of any municipality within the county, as the council may deem expedient."]

Page 120. Clause 462. Line 16, amend for "rateable property," read ["assessed real property,"] line 19, for "ratable," read ["real,"] after "therein," insert ["according to the frontage thereof,"] and add to the clause at the end thereof ["and the council may, also, by by-law, define certain areas or sections within the municipality in which the streets should be watered, 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 watering such streets."]

Page 126. Clause 498. Fill up blank, ["one cent in the dollar, on the assessed value of such property."]

AMENDMENTS TO THE DRAINAGE CLAUSES IN THE MUNICIPAL ACT.

Page 113. Lines 32 and 33, strike out "other competent person," insert ["Provincial Land Surveyor."]

Page 114. Line 3, strike out "other competent person," insert ["surveyor."]

Page 114. Line 4, strike out "person," insert ["surveyor."]

Page 114. Line 6, strike out "person," insert ["surveyor."]

Page 114. Line 17, strike out "ten," insert ["fifteen."]

Page 114. Lines 23 and 24, strike out words "including a sinking fund for the payment of the principal thereof."

Page 115. Lines 16 and 17, strike out "in the same manner as nearly as may be as a by-law is promulgated under this Act," insert ["once or oftener in every four weeks in some newspaper in the municipality, or if no newspaper be published therein, then in some newspaper published in the nearest municipality in which a newspaper is published, together with a notice that any one intending to apply to have such by-law, or any part thereof, quashed, must, within ten days after the final passing thereof, serve a notice in writing upon the reeve or other head officer, and upon the clerk of the municipality, of his intention to make application for that purpose to one of Her Majesty's superior courts of law at Toronto, during the term next ensuing the final passing of the by-law, and the council shall, at least three weeks before the final passing of the by-law, post up conspicuously a copy thereof, and of the said notices at four or more of the most public places of the municipality."]

Page 115. Lines 17 and 18, between these lines, insert the following: 437a ["In case no such notice of intention to make application to quash a by-law be served within the time limited for that purpose in the preceding section, the by-law

shall, notwithstanding any want of substance or form, either in the by-law itself or in the time and manner of passing the same, be a valid by-law.”]

Page 115. Line 20, strike out “other person,” insert [“surveyor.”]

Page 115. Line 27, strike out “other person,” insert [“surveyor.”]

Page 115. Line 30, strike out “other person,” insert [“surveyor.”]

Page 115. Lines 32, 33, 34, strike out these three lines.

Page 115. Lines 40, 46, strike out “other person,” insert [“surveyor.”] in each case.

Page 116. Lines 1, 2, strike out “other competent person,” insert [“surveyor.”]

Page 116. Lines 8, 9, strike out “other competent person,” insert [“surveyor.”]

Page 116. Line 19, strike out “ten,” insert [“twenty.”]

Page 116. Lines 31, 32, strike out “other person,” insert [“surveyor.”]

Page 116. Lines 43, 44, strike out “other competent person,” insert [“surveyor.”]

Page 117. Line 8, after the word “engineer,” insert [“or surveyor.”]

Page 117. Line 19, after the word “engineer,” insert the word [“surveyor.”]

Pages 117 and 118. Strike out sections from 449 to 457, both inclusive.

[“**449.** Should any dispute arise between individuals, or between individuals and a municipality, or company, or between a company and municipality, or between municipalities, as to damages alleged to have been done to the property of any municipality, individual, or company, in the construction of drainage works, or consequent thereon, then the municipality, company, or individual complaining, may refer the matter to arbitration, as provided in this Act; and the award so made shall be binding on all parties.”]

[“**450.** In case any person should find it necessary to continue an under-drain 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, refuse 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 by the fence viewers, in the same manner as disputes within the Fence Viewers Act, and their award shall be final."]

Clause 436 a. Such by-law shall (*mutatis mutandis*) be in the form or to the effect following :—

A by-law to provide for draining parts of (*or* for the deepening of in, *as the case may be*) the Township of and for borrowing, on the credit of the municipality, the sum of for completing the same.

Provisionally adopted; the day of A.D.

Whereas a majority in number of the owners as shewn by the last revised assessment roll to be resident on the property hereinafter set forth, to be benefited by the drainage (*or*, deepening, *as the case may be*), have petitioned the council of the said Township of praying that (*here set out the purport of the petition, describing generally the property to be benefited.*)

And whereas, thereupon the said council procured an examination to be made by being a person competent for such purpose, of the said locality proposed to be drained (*or* the said stream, creek or watercourse proposed to be deepened, *as the case may be*), and has also procured plans and estimates of the work to be made by the said and an assessment to be made by him of the real property to be benefited by such drainage (*or* deepening, *as the case may be*), stating, as nearly as he can, the proportion of benefit which, in his opinion, will be derived in consequence of such drainage (*or* deepening, *as the case may be*), by every road and lot or portion of lot, the said assessment so made, and the report of the said in respect thereof, and of the said drainage (*or* deepening, *as the case may be*) being as follows : (*here set out the report and assessment of the engineer or surveyor employed.*)

And whereas the said council are of opinion that the drainage of the locality described (*or*, the deepening of such stream, creek, or water course, *as the case may be*) is desirable.

Be it therefore enacted by the said Municipal Council of the said Township of , pursuant to the provisions of an Act of the Legislature of Ontario, passed in the thirty-sixth year of Her Majesty's reign, chapter .

1st. That the said report, plans, and estimates be adopted, and the said drain (*or* deepening, *as the case may be*), and the works connected therewith, be made and constructed in accordance therewith.

2nd. That the Reeve of the said Township may borrow on the credit of the Corporation of the said Township of the sum of being the funds necessary for the work, and may issue debentures of the corporation to that amount, in sums of not less than one hundred dollars each, and payable within years from the date thereof, with interest at the rate of per centum per annum, that is to say, in (*insert the manner of payment, whether in annual payments or otherwise*) such debentures to be payable at , and to have attached to them coupons for the payment of interest.

3rd. That for the purpose of paying the sum of (\$475.00.) being the amount charged against the said lands so to be benefited as aforesaid, other than lands (*or* roads, *or* lands and roads) belonging to the municipality, and to cover interest

thereon for _____ years, at the rate of (five) per cent. per annum, the following special rates, over and above all other rates, shall be assessed and levied (in the same manner and at the same time as taxes are levied) upon the undermentioned lots and parts of lots; and the amount of the said special rates and interest assessed as aforesaid against each lot or part of lot respectively shall be divided into _____ equal parts, and one such part shall be assessed and levied as aforesaid, in each year, for _____ years after the final passing of this by-law, during which the said debentures have to run.

Concession.	Lot or Part of Lot.	Acres.	Value of Improvement.	To cover Interest for (10) years at (5) per cent.	Total Special Rate.	Annual Assessment during each year for (10) years.
9	5	200	\$ cts. 75 00			
9	S $\frac{1}{2}$ 6	100	50 00			
9	N $\frac{1}{4}$ 6	50	30 00			
10	S W $\frac{1}{4}$ 8	100	80 00			
10	9	200	150 00			
10	S $\frac{1}{2}$ and N $\frac{1}{4}$ 10	150	90 00			
Chargeable to Municipality for roads (or lands, or roads and lands)			475 00			
			120 00			
			595 00			

4th. For the purpose of paying the sum of \$120, being the total amount assessed as aforesaid against the said roads (or lands, or roads and lands) of the said municipality, and to cover interest thereon for _____ years, at the rate of (five) per cent. per annum, a special rate of _____ in the dollar, shall, over and above all other rates, be levied (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the said Township of _____, in each year for the period of _____ years, after the date of the final passing of this by-law, during which the said debentures have to run.

436b. In the event of the assessment being altered by the court of revision or judge, the by-law shall, before being finally passed, be amended so as to correspond with such alteration by the court of revision or judge, (or as the case may be).

An Act respecting Municipal Institutions in the
Province of Ontario.

IN order to amend and consolidate the Acts respecting
Municipal Institutions.

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

Interpretation.

- 5 **1.** Unless otherwise declared or indicated by the context, ^{Interpretation} whenever any of the following words occur in this Act, the ^{of words.} meanings hereinafter expressed attach to the same, namely:
- 10 (1.) "Municipality,"—any locality the inhabitants of which are incorporated or are continued, or become so under this Act. ^{"Municipal-"}
- (2.) "Council,"—the Municipal Council or Provisional Muni- ^{"Council."}
cipal Council, as the case may be.
- 15 (3.) "County,"—County, Union of Counties or United Coun- ^{"County."}
ties, or Provisional County, as the case may be.
- (4.) "Township,"—Township, Union of Townships or United ^{"Township."}
Townships, as the case may be.
- 20 (5.) "Land," "Lands," "Real Estate," "Real Property,"—res- ^{"Land."}
pectively, include lands, tenements and hereditaments, ^{"Real Estate."}
and all rights thereto and interests thereon.
- (6.) "Highway," "Road" or "Bridge,"—a Public Highway ^{"Highway."}
Road, or Bridge, respectively. ^{"Road."}
^{"Bridge."}
- 25 (7.) "Electors,"—the persons entitled for the time being to ^{"Electors."}
vote at any Municipal Election, or in respect of any By-
law, in the Municipality, Ward, Electoral Division, or
Police Village, as the case may be.
- 30 (8.) "Reeve" includes the Deputy Reeve or Deputy Reeves ^{"Reeve."}
when there is a Deputy Reeve for the Municipality,
except in so far as respects the office of a Justice of the
Peace.
- (9.) The words "next day" are not to apply to or include ^{"Next day."}
Sunday or Statutory Holidays.
- 35 (10.) "Governor,"—the Lieutenant-Governor or other Ad- ^{"Governor."}
mistrator of the Government of Ontario. *Vide* 29-30
V., c. 51, s. 422.

PART .

OF MUNICIPAL ORGANIZATION.

TITLE I.—INCORPORATIONS.

TITLE II.—NEW CORPORATIONS.

TITLE I.—INCORPORATION.—*Sec. 2-7.*

Municipal
Corporations
continued.

2. The inhabitants of every county, city, town, village, township, union of counties, and union of townships incorporated at the time this Act takes effect, shall continue to be a body corporate, with the municipal boundaries of every such corporation respectively then established. 29-30 V., c. 51, s. 1. 5

Heads, officers,
by-laws, &c.,
continued.

3. The head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of every municipal corporation, when this Act takes effect, shall be deemed the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of such corporation, as continued under and subject to the provisions of this Act. 29-30 V., c. 51, s. 3. 10

Names of
municipal
corporations.

4. The name of every body corporate (not being a provisional corporation) continued, or erected under this Act, shall be *The corporation of the county, city, town, village, township, or united counties, or united townships* (as the case may be) of (naming the same.) 29-30 V., c. 51, s. 4. 15

Names of
provision
corporations.

5. The inhabitants of every junior county, upon a provisional council being or having been appointed for the county, shall be a body corporate under the name of *The Provisional Corporation of the County of* (naming it.) 29-30 V., c. 51, s. 5. 20

Extension of
corporate
municipalities.

6. The inhabitants of every county, or union of counties erected by proclamation into an independent county or union of counties, and of every township or union of townships, erected into an independent township or union of townships, and of every locality erected into a city, town, or incorporated village, and of every county or township separated from any incorporated union of counties or townships, and of every county or township, or of the counties or townships if more than one, remaining of the union after the separation, being so erected or separated after this Act takes effect, shall be a body corporate under this Act. 29-30 V., c. 51, s. 8. 25 30

The councils to
exercise cor-
porate powers.

7. The powers of every body corporate under this Act shall be exercised by the council thereof. 29-30 V., c. 51, s. 6.

TITLE II.—NEW CORPORATIONS.

DIV. I.—OF VILLAGES.

DIV. II.—OF TOWNS AND CITIES.

DIV. III.—OF TOWNSHIPS.

DIV. IV.—OF COUNTIES.

DIV. V.—PROVISIONAL COUNTY CORPORATIONS.

DIV. VI.—MATTERS CONSEQUENT UPON THE FORMATION OF
NEW CORPORATIONS.

DIVISION I.—OF VILLAGES.

When a Village may be Incorporated. Sec.

Arrangement with respect to Assets and Debts of Townships. Sec.

Case of Village partly in two Counties provided for. Sec.

Additions to area. Sec.

Reductions of area. Sec.

8. When the census returns of an unincorporated village, with its immediate neighbourhood, taken under the direction of the council or councils of the county or counties in which the village and its neighbourhood are situate, shew that the same contain over seven hundred and fifty inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated village, then on petition, by not less than one hundred resident freeholders and householders of the village and neighbourhood, of whom not fewer than one half shall be freeholders, the council or councils of the county or counties in which the village and neighbourhood are situate shall, by by-law, erect the village and neighbourhood into an incorporated village, apart from the township or townships in which the same are situate, by a name, and with boundaries to be respectively declared in the by-law, and shall name in the by-law the place for holding the first election, and the Returning Officer who is to hold the same; provided always, that:—

When population 750, county council may incorporate a new village, and name place for first election, and a returning officer.

Proviso.

(1) No town or village incorporated after the passing of this Act, the population of which does not exceed one thousand souls, shall extend over or occupy within the limits of the incorporation an area of more than five hundred acres of land;

Area of town or village limited.

(2) No town or village already or hereafter incorporated, and containing a population exceeding one thousand souls, shall make any further addition to its limits or area, except in the proportion of not more than two hundred acres for each additional thousand souls, subsequent to the first thousand;

Enlargement of area limited

(3) In the case of all towns or villages now incorporated, whenever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of five hundred acres for the first thousand souls, and two hundred acres for each subsequent additional thousand, then in all such cases the said towns or villages shall not be permitted to make any further addition to their limits, until their population shall have reached such a proportion to their present area;

Existing towns or villages exceeding the area prescribed.

(4) But in all cases, the persons then actually inhabiting the land about to be included within the limits of any town or village may, for the purpose of such extension, be held and reckoned as among the inhabitants of such town or village; and the land occupied by streets or public squares may be excluded in estimating the area of such town or village. 29-30 V., c. 51, s. 10, sub. 1-4. Exclusion of streets is new.

How population and area may be reckoned.

9. In all cases where an incorporated village is separated from the township or townships in which it is situate, the provisions of this Act for the disposition of the property, and payments of debts, upon the dissolution of a union of townships, shall be applicable as if the localities separated had been two townships, and the Councils of such village and township

Disposition of property and payment of debts when incorporated village is separated from township.

or townships shall respectively perform the like duties as by such provisions devolve upon the councils of separated townships, the said village being considered as the junior township. 29-30 V., c. 51, s. 60, sub. 7, sec. 64, sub. 1.

When the village lies within two counties, how to be annexed to one of them by the Councils or Governor.

10. When the newly incorporated village lies within two or more counties, the councils of the counties shall, by by-law, annex the village to one of the counties; and if within six months after the petitions for the incorporation of the village are presented, the councils do not agree to which county the village shall be annexed, the wardens of the counties shall memorialize the Governor in Council, setting forth the grounds of difference between the councils; and thereupon the Governor shall, by proclamation, annex the village to one of such counties. 29-30 V., c. 51, s. 11.

When by the Governor.

11. In case the wardens do not, within one month next after the expiration of the six months, memorialize the Governor as aforesaid, then one hundred of the freeholders and householders on the census list may petition the Governor to settle the matter, and thereupon the Governor shall, by proclamation, annex the incorporated village to one of the said counties. 29-30 V., c. 51, s. 12.

Additions to villages by Governor.

12. In case the council of an incorporated village petitions the Governor to add to the boundaries thereof, the Governor may subject to the provisions of subsections one to four of section eight of this Act, by proclamation, add to the village any part of the localities adjacent, which, from the proximity of the streets or buildings therein, or the probable future exigencies of the village, it may seem desirable to add thereto. 29-30 V., c. 51, s. 13.

Proviso.

Reducing the area of villages.

13. The county council of any county or union of counties in Upper Canada, may, in their discretion, upon the application by petition of the corporation of any incorporated village, whose outstanding obligations and debts do not exceed double the net amount of the yearly rate then last levied and collected therein, by by-law in that behalf, reduce the area of such village excluding from it lands used wholly for farming purposes; provided that such by-law shall define, by metes and bounds, the new limits intended for such incorporated village; and provided also, that no incorporated village shall by any such change of boundaries be reduced in population below the number of seven hundred and fifty souls; and provided further, that the municipal privileges and rights of such village shall not thereby be diminished, or otherwise interfered with as respects the remaining area thereof. 29-30 V., c. 51, s. 10, sub. 5.

Proviso.

Proviso.

Proviso.

DIVISION II.—OF TOWNS AND CITIES.

Towns and Cities, how formed and limits. Sec.

New Wards, and additions to area. Sec.

Towns, how withdrawn from jurisdiction of County. Sec.

Towns and cities, how formed: census.

14. A census of any town or incorporated village may at any time be taken under the authority of a by-law of the council thereof. 29-30 V., c. 51, s. 14.

15. In case it appears by the census return taken under any such by-law, or under any statute that a town contains over fifteen thousand inhabitants, the town may be erected into a city; and in case it appears by the return that an incorporated village contains over three thousand inhabitants, the village may be erected into a town; but the change shall be made by means of and subject to the following proceedings and conditions:

Town containing over 15,000 inhabitants may be made a city; and village containing over 3,000, a town.

10 Firstly—The council of the town or village shall, for three months after the census return, insert a notice in some newspaper published in the town or village, or, if no newspaper be published therein, then the council shall, for three months, post up a notice in four of the most public places in the town or village, and insert the same in a newspaper published in the **15** county-town of the county in which the town or village is situate, or if there is no such newspaper, then in the newspaper published nearest to the said town or village, setting forth in the notice the intention of the council to apply for the erection of the town into a city, or of the village into a town, and stating the limits intended to be included therein;

1st—Notice to be given.

25 Secondly—The council of the town or village shall cause the census returns to be certified to the Governor in Council, under the signature of the head of the corporation, and under the corporate seal, and shall also cause the publication aforesaid to be proved to the Governor in Council, then, in the case of a village, the Governor may, by proclamation, erect the village into a town by a name to be given thereto in the proclamation;

2nd—Proof of publication of notice and of census.

Proclamation. Village made a town.

30 Thirdly—In case the application is for the erection of a town into a city, the town shall also pay to the county of which it forms part, such portion, if any, of the debts of the county as may be just, or the council of the town shall agree with the council of the county as to the amount to be so paid, and the periods of payment with interest from the time of the erection of the new city, or in case of disagreement the same **35** shall be determined by arbitration under this Act; and upon the council proving to the Governor in Council the payment, agreement or arbitration; then, the Governor may, by proclamation, erect the town into a city, by a name to be given thereto in the proclamation. 29-30 V., c. 51, s. 15.

3rd—Existing debts to be adjusted in case of a town to be made a city.

4th—Governor may proclaim such town a city.

40 **16.** The Governor may include in the new town or city such portions of any township or townships adjacent thereto, and within the limits mentioned in the aforesaid notice as, from the proximity of streets or buildings, or the probable future exigencies of the new town or city, the Governor may consider it desirable to attach thereto. 29-30 V., c. 51, s. 16.

Extension of limits of such town or city.

50 **17.** The Governor may divide the new town or city into wards, with appropriate names and boundaries, but no town shall have less than three wards, and no ward in any such town or city less than five hundred inhabitants. 29-30 V., c. 51, s. 17.

Wards.

55 **18.** In case two-thirds of the members of the council of a city or town do, in council before the fifteenth day of July in any year, pass a resolution affirming the expediency of a new division into wards being made of the city or town, or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which, from the

New division of wards in cities and towns.

proximity of streets or buildings therein, or the probable future exigencies of the city or town, it may seem desirable to add thereto respectively, or the desirability of an addition being made to the limits of such city or town, the Governor may, by proclamation, divide the city or town, or such part thereof into wards, as may seem expedient, and may add to the city or town any part of the adjacent township or townships, which the Governor in Council, on the grounds aforesaid, considers it desirable to attach thereto. Vide 29-30 V., c. 51, s. 19. 5

19. In case any tract of land so attached to the town or city belonged to another county, the same shall thenceforward for all purposes cease to belong to such other county, and shall belong to the same county as the rest of the town or city. 29-30 V., c. 51, s. 18. 10

20. The council of any town may pass a by-law to withdraw the town from the jurisdiction of the council of the county within which the town is situated, upon obtaining the assent of the electors of the town to the by-law in manner provided by this Act, subject to the following provisions and conditions: 15

(1) After the final passing of the by-law, the amount which the town is to pay to the county for the expenses of the administration of justice, the use of the gaol, and the erection and repairs of the registry office, and for providing books for the same, and for services for which the county shall be liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands, as well as for the then existing debt of the county, if not mutually agreed upon, shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amount to be annually paid for the said expenses, and for the then debt of the county, and the number of years the payments for the debt are to be continued. 20 25 30

(2) In adjusting their award, the arbitrators shall, among other things, take into consideration the amount previously paid by the town, or which the town may be then liable to pay, for the construction of roads or bridges by the county, without the limits of the town; and also what the county may have paid, or be liable to pay, for the construction of roads or bridges within the town; and they shall also ascertain and allow to the town the value of its interest in all county property, except roads and bridges within the town; 35 40

(3) When the agreement or award has been made, a copy of the same, and of the by-law, duly verified by affidavit, shall be transmitted to the Governor, who shall thereupon issue his proclamation withdrawing the town from the jurisdiction of the council of the county; 45

(4) After the proclamation has been issued, the offices of reeve and deputy reeve or deputy reeves of the town shall cease; and no by-law of the council of the county thereafter made shall have any force in the town, except so far as relates to the care of the court house and gaol, and other county property in the town; and the town shall not thereafter be liable to the county for, or be obliged to pay to the county or into the county treasury, any money for county debts or other purposes, except such sums as may be agreed upon or awarded as aforesaid; 50 55

(5) After the lapse of five years from the time of the agree-

Extension of city or town.

Lands detached from counties.

Town may be withdrawn from jurisdiction of county by by-law on certain conditions.

Amount to be paid by town towards expenses of administration of justice to be settled.

Matters to be considered in settling the same.

Copy of agreement to be sent to the Governor.

Proclamation.

Effect of such proclamation.

- ment or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the town to the county for the expenses of the administration of justice; the use of the gaol, erection and repairs of the registry office or offices, and for providing books for the same, and for services for which the county shall be liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands.
- 5
- 10 (6) After the withdrawal of a town from the county, all property theretofore owned by the county, except roads and bridges within the town, shall remain the property of the county. 29-30 V., c. 51, s. 26, as amended by 31 V., c. 30. ss. 2 & 3.

New agreement after five years.

Property after withdrawal.

DIVISION III.—OF TOWNSHIPS.

- Townships, how formed.* Sec.
- Junior Township, when it may become a separate Corporation.* Sec.
- Arrangement of joint assets and debts.* Sec.
- Adjacent Tracts, annexation of.* Sec.
- New Townships, union of.* Sec.

- 15 **21.** In case a township be laid out by the Crown in territory forming no part of an incorporated county, the Governor may by proclamation annex the township, or two or more of such townships lying adjacent to one another, to any adjacent incorporated county, and erect the same into an incorporated union of townships with some other township of such county.
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- 34 V., c. 30, s. 27.

New township beyond the limits of incorporated counties may be attached to a county by proclamation.

- 22.** When a junior township of an incorporated union of townships has one hundred resident freeholders and householders on the assessment-roll as last finally revised and passed, such township shall, upon the first day of January next, after the passing of the proper by-law in that behalf by the County Council, become separated from the union. *Vide* 29-30 V., c. 51, s. 28.
- 25

Junior township containing 100 freeholders, &c., to become a separate municipality.

- 23.** In case a junior township has at least fifty, but less than one hundred resident freeholders and householders on the last revised assessment-roll, and two-thirds of the resident freeholders and householders of the township petition the council of the county to separate the township from the union to which it belongs, and in case such council considers the township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining township for municipal purposes,—such council may, by by-law, separate the same from the union; and the by-law shall name the returning officer who is to hold, and the place for holding, the first election under the same; or in case two-thirds of the resident freeholders and householders of one or more junior townships petition the council of the county to be separated from the union to which they belong, and to be attached to some other adjoining municipality, and in case said council consider the interests and convenience of the inhabitants of such township or townships would be promoted thereby, they
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- 35
- 40
- 45

In what case junior township containing less than 100, but exceeding 50, may be separated, and how.

may, by by-law, separate such township or townships from said union, and attach them to some other adjoining municipality. 31 V., c. 30, s. 4.

- Upon dissolution of township unions, the junior to pay a just portion of debts of the union and disposition of property of the union. Joint interest in assets.
- 24.** After the dissolution of a union of townships, the following shall be the disposition of the property of the union : 5
- (1.) The real property of the union situate in the junior township shall become the property of the junior township ;
- (2.) The real property of the union situate in the remaining township or townships of the union shall be the property of the remaining township or townships ; 10
- (3.) The two corporations shall be jointly interested in the other assets of the union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree ;
- Arrangement as to debts. (4.) The one shall pay or allow to the other, in respect of the 15 said disposition of the real and personal property of the union, and in respect to the debts of the union, such sum or sums of money as may be just ;
- How to be determined, in case of disagreement. (5.) In case the councils of the townships do not, within three months after the first meeting of the council of the junior town- 20 ship, agree as to the disposition of the personal property of the union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matter shall be settled by arbitration under this Act ;
- Amount settled to bear interest. (6.) The amount so agreed upon or settled shall bear interest 25 from the day on which the union was dissolved ; and shall be provided for by the council of the indebted township like other debts. 29-30 V., c. 51, s. 60. Subs 1—6.
- The Governor may annex gores to adjacent townships. **25.** The Governor may, by proclamation, annex to any town- 30 ship, or partly to each of more townships than one, any gore or small tract of land lying adjacent thereto and not forming part of any township, and such gore or tract shall thenceforward for all purposes form part of the township to which it is annexed. 39-30 V., c. 51, s. 30.
- New townships, &c., within the limits of incorporated counties, to be united to adjacent townships, and how. **26.** In case a township be laid out by the Crown in an 35 incorporated county or union of counties ; or in case there is any township therein not incorporated and not belonging to an incorporated union of townships,—the council of the county or united counties shall, by by-law, unite such town- 40 ship for municipal purposes, to some adjacent incorporated township or union of townships in the same county, or union of counties. 29-30 V., c. 51, s. 31.
- Townships not incorporated or united may be formed into unions, and how. **27.** In case of there being at any time in an incorporated 45 county or union of counties two or more adjacent townships not incorporated, and not belonging to an incorporated union of townships ; and in case such adjacent townships have together not less than one hundred resident freeholders and householders within the same,—the council of the county or union of counties may, by by-law, form such townships into an independent union of townships. 29-30 V., c. 51, s. 32. 50
- Seniority of townships, how regulated. **28.** Every proclamation or by-law forming a union of town- 55 ships shall designate the order of seniority of the townships so united ; and the townships of the union shall be classed in the

by-law according to the relative number of freeholders and householders on the last revised assessment roll. 29-30 V., c. 51, s. 34.

29. In case the united townships are in different counties, Townships in different counties.
 5 the by-law shall cease to be in force whenever the union of the counties is dissolved. 29-30 V., c. 51, s. 33.

DIVISION IV.—OF COUNTIES.

Counties, how formed. Sec.

Seniority of. Sec.

Venue in Judicial Proceedings. Sec.

30. The Governor may, by proclamation, form into a new New counties, how formed by proclamation, and annexed or united.
 10 county any new townships not within the limits of an incorporated county, and may include in the new county one or more unincorporated townships, or other adjacent unorganized territory (defining the limits thereof) not being within an incorporated county, and may annex the new county to any adjacent incorporated county; or in case there is no adjacent incorporated county, or in case the Governor in Council con-
 15 siders the new county, or any number of such new counties lying adjacent to one another, and not belonging to any incorporated union, so situated that the inhabitants cannot conveniently be united with the inhabitants of an adjoining incorporated county for municipal purposes, the Governor may, by the
 20 proclamation, erect the new county, or new adjacent counties, into an independent county or union of counties for the said purposes, and the proclamation shall name the new county or counties. 29-30 V., c. 51, s. 35.

31. In every union of counties, the county in which the Seniority of united counties, how regulated, and
 25 county court house and gaol are situate, shall be the senior county, and the other county or counties of the union shall be the junior county or counties thereof. 29-30 V., c. 51, s. 36.

32. During the union of counties, all laws applicable to Laws applicable to union counties.
 30 counties (except as to representation in Parliament and Registration of Titles) shall apply to the union as if the same formed but one county, and in any civil judicial proceeding the venue shall be so laid. *Vide* 29-30 V., c. 51, ss. 37 & 38.

DIVISION V.—OF PROVISIONAL COUNTY CORPORATIONS.

Provisional Corporations, formed by separation of Junior County.—Sec.

Provisional officers.—Sec.

Property may be acquired for Gaol and Court house.—Sec.

Their powers not to interfere with United Corporations.—Sec.

Arrangement of Joint Assets and Debts.—Sec.

Officials, when appointed.—Sec.

Separation, when complete.—Sec.

Judicial Proceedings on Separation.—Sec.

Provisional separation of united counties by proclamation appointing place of meeting and presiding officer.

33. When the census returns, taken under a Statute, or under the authority of a by-law of the council of any united counties, show that the junior county of the union contains seventeen thousand inhabitants or more, then if a majority of the reeves and deputy reeves of such county do, in the month of February, pass a resolution affirming the expediency of the county being separated from the union; and if in the month of February in the following year, a majority of the reeves and deputy reeves transmit to the Governor in Council a petition for the separation, and if the Governor deems the circumstances of the junior county such as to call for a separate establishment of courts and other county institutions, he may, by proclamation setting forth those facts, constitute the reeves and deputy reeves in that county a provisional council, and in the proclamation appoint a time and place for the first meeting of the council, and therein name one of its members to preside at the meeting, and also therein determine the place for and the name of the county town. 29-30 V., c. 51, s. 39.

And county town.

Who to preside till provisional warden chosen.

34. The member so appointed shall preside in the council until a provisional warden has been elected by the council from among the members thereof. 29-30 V., c. 51, s. 40.

Appointment of provisional warden, &c.

35. Every provisional council shall from time to time appoint a provisional warden, a provisional treasurer, and such other provisional officers for the county as the council deems necessary. The provisional warden shall hold office for the municipal year for which he is elected, and the treasurer and other officers so appointed shall hold office until removed by the council. 29-30 V., c. 51, ss. 41, 42, & 43.

His term of office; and of treasurer, &c.

Provisional councils may acquire lands for gaols and court houses.

36. Every provisional council may acquire the necessary property at the county town of the junior county on which to erect a court house and gaol, and may erect a court house and gaol thereon, adapted to the wants of the county, and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such purposes. 29-30 V., c. 51, s. 44.

Powers of provisional council not to interfere with powers of the union.

37. The powers of a provisional council shall not interfere with the powers of the council of the union, and any money raised by the provisional council in the junior county shall be independent of the money raised therein by the council of the union. 29-30 V., c. 51, s. 45.

Agreement as to debts upon dissolution.

38. After a provisional council has procured the necessary property, and erected thereon the proper buildings for a court house and gaol, the council may enter into an agreement with the senior or remaining county or counties for payment to such county or counties of any part of the debts of the union as may be just, and for determining the amount to be so paid, and the times of payment. 29-30 V., c. 51, s. 46.

When provisional Councilors shall not vote.

39. No member of the provisional council shall vote or take any part in the council of the union on any question affecting such agreement, or the negotiation therefor. 29-30 V., c. 51, s. 47.

40. In case the councils do not then agree as to the amount or periods of payment, the matter shall be settled between them

by arbitration under this Act; and the junior county shall pay to the senior or remaining county or counties of the union the amount so agreed upon or settled, and such amount shall bear interest at six per cent per annum, from the day on which the union is dissolved, and shall be provided for, like other debts, by the council of the junior county after being separated: Provided always, that if no such debts exist, and the councils do not agree as to the division of the property belonging to the united counties, then an arbitration shall take place within twelve months after the separation of such counties has taken place, and the arbitrators shall take into consideration, and allow to the junior county the fair proportion of the value of any personal property of the united counties, which by the separation of the counties becomes the exclusive property of the senior county: Provided also, that nothing in this Act shall prevent any senior county from which the junior county may have been separated before the passing of this Act from paying over to the junior county its proportion of the assets belonging to the united counties at the time of the separation. 29-30 V., c. 51, s. 48; 31 V., c. 30, s. 5; *Vide* also 29-30 V., c. 52, s. 1.

Arbitrament.

Payment of debts upon dissolution.

Debt to bear interest.

Proviso:
If there are no debts, as to division of property.

Proviso:
Not to prevent senior county from paying, &c.

41. After the sum to be paid by the junior county to the senior or remaining county or counties has been paid or ascertained by agreement or arbitration, the Governor in Council shall require for the junior county the appointment of a judge, and shall appoint a sheriff, one or more coroners, a clerk of the peace, a clerk of the county court, a registrar, and at least twelve justices of the peace, and shall provide, in the commission or commissions, that the appointments are to take effect on the day the counties become disunited. *Vide* 29-30 V., c. 51, s. 49.

Terms and time of separation.

Officials to be appointed.

42. After such appointments are made, the Governor shall, by proclamation, separate the junior county from the senior or remaining county or counties, and shall declare such separation to take effect on the first day of January next after the end of three months from the date of the proclamation; and on that day the courts and officers of the union (including Justices of the Peace) shall cease to have any jurisdiction in the junior county; and the real property of the corporation of the union situate in the junior county shall become the property of the corporation of the junior county, and the real property situate in the remaining county or united counties shall be the property of the corporation of the remaining county or united counties; and the other assets, belonging to the corporation of the union shall belong to and be the property of the senior or junior county, or union of counties respectively, as agreed upon at the separation; and, in the absence of any agreement, they shall belong to and be the property of the senior county, or union of counties; and, in the case of choses in action, they may be recovered in a suit, action, or other legal proceeding instituted or commenced in the name of the senior county or union of counties. 32 V., c. 43, s. 18.

United counties, when and how to be separated by proclamation.

Property, how divided.

43. When a junior county is separated from a union of counties, the head and members of the provisional council of the junior county, and the officers, by-laws, contracts, property, assets and liabilities of the provisional corporation, shall be the head and members of the council, and the officers, by-laws,

Officers and property, &c. continued.

contracts, property, assets and liabilities of the new corporation
29-30 V., c. 51, s. 58.

Proviso:
as to execution
and service of
writs.

44. The dissolution of a union of counties shall not prevent the sheriff of any such senior county from proceeding upon and completing the execution or service within the junior county of any writ of mesne or final process in his hands at the time of such separation, or of any renewal thereof, or of 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 all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further. 32 V., c. 43, s. 18. 5 10

Place of trial
after dissolution
of unions
to be as
ordered by the
Court or a
Judge.

45. If upon the dissolution of a union of counties, there is pending an action, or other judicial civil proceeding in which the venue is laid in a county of the union, the court in which the action, or proceeding is pending, or any judge who has authority to make orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the venue to be changed to the new county, and all records and papers to be transmitted to the proper officers of such county. 29-30 V., c. 51, s. 52; 32 V., c. 43, s. 18. 15 20

If no special
order is made.
Indictable of-
fences, how to
be disposed of.

46. In case no such change be directed, all such actions, and other judicial civil proceedings shall be carried on and tried in the senior county; but nothing in this Act contained shall be construed to affect the provisions of sections fifty-two, fifty-three, and fifty-five of the Act of the Parliament of the Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, so far as the same relate to criminal proceedings. 29-30 V., c. 51, s. s. 52, 53 and 55. 30 35

Place for hold-
ing Courts
after separa-
tion.

47. All courts of the junior county required to be held at a place certain, shall be held in the county town of the junior county. 29-30 V., c. 51, s. 54. 40

Proceedings in
civil cases
under bailable
process.

48. Any person arrested or held to bail under civil process, before the separation of a junior from a senior county, and liable to be imprisoned, shall be so imprisoned in the gaol of the county in which he was arrested; and all proceedings in any suit or action in which any person was so arrested or held to bail, and all proceedings after judgment founded on the arrest or holding to bail, shall be carried on as if the arrest or holding to bail had taken place in such county as a separate county; and in case the proceedings are to be had in the junior county, all the records and papers relative to the case shall be transmitted to the proper officer of the junior county. 29-30 V., c. 51, s. 56. 45 50

Privileges of
persons admit-
ted to gaol
limits saved on
dissolution.

49. In case a debtor or other person be (in manner prescribed by law) admitted to the gaol limits of a union of counties, and the union be afterwards dissolved, or one or more counties be separated from the union, such person or debtor may notwithstanding travel and reside in any portion of the said counties as if no dissolution or separation had taken place, without committing a breach of any bond or the condition thereof, or a for- 55 60

feiture of any security given for the purpose of obtaining the benefit of such limits; and in case any such person after the dissolution of the union be surrendered or ordered to be committed to close custody, he shall be surrendered or committed to the sheriff of the county in which he was arrested, and be imprisoned in the gaol thereof. 29-30 V., c. 51, s. 57.

DIVISION VI.—OF MATTERS CONSEQUENT UPON THE FORMATION OF NEW CORPORATIONS.

By-Laws, existing to continue. Sec. —.

Debts and Liabilities not affected. Sec. —.

Officials, how affected. Sec. —.

50. In case any village is incorporated, or village or town (with or without additional area) erected into a town or city, or a township or county becomes separated, the by-laws in force thereon respectively shall continue in force until repealed or altered by the council of the new corporation; but no such by-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the council which passed the same. 29-30 V., c. 51, ss. 21 & 59.

By-laws to continue in cities, towns and villages, until, &c.

When not to be repealed.

51. In case an addition be made to the limits of any municipality, the by-laws of such municipality shall extend to the additional limits, and the by-laws of the municipality from which the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the municipality, to which the same has been added. 29-30 V., c. 51, s. 22.

And when the limits of a municipality are extended.

52. In case of the erection of any locality into an incorporated village, or of a village into a town, or of a town into a city, the village, town, or city shall remain subject to the debts and liabilities to which such locality was previously liable, in like manner, as if the same had been contracted or incurred by the new municipality; and, after the separation of a county or township from a union, each county or township which formed the union, shall remain subject to the debts and liabilities of the union, as if the same had been contracted or incurred by the respective counties or townships of the union after the dissolution thereof. 29-30 V., c. 51, ss. 23, 61 & 64.

Liability of unions for debts at the time of dissolution.

53. After an addition has been made to a village, town or city, the village, town or city shall pay to the township or county from which the additional tract has been taken, such part (if any) of the debts of the township or county as may be just: and in case the 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 as to the time of payment thereof, the matter shall be settled by arbitration under this Act. 29-30 V., c. 51, s. 24.

And in case of an extension of limits.

54. After the formation of a new corporation by the dissolution of a union of counties or townships, the council of the senior or remaining county or township shall issue its debentures or other obligations for any part of any debt contracted by the union for which debentures or other obligations might

Debentures to issue for debts and to bind the old and new municipalities.

have been, but had not been issued before the dissolution ; and such debentures or obligations shall recite or state the liability of the junior county or township therefor under this Act ; and the junior county or township shall be liable therefor as if the same had been issued by the union before the dissolution. 5
29-30 V., c. 51, s. 62.

Assessments for year preceding dissolution, who to belong to.

55. All assessments imposed by the council of the then corporation for the year next before the year in which the new corporation is formed by separation therefrom, shall belong to the then corporation, and shall be collected and paid over accordingly, and after the separation all special rates for the payment of debts theretofore imposed upon the locality by any by-law of the former corporation shall continue to be levied by the new corporation ; and the treasurer of the new corporation shall pay over the amount as received to the treasurer of the senior or remaining municipality, and the latter shall apply the money so received in the same manner as the money raised under the same by-law in the senior or remaining municipality. *Vide* 29-30 V., c. 51, s. 63. 10 15

Special rates for debts continued, and to be paid over by treasurer of the junior county.

If the sum paid over exceeds the just amount, the excess to be refunded.

56. In case the amount so paid over as in the last preceding section provided, or to any creditor of the senior or remaining municipality, in respect of a liability of the former corporation, exceeds the sum which, by the agreement or award between the councils, the new corporation ought to pay, the excess may be recovered against the senior or remaining municipality as for money paid or as for money had and received, as the case may be. 29-30 V., c. 51, s. 64. 20 25

Former council and officers to exercise jurisdiction over new municipalities, &c., until new councils are organized.

57. In case any village is incorporated, or any village or town is erected into a town or city, or any township or county becomes separated, the council and the members thereof having authority in the locality or municipality immediately previous shall, until the council for the corporation be organized, continue to have the same powers as before ; and all other officers and servants of the locality or municipality shall, until dismissed, or until successors be appointed, continue in their respective offices, with the same powers, duties and liabilities as before. 29-30 V., c. 51, s. 25. 30 35

How only officers shall be affected.

58. The separation of a junior county or township from a union of counties or townships, shall not in any case or in any manner whatever affect the office, duty, power or responsibility of any public officer of the union who continues a public officer of the senior county or township or remaining counties or townships after such separation, or the sureties of any such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the senior county or township, or remaining counties or townships. 29-30 V., c. 51, s. 61. Sub. 1. 40 45

Further as to officers, and

59. All such public officers shall, after such separation, be the officers of the senior county or township, or remaining counties or townships, as if they had originally been respectively appointed public officers for such senior county or township or for such remaining counties or townships only. 29-30 V., c. 51, s. 61. Sub. 2. 50

Their sureties.

60. All sureties for such public officers shall be, and remain

liable, as if they had become the sureties for such public officers in respect only of such senior county or township, or of such remaining counties or townships, and all securities which have been given shall, after such separation, be read and construed 5 as if they had been given only for such senior or remaining county or counties, or township or townships. Nothing herein contained shall affect the right of new sureties being required to be given by any sheriff or by any clerk or bailiff, or other public officer, under any statute, or otherwise howsoever.

Right to new sureties not affected.

10 29-30 V. c. 51, s. 61. Subs 3 & 4.

PART II.

OF MUNICIPAL COUNCILS, HOW COMPOSED.

TITLE I.—THE MEMBERS.

TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

TITLE I.—THE MEMBERS.

DIV. I.—IN COUNTIES.

DIV. II.—IN CITIES.

DIV. III.—IN TOWNS.

DIV. IV.—IN VILLAGES.

DIV. V.—IN TOWNSHIPS.

DIV. VI.—IN PROVISIONAL CORPORATIONS.

DIVISION I.—IN COUNTIES.

Councils.—Sec.

61. The council of every county shall consist of the reeves and deputy reeves of the townships and villages within the county, and of any towns within the county which have not withdrawn from the jurisdiction of the council of the county, and one of 15 the reeves or deputy reeves shall be the warden. 29-30 V., c. 51, s. 66. Sub. 1.

Counties.

62. No reeve or deputy reeve shall take his seat in the county council, until he has filed with the clerk of the county council a certificate of the township, village, or town clerk, 20 under his hand, and the seal of the municipal corporation, that such reeve or deputy reeve was duly elected, and has made and subscribed the declarations of office and qualification as such reeve or deputy reeve; nor in case of a deputy reeve, until he 25 declaration of the clerk, or other person having the legal custody of the last revised assessment rolls for the municipality which he represents, that there appears upon such rolls the names of at least five hundred freeholders and householders in the municipality for the first deputy reeve elected for such 30 municipality, and that no alteration reducing the limits of the municipality, and the number of persons possessing the same

County councils.

Certificates to be filed by reeves and deputy reeves

property qualification as voters, below five hundred for each additional deputy reeve, since the said rolls were last revised, has taken place. 29-30 V., c. 52, s. 67.

63. The certificate firstly mentioned may be in the following form:—

Form of certificate.

" I, A. B., of _____, Gentleman, Clerk of the Corporation of the Township (*town or village, as the case may be*) of _____, in the County of _____, do hereby, under my hand and the seal of the said Corporation, certify that C. D. of _____, Esquire, was duly elected Reeve (*or Deputy Reeve as the case may be*) of the said Township (*town or village, as the case may be*), and has made and subscribed the declarations of office and qualification as such Reeve (*or Deputy Reeve, as the case may be*).

" Given under my hand and the seal of the said Corporation of _____, at in the said Township (*town or village, as the case may be*), this _____ day of _____ A.D., 18 _____

{ Seal of the }
 { Municipal }
 { Corporation. }

A. B.,
 Township (*Town or Village*) Clerk

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64. The certificate secondly mentioned may be in the following form:—

Form of certificate.

" I, A. B., of _____, Gentleman, Clerk of the Township (*town or village, as the case may be*) of _____, in the County of _____, do hereby declare and affirm as follows:—

" (1.) That I am the person having the legal custody of the last revised assessment roll for the said Township (*town or village, as the case may be*).

" (2.) That there appears upon the said roll the names of at least _____ hundred (*five hundred for each Deputy Reeve,*) freeholders and householders in the said Township (*town or village, as the case may be*).

" (3.) That no alteration reducing the limits of the said municipality, and the number of persons possessing the same property qualifications as voters below _____ hundred (*five hundred for each Deputy Reeve,*) since the said roll was last revised, has taken place.

New _____ " A. B."

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DIVISION II.—IN CITIES.

Councils.—Sec.

Cities.

65. The council of every city shall consist of three aldermen for every ward, one of whom shall be mayor, to be elected in accordance with the provisions of this Act. 29-30 V., c. 51, s. 66, sub. 2.

DIVISION III.—IN TOWNS.

Councils.—Sec.

Towns.

66. The council of every town shall consist of the mayor, who shall be the head thereof, and of three councillors for every ward when there are less than five wards, and of two councillors for each ward where there are five or more wards, and if the

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town has not withdrawn from the jurisdiction of the council of the county in which it lies, then a reeve shall be added, and if the town had the names of five hundred freeholders and householders on the last revised assessment roll, then a deputy reeve shall be added, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional deputy reeve. 31 V., c. 30, s. 6; 33 V., c. 26, s. s. 1 and 2; 34 V., c. 30, s. 1.

DIVISION IV.—IN INCORPORATED VILLAGES.

Councils.—Sec.

67. The council of every incorporated village shall consist of ^{Incorporated} ^{villages.} 10 one reeve, who shall be the head thereof, and four councillors, and if the village had the names of five hundred freeholders and householders on the last revised assessment roll, then of a reeve, deputy reeve, and three councillors, and for every additional 15 five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional deputy reeve instead of a councillor. 29-30 V., c. 52, s. 66, sub. 4.

DIVISION V.—IN TOWNSHIPS.

Councils.—Sec.

68. The council of every township shall consist of a reeve, who ^{Townships.} shall be the head thereof, and four councillors, but if the 20 township had the names of five hundred freeholders and householders on the last revised assessment roll, then the council shall consist of a reeve, deputy reeve, and three councillors, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll, 25 there shall be elected an additional deputy reeve instead of a councillor. 29-30 V., c. 52, s. 66, sub. 5.

DIVISION VI.—IN PROVISIONAL CORPORATIONS.

Councils.—Sec.

69. The reeves and deputy reeves of the municipalities ^{What reeves} ^{and deputy} ^{reeves to be} ^{provisional} ^{council.} within a junior county for which a provisional council is established shall *ex-officio* be the members of the provisional 30 council. 29-30 V., c. 51, s. 69.

TITLE II.—QUALIFICATION, DISQUALIFICATION,
AND EXEMPTIONS.

DIV. I.—OF QUALIFICATION.

DIV. II.—OF DISQUALIFICATION.

DIV. III.—OF EXEMPTIONS.

DIVISION I.—OF QUALIFICATION.

In each Municipality. Sec.

Nature of Estate to be possessed. Sec.

Where no Assessment Roll provided for. Sec.

Where only one qualified person. Sec.

Qualification
of councillors,
&c.;

70. The persons qualified to be elected mayors, aldermen, reeves, deputy reeves, and councillors of any municipality, are such persons as reside within such municipality, or within two miles thereof, and are natural-born or naturalized subjects of Her Majesty, and males of the full age of twenty-one years, and who are not disqualified under this Act, and have, at the time of the election, in their own right, or in the right of their wives, as proprietors or tenants, a legal or equitable freehold or leasehold, or partly legal and partly equitable, rated in their own names on the last revised assessment roll of such municipality to at least the value following:—

In incorporated villages;

(1) In incorporated villages—Freehold to six hundred dollars, or leasehold to twelve hundred dollars;

In towns;

(2) In towns—Freehold to eight hundred dollars, or leasehold to sixteen hundred dollars;

In cities;

(3) In cities—Freehold to three thousand dollars, or leasehold to six thousand dollars;

In townships;

(4) In townships—Freehold to four hundred dollars, or leasehold to eight hundred dollars.

As to property partly freehold.

And so in the same proportions in all municipalities, in case the property is partly freehold and partly leasehold. 29-30 V., c. 51, ss. 70 & 106; 31 V., c. 30, s. 7.

“Leasehold” defined.

Nature of estate.

71. The term “Leasehold” in the foregoing section shall not include a term less than a tenancy for a year, or from year to year, and the qualification of all persons, where a qualification is required under this Act, may be of an estate either legal or equitable, or may be composed partly of each. 29-30 V., c. 51, s. 70.

In New Township not having assessment roll.

72. In case of a new township erected by proclamation for which there has been no assessment roll, every person who, at the time of the first election, has such an interest in real property, and to such an amount as hereinbefore mentioned, shall be deemed to be possessed of a sufficient property qualification. 29-30 V., c. 51, s. 71.

If only one person be qualified.

73. In case in a municipality there are not at least two persons qualified to be elected for each seat in the council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. 29-30 V., c. 51, s. 72.

DIVISION II.—OF DISQUALIFICATION.

Persons disqualified. Sec.

Disqualification of councillors, &c.

74. No judge of any court of civil jurisdiction, no gaoler or keeper of a house of correction, no sheriff, deputy sheriff, sheriff’s bailiff, high bailiff or chief constable of any city or town, assessor, collector, treasurer, or clerk of any municipality, no bailiff of any division court, no county attorney, no

registrar, no deputy clerk of the crown, no clerk of the county court, no clerk of the peace, no inn-keeper or saloon-keeper, and no person having by himself or his partner an interest in any contract with or on behalf of the corporation, shall hereafter be qualified to be a member of the council of any municipal corporation; Provided always, that no person shall be held to be disqualified from being elected a member of the council of any corporation by reason of his being a shareholder in any incorporated company having dealings or contracts with the council of such municipal corporation, or by having a lease of twenty-one years or upwards, of any property from the corporation, but no such leaseholder shall vote in the council on any question affecting any lease from the corporation, and no such shareholder on any question affecting the company. *Vide* 31 V., c. 30, s. 8.

Proviso: as to shareholders in companies, &c.

DIVISION III.—OF EXEMPTIONS.

Officials and Persons exempted. Sec.

25. All persons over sixty years of age; all members and officers of the Legislative Assembly of Ontario, and of the Senate or House of Commons of Canada; all persons in the civil service of the Crown; all judges not disqualified by the last preceding section; all coroners; all persons in priest's orders; clergymen and ministers of the Gospel of every denomination; all members of the Law Society of Ontario, whether barristers or students; all attornies and solicitors in actual practice; all officers of Courts of Justice; all members of the medical profession, whether physicians or surgeons; all professors, masters, teachers and other members of any university, college, or school in Ontario, and all officers and servants thereof; all millers; and all firemen belonging to an authorized fire company—are exempt from being elected or appointed members of a municipal council, or to any other municipal office. 29-30 V., c. 51, s. 74.

Exemptions.

PART III.

OF MUNICIPAL ELECTIONS.

TITLE I.—ELECTORS.

TITLE II.—ELECTIONS.

TITLE I.—ELECTORS

DIVISION I.—QUALIFICATION.

Persons rated on last Assessment Roll. Sec.

Amount of rating requisite. Sec.

Where no Assessment Roll. Sec.

In respect of what locality an elector may vote. Sec.

Joint or several rating on same property provided for. Sec.

Householder, definition of. Sec.

Qualification
of electors.

76. The electors of every municipality for which there is an assessment roll, shall be the freeholders thereof in their own right or right of their wives, whether resident or not, and such of the residents therein for one month next before the election as then are, or whose wives then are householders or tenants in the municipality; all which electors shall be natural-born or naturalized subjects of Her Majesty, and males of the full age of twenty-one years, and (if not voting in respect of a freehold), resident within the municipality for which the vote is being taken for one month next before the election; and all which electors shall have been severally rated on the last revised assessment roll for real property in the municipality, held in their own right or that of their wives as freeholders, householders or tenants, and have received no reward, nor have any expectation of reward for voting, and are named or purported to be named in the list of electors; such rating shall be absolute and final, and shall not be questioned either by any returning officer, or on any application to set aside any election. *Vide* 29-30 V., c. 51, s. 75; 31 V., c. 30, s. 9.

In cities,
towns and in-
corporated
villages.

77. In cities, towns, townships and incorporated villages, such real property, whether freehold or leasehold, or partly each, must have been so rated as of at least the actual value following:

In townships—One hundred dollars.

In incorporated villages—Two hundred dollars.

In towns—Three hundred dollars.

In cities—Five hundred dollars. 31 V., c. 30, s. 10.

In newly erect-
ed townships
not having any
assessment
rolls.

78. At the first election for a newly-erected municipality for which there is no separate assessment-roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property; and every person so claiming to vote shall name the property on which he votes, and the returning officer, at the request of any candidate or voter, shall note the property in his poll book opposite the voter's name. 29-30 V., c. 51, s. 77.

Wards in
which electors
shall vote.

79. In towns and cities, every elector may vote in each ward in which he has been rated for the necessary property qualification. 29-30 V., c. 51, s. 78.

Electoral divi-
sion in which
electors may
vote.

80. In townships and incorporated villages divided into electoral divisions, no elector shall vote in more than one electoral division. 29-30 V., c. 51, s. 78, sub 1.

When landlord
and tenant
both rated.

81. In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed rated within this Act. 29-30 V., c. 51, s. 79.

When joint
owners rated
together.

82. When any real property is owned or occupied 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 shall be deemed rated within this Act, otherwise none of them shall be deemed so rated. 31 V., c. 30, s. 11.

Householder
defined.

83. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or

street by an outer door, shall be deemed a householder within this Act. 29-30 V., c. 51, s. 166.

TITLE II.—ELECTIONS.

DIV. I.—TIME AND PLACE OF HOLDING.

DIV. II.—RETURNING OFFICERS.

DIV. III.—OATHS TO BE TAKEN.

DIV. IV.—PROCEEDINGS THEREAT.

DIV. V.—VACANCIES IN COUNCIL.

DIV. VI.—CONTROVERTED ELECTIONS.

DIV. VII.—CORRUPT PRACTICES, TO PREVENT.

DIVISION I.—TIME AND PLACE OF HOLDING.

Time in the respective Municipalities. Sec. .

In new or altered Municipalities. Sec. .

Place how fixed. Sec. .

In case of separated Townships. Sec. .

Where Elections may not be held. Sec. .

84. The electors of every municipality (except a county) shall elect annually, on the first Monday in January, the members of the council of the municipality, except such members as may have been elected at the nomination; and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new council is organized. 29-30 V., c. 51, s. 105; 31 V., c. 30, s. 20; 33 V., c. 26, s. 3.

When elections are to be held in cities, towns, townships, villages and police villages.

85. In case of the incorporation of a new township or union of townships; or of the separation of a junior township from a union of townships; or of the erection of a locality into an incorporated village; or of the erection of a village into a town or of a town into a city; or of an additional tract of land being added to an incorporated village, town or city, or in case of a new division into wards of a town or city; the first election under the proclamation or by-law, by which the change was effected, shall take place on the first Monday in January next after the end of three months from the date of the proclamation, or from the passing of the by-law by which the change is made, and until such day the change shall not go into effect. 29-30 V., c. 51, s. 83.

First elections where corporations are newly erected or extended.

Times of elections.

86. The council of every city, town and village municipality (including a village newly erected into a town, and a town newly erected into a city), shall from time to time, by by-law, appoint the place or places for holding the next ensuing municipal election, otherwise the election shall be held at the place or places at which the last election for the municipality or wards or electoral divisions was held. 29-30 V., c. 51, s. 85.

To be fixed by by-law for municipalities.

87. When in any year a junior township of a union has one hundred resident freeholders and householders on the then last revised assessment roll, the council of the county shall, by a by-law, to be passed before the thirty-first day of October,

First election in junior townships after separation.

in the same year, fix the place for holding the first annual election of councillors in the township, and appoint a returning officer for holding the same, and otherwise provide for the due holding of the election according to law. 29-30 V., c. 51, s. 91.

Ward divisions in united townships to cease on dissolution of union. **88.** In case of the separation of a union of townships, the existing division into wards, if any, shall cease, as if the same had been duly abolished by by-law, and the elections of councillors, shall be by general vote, until the township or townships are divided into electoral divisions under the provisions of this Act. 29-30 V., c. 51, s. 92. 5 10

Election of reeves, deputy-reeves, and councillors in townships and incorporated villages. **89.** The election in townships and incorporated villages of reeves, deputy reeves and councillors, shall be by general vote, and shall be held at the place or places where the last meeting of the council was held, or in such other place or places as may be from time to time fixed by by-law. 29-30 V., c. 51, s. 93. 15

Elections, when to be held. **90.** Every election shall be held in the municipality to which the same relates. 29-30 V., c. 51, s. 84.

Election of township councillors, when to be held. Elections not to be held in taverns. **91.** No election of township councillors shall be held within any city, town or incorporated village, nor shall any election for a municipality or any ward thereof, be held in a tavern or in a house of public entertainment licensed to sell spirituous or fermented liquors. 29-30 V., c. 51, s. 82. 20

DIVISION II.—RETURNING OFFICERS.

When election by divisions, who to be. Sec. .
When not, who ex officio. Sec. .
Absence, provision for. Sec. .
Authority of. Sec. .

Returning officers for elections by wards. **92.** The council of every municipality, in which the election is to be by wards or electoral divisions, shall, from time to time, by by-law, appoint returning officers to hold the next ensuing elections. 29-30 V., c. 51, s. 94. 25

When clerk to be *ex officio* returning officer. **93.** In the case of a municipality, in which the election is not to be by wards or electoral divisions, the clerk shall be the returning officer at all elections after the first. 28-30 V., c. 51, s. 95. 30

The absence of the returning officer provided for. **94.** In case, at the time appointed for holding an election, the person appointed to be returning officer has died, or does not attend to hold the election within an hour after the time appointed, or in case no returning officer has been appointed, the electors present at the place for holding the election may choose from amongst themselves a returning officer, and such returning officer shall have all the powers, and shall forthwith proceed to hold the election, and perform all the other duties of a returning officer. 29-30 V., c. 51, s. 97. 35

Returning officers to be Conservators of the Peace; their powers. **95.** The returning officer shall, during the days of the election, or of voting of electors as to a by-law, act as a Conservator of the Peace for the city or county in which the election or voting is held; and he, or any Justice of the Peace having juris- 40

dition in the municipality in which the election or voting is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person, who assaults, beats, molests or threatens any voter coming to, remaining at, or going from the election or voting; and, when thereto required, all constables and persons present at the election or voting, shall assist the Returning Officer or Justice of the Peace. *Vide* 29-30 V. c. 51, s. 98.

- 10 **96.** Every Returning Officer or Justice of the Peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at the election or voting of electors as to a by-law; and any person liable to serve as constable, and required to be sworn in as a special constable by the Returning Officer or Justice shall, if he refuses to be sworn in or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor. 29-30 V., c. 51, s. 99.

Special constables may be sworn in.

DIVISION III.—OATHS.

In case of freeholders.—Sec. .

In case of other voters.—Sec. .

- 20 **97.** The only oaths or affirmations to be required of any person claiming to vote in respect of a freehold, shall be as follows, or to such effect:—That he is of the full age of twenty-one years, and is a natural-born or naturalized subject of Her Majesty; that he has not voted before at the election in the township, village or ward (as the case may be) in which he is tendering his vote; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election; that he is a freeholder in his own right (or right of his wife, as the case may require); and in every case that he is the person named, or purporting to be named in the list of the electors; (or in case of a new municipality in which there has not been any assessment roll, then instead of referring to the list of electors, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote. *Vide* 29-30 V., c. 51, s. 101, sub 8.

Oaths that may be put to freeholders.

- 40 **98.** The oaths or affirmations to be required of any person claiming to vote, otherwise than in respect of a freehold, shall be as follows, or to such effect:—That he is of the full age of twenty-one years, and is a natural-born or naturalized subject of Her Majesty; that he has not voted before at the election in the township, village or ward (as the case may be) in which he is tendering his vote; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election; that he has been resident within the municipality for which the election is held for one month next before the election; and that he is, or his wife is, a householder or tenant within such municipality, and that he is the person named, or purporting to be named in the list of the electors; (or in case of a new municipality in which there has not been any assessment roll, then instead of swearing to resi-

Oaths that may be put to voters not freeholders.

dence for one month next before the election, and referring to the list of electors, the person offering to vote may be required to state in the oath the property, in respect of which he claims to vote, and that he is a resident of such municipality.) *Vide* 29-30 V., c. 51, s. 101, sub S. 5

When oaths
are to be
administered.

99. Such oaths or affirmations shall be administered by the returning officer or chairman, at the request of any candidate, or his authorized agent, and no enquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations. *Vide* 29-30 V., c. 51, s. 101, sub-s 7 & 8. 10

DIVISION IV.—PROCEEDINGS AT ELECTIONS.

Nomination Meeting. Sec.

Presiding Officer, who. Sec.

Poll, when to take place. Sec.

Candidates, notification of. Sec.

Voter's List. Sec.

Poll Book. Sec.

Declaration of result. Sec.

Casting vote, when. Sec.

Returns, how made. Sec.

Elections, if prevented. Sec.

Mayor of City, election of. Sec.

If returns incomplete, temporary presiding officer. Sec.

Warden of County, election of. Sec.

Time and
place for
nomination.

100. In towns, a meeting of the electors shall take place for 15 the nomination of candidates for mayor, reeve and deputy-reeve, at the town hall, on the last Monday but one in the month of December annually, at ten of the clock in the forenoon. 29-30 V., c. 51, s. 107.

The clerk to
preside.

101. The town clerk shall preside at such meeting, or, in case 20 of his absence, the council shall appoint a person to preside in his place; if the clerk or the person so appointed does not attend, the electors present shall choose a chairman or person to officiate from among themselves, and such clerk or chairman shall have all the powers of a returning officer. 29-30 V., c. 51, 25 s. 108.

With powers
of a returning
officer.

Nomination
meeting.

102. A meeting of the electors shall take place for the nomi- 30 nation of candidates for the offices of aldermen in cities, councillors in towns, and of Reeves, deputy-Reeves, and councillors in townships and incorporated villages, at noon on the last Mon- day but one in December annually, at such place therein, and in cities and towns at such place in each ward thereof, as shall from time to time be fixed by by-law. 31 V., c. 30, s. 16.

Presiding
Officer.

103. In cities and towns the councils thereof respectively shall, 35 by their said by-law, name the returning officer for each ward, who, and in other municipalities the clerk, shall respectively preside at the meeting for the nomination of candidates, of which the clerk, or other returning officer, shall give at least six days' notice; and in case of the absence of such presiding officer, the meeting may choose their chairman. *Vide* 29-30 V., c. 51, 40 s. 100, sub 1. 31 V., c. 30, s. 17.

- 104.** If only the necessary number of candidates to fill the vacant offices shall be proposed and seconded at the said meetings, the clerk or other chairman shall, after the lapse of one hour, declare such candidate or candidates duly elected. If more than 5 the necessary number of candidates be proposed, and a poll is required by them respectively, or by any elector, the returning officer or chairman shall adjourn the proceedings until the first Monday in January next thereafter, when a poll or polls shall be opened in each ward or other electoral division, at such place 10 or places as shall be fixed by the by-law of the said councils respectively, for the election at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. *Vide* 29-30 V., c. 51, s. 100, sub-s. 2 & 3. Sec. 101, sub 3, ss. 110 & 111. 31 V., c. 30, ss. 13, 18 & 21. If no more candidates than offices.
- 15 **105.** The council shall, by by-law, fix the places for holding the election, and also name the returning officers who shall preside at the respective polling places. 31 V., c. 30, s. 18. Places for holding election.
- 106.** The clerk or other chairman of the meeting shall, on the day following that of the nomination, post up in the office of the 20 clerk of the municipality, the names of the persons proposed for the respective offices, and the clerk shall provide each returning officer with a certified list of the names of such candidates, specifying the offices for which they are respectively candidates. *Vide* 29-30 V., c. 51, s. 100, sub 4. Sec. 111. 31 V., c. 30, s. 21. Notices of persons proposed.
- 25 **107.** The clerk of the municipality shall, before the poll is opened deliver to the returning officer for every or any ward or electoral division, a list of the names, arranged alphabetically, of all male freeholders and householders rated upon the then last revised assessment roll for real property lying in that ward or 30 electoral division to the amount required to qualify them to vote at such election, and shall attest the said list by his solemn declaration in writing under his hand. 29-30 V., c. 51, s. 100, sub 5. Sec. 101, sub 5. List of voters.
- 108.** The clerk of every municipality shall provide the returning officer of every ward or electoral division with a poll-book, and such returning officer shall enter in such book, in 35 separate columns, the names of the candidates proposed and seconded at the nomination, and the returning officer, or his sworn poll-clerk, shall, opposite to such columns, write the 40 names of the electors offering to vote at the election, and shall in each column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name. 29-30 V., c. 51, s. 100, sub 6. Sec. 113. *Vide* 31 V., c. 30, s. 19. Poll-books. How kept.
- 109.** In case of municipalities which are not divided into 45 wards or electoral divisions, the clerk shall be returning officer and shall provide himself with a similar list of the names of electors for the municipality, and a poll-book, and shall perform the like duties with respect of the whole municipality as are imposed upon other returning officers in respect of a ward 50 or electoral division. *New.* Municipalities not divided into wards or electoral divisions.
- 110.** The returning officer shall, on the day after the close of the election, return the poll-book to the clerk of the municipality, with his solemn declaration therero annexed, that the poll-book has been correctly kept, and contains a true record of Poll books to be returned to the clerk.

the votes given at the polling-place for which he was returning officer. 29-30 V., c. 51, s. 100, sub. 7, s. s. 102 and 114.

Clerk to declare result of the election.

111. The clerk of the municipality shall add up the number of votes for each candidate for any office; and in case a poll has been taken and the poll-books returned for every ward or electoral division, the votes in which should be counted in order to determine the election, shall, at the town hall, or if there be no town hall, at some other public place, at noon on the day following the return of such poll-books, publicly declare so elected the candidate or candidates having the highest number of votes; and shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate. *Vide* 29-30 V., c. 51, s. 101, sub. 9, sec. 115; 31 V., c. 30, s. 15.

When to have casting vote.

112. In case two or more candidates have an equal number of votes, the clerk of the municipality or other person appointed by by-law to discharge his duties of clerk in his absence or incapacity through illness, and, whether otherwise qualified or not, shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election; and except in such case, no returning officer or clerk, shall vote at any election held by him. *Vide* 29-30 V., c. 51 s. 100, sub. 9; sec. 101, sub. 10, sec. 116.

Election riotously broken up, to be resumed.

113. In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day, if necessary, for four days until the poll has been opened without interruption, and with free access to voters for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. 29-30 V., c. 51, s. 103.

If election is prevented for four days, poll-book to be returned, and a new election ordered.

114. But in case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been so kept open for the said twelve hours, the returning officer shall not return any person as elected, but shall return his poll-book on the following day to the head of the municipality, certifying the cause of there not having been an election, and a new election shall take place; and the head of the municipality shall forthwith issue his warrant therefor. 29-30 V., c. 51, s. 104.

If no return for one or more wards.

115. If no return has been made for one or more wards or electoral divisions, in consequence of no election having been held therein, or of the election having been interrupted through riot or other cause, the clerk shall declare the want of return for such ward or wards, or electoral divisions, and the cause thereof. 29-30 V., c. 51, s. 119.

When poll completed clerk to add up votes and declare result; when and where.

116. When a poll has been duly held in each of such wards, or electoral divisions, and the poll-books returned to the clerk, the clerk shall add up the number of votes therein set down for each candidate, for any office in respect whereof the election has not been previously declared, together with the votes contained for such candidate in the poll-books previously

returned for the other wards, and shall at noon on the next day, at the town-hall, declare elected the candidate or candidates having the largest number of votes polled; and in cities whenever the return has been made undersuch warrant, and 5 the alderman or aldermen so elected has or have been qualified as such, the election of mayor of such city shall be proceeded with at the next meeting of the council in the same manner as is provided by the 115th section of this Act. *Vide* 29-30 V., c. 51, s. 121. Election of mayor in cities.

10 **117.** The person or persons so elected shall forthwith make the necessary declarations of office and qualification and assume office accordingly. 29-30 V., c. 51, s. 122. Declaration and assumption of office.

118. Mayors of cities shall be elected by the members of the council at their first meeting in each year, and the clerk of 15 the council shall preside at such election. 29-30 V., c. 51, s. 105; 31 V., c. 30, s. 20. Election of mayors, and who to preside.

119. In case in cities no return be made for one or more wards or electoral divisions, in consequence of non-election, owing to interruption by riot or other cause, the members of 20 council elect being at least a majority of the whole members of the council when full, shall elect one of the aldermen elect to be presiding officer, at which election the clerk shall preside, and such officer shall take the necessary declarations and possess all the powers of mayor, until a poll for such ward, wards, or electoral division or divisions, has been held under a warrant in 25 the manner provided for in the 125th section of this Act. 29-30 V., c. 51, s. 120. If no return for one or more wards proceedings in such case.

120. The members elect of every county council, being at least a majority of the whole number of the council when full, shall at their first meeting after the yearly elections, and after 30 making the declarations of office and qualification when required to be taken, organize themselves as a council by electing one of themselves to be warden. 29-30 V., c. 51, s. 135. Elections of heads of county councils.

121. At every such election the clerk of the council shall preside, and if there is no clerk, the members present shall 35 select one of themselves to preside, and the person selected may vote as a member. 29-30 V., c. 51, s. 136. Who to preside at.

122. In case of an equality of votes on the election of the head of any county council, or provisional county council, then 40 of those present, the reeve, or in his absence the deputy reeve, of the municipality which has the largest number of names on its last revised assessment roll, as rate-payers, shall have a second and casting vote. 29-30 V., c. 51, s. 137. Who to have the casting vote in the event of equality of votes.

DIVISION V.—VACANCIES IN COUNCIL.

How caused. Sec.

How filled. Sec.

Seat held for residue of term. Sec.

Not to prevent organization of Council. Sec.

In certain cases Council to fill, Sec.

Resignation of warden and new election. Sec.

Seats vacated
by crime, insol-
vency, ab-
sence, &c.

123. If, after the election of any person as member of a council, he be convicted of felony or infamous crime, or become insolvent, within the meaning of the Insolvent Acts, or apply for relief as an insolvent debtor, or remain in close custody, or assign his property for the use of his creditors, 5
or absent himself from the meetings of the council for three months without being authorized by a resolution of the council entered in its minutes, his seat in the council shall thereby become vacant, and the council shall declare the seat vacant 10
and order a new election. 31 V., c. 30, s. 22.

Any member
may resign.

124. Any mayor or other member of a council may, with the consent of the majority of the members thereof, to be entered on the minutes of the council, resign his seat in the council. 29-30 V., c. 51, s. 151.

New elections
provided for.

125. In any case provided for by the 117th or 123rd sections 15
or in case a person elected to a council neglect or refuse to accept office, or to make the necessary declarations of office within the time required, or in case a vacancy occur in the council caused by resignation, death, judicial decision or otherwise, the head of the council for the time being, or in case of his absence, 20
or of his office being vacant, the clerk, or in case of the like absence or vacancy in the office of the clerk, one of the members of the council shall forthwith, by warrant under the signature of such head, clerk or member, if procurable, require the returning officer appointed to hold the last election for the 25
municipality, ward and electoral division respectively, or any other person duly appointed to that office, to hold a new election to fill the place of the person neglecting or refusing as afore-said, or to fill the vacancy. 29-30 V., c. 51, s. 125.

Term of office.

126. The person thereupon elected shall hold his seat for 30
the residue of the term for which his predecessor was elected, or for which the office is to be filled. 29-30 V., c. 51, s. 126.

Non-election
of members not
to prevent or-
ganization of
council.

127. In case such non-election, neglect or refusal as afore-said, occurs previous to the organization of the council for the year, the warrant for the new election shall be issued by the 35
head or a member of the council for the previous year, or by the clerk in like manner as provided by the 125th section, but such neglect or refusal shall not interfere with the immediate organization of the new council, provided a majority are present of the full number of the council. 29-30 V., c. 51, s. 127. 40

Time for hold-
ing, and notice
of new elec-
tion.

128. The returning officer shall hold the new election at furthest within eight days after receiving the warrant, and shall, at least four days before the election, post up a public notice thereof under his hand in at least four of the most public places in the municipality, ward or electoral division. 45
29-30 V., c. 51, s. 128.

Appointment
if election neg-
lected or de-
clined.

129. In case at any annual or other election, the electors from any cause not provided for by the 113th or 114th sections, neglect or decline to elect the members of council for a municipality on the day appointed, or to elect the requisite number of 50
members, the other members of the council, if they equal or exceed the half of the council when complete, or if a half of such members are not elected, then the members for the preceding year, or the majority of such members elected or old council

respectively, shall appoint as many qualified persons as will constitute or complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations, under the same penalty, in case of refusal or neglect, as if elected. *Vide* 29-30 V., c. 51, s. 129.

130. The warden of a county may resign his office by verbal intimation to the council while in session, or by letter to the county clerk, if not in session, in which cases, and in case of vacancy by death or otherwise, the clerk shall notify all the members of the council, and shall, if required, by a majority of the members of the county council, call a special meeting to fill such vacancy. 29-30 V., c. 52, s. 150.

Resignation of warden provided for.

Vacancies, how filled.

DIVISION VI.—CONTROVERTED ELECTIONS.

How validity or right of election determined. Sec.

Writ of removal. Sec.

If entire election invalid. Sec.

Disclaimer. Sec.

How costs to be awarded. Sec.

Decision of judge final. Sec.

Judges may settle forms and practice. Sec.

131. In case the right of any municipality to a reeve or deputy reeve or reeves, or in case the validity of the election or appointment of mayor, warden or reeve, or deputy reeve, alderman, or of councillor is contested, the same may be tried in term or vacation by a judge of either of the superior courts of common law, or the senior or officiating judge of the county court of the county in which the election or appointment took place; and when the right of a municipality to a reeve or deputy reeve or reeves is the matter contested, any municipal elector in the county may be the relator, and when the contest is respecting the validity of any such election as aforesaid, any candidate at the election, or any elector who gave or tendered his vote thereat, or if respecting the validity of any such appointment any member of the council or any elector of the ward, or if there be no ward, of the municipality, for which the appointment was made, may be the relator for the purpose. 29-30 V., c. 51, s. s. 130 and 132.

Trial of contested elections or right to elect.

132. If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to any such judge, reasonable grounds for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance before the judge, or before a commissioner for taking affidavits, in the sum of two hundred dollars, with two sureties, (to be allowed as sufficient by the judge upon affidavit of justification,) in the sum of one hundred dollars each, conditioned to prosecute the writ with effect, or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the judge shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters contested; 29-30 V., c. 51, s. 131, sub. 1.

Time for limited, and security and proof required.

Writ of *quo warranto*.

Evidence may be taken *viva voce*.

133. The Judge of the Superior Court before whom the writ of summons is returnable, may order the evidence to be used on the hearing of the summons, to be taken *viva voce* before the Judge of the County Court, in the presence of counsel for, or after notice to, all parties interested, and such judge shall return the evidence to the Clerk of the Crown of the Court at Toronto, and every party shall be entitled to a copy thereof. *Vide* 35 V., c. 36, s. s. 5 and 6. 5

When the relator claims to be elected.

134. In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try the validity, both of the election complained of, and the alleged election of the relator or other person. 29-30 V., c. 51, s. 131, sub. 2. 10

When several are complained of.

135. In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons. 29-30 V., c. 51, s. 131, sub. 3. 15

All to be tried by the same judge.

136. Where more writs than one are brought to try the validity of an election, or the right to a reeve or deputy reeve or reeves as aforesaid, all such writs shall be made returnable before the judge who is to try the first, and such judge may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit. 29-30 V., c. 51, s. 131, sub. 4. 20

Writ, who to issue and return day thereof.

137. The writ shall be issued by the clerk of the process of the said superior courts, or by the deputy clerk of the Crown in the county in which the election took place, and shall be returnable before the judge in chambers of the proper court at Toronto, or before the judge of the county court at a place named in the writ, upon the eighth day after service computed exclusively of the day of service, or upon any later day named in the writ. 29-30 V., c. 51, s. 131, sub. 5. 25 30

Returning officer may be made a party.

138. The judge before whom the writ is made returnable, or is returned, may, if he thinks proper, order the issue of a writ of summons at any stage of the proceedings to make the returning officer a party thereto. 29-30 V., c. 51, s. 131, sub. 6.

Service to be personal, unless excused by judge.

139. Every writ under this section shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the judge upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit. 29-30 V., c. 51, s. 131, sub. 7. 35 40

The judge may allow persons, &c., to intervene.

140. The judge before whom the writ is returned may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose; and any intervening party shall be liable or entitled to costs like any other party to the proceedings. 29-30 V., c. 51, s. 131, sub. 8. 45

Judge shall try summarily. Proof.

141. The judge shall, in a summary manner, upon statement and answer, without formal pleadings, hear and determine the validity of the election, or the right to a reeve or deputy reeve or reeves, and may, by order, cause the assessment rolls, collectors' rolls, poll books and any other records of the election to be brought before him, and may enquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed 50

by him, and sent to be tried by jury by writ of trial directed to any court named by the judge, or by one or more of these means, as he deems expedient; subject however to the provisions of section 156. 29-30 V., c. 51, s. 131, sub. 9; *Vide* 35 V., 5 c. 36, s. 5.

142. In case the election complained of be adjudged invalid, the judge shall forthwith, by writ, cause the person found not to have been duly elected to be removed, and in case the judge determines that any other person was duly elected, the judge shall forthwith order a writ to issue causing such other person to be admitted; and in case the judge determines that no other person was duly elected instead of the person removed, the judge shall by the writ, cause a new election to be held. 29-30 V., c. 51, s. 131, sub. 10. And remove, admit, or confirm.

143. In case the election of all the members of a council be adjudged invalid, the writ for their removal, and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the council, shall be directed to the sheriff of the county in which the election took place; and the sheriff shall have all the powers for causing the election to be held which a municipal council has in order to supply vacancies therein. 29-30 V., c. 51, s. 131, sub 11. If all the members ousted, &c., writ for new election to go to the sheriff.

144. Any person whose election is complained of may, within one week after service on him of the writ, transmit post paid, through the post office, directed "To the Clerk of the Judge's Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court, of the County of _____" Defendant may disclaim. How to proceed. (as the case may be), or may cause to be delivered to such Clerk or Judge, a disclaimer signed by him, to the effect following:

"I, A. B., upon whom a writ of summons, in the nature of a *Quo Warranto*, has been served for the purpose of contesting my right to the office of Township Councillor (or as the case may be) for the township of _____, in the County of _____ (or as the case may be), do hereby disclaim the said office, and all defence of any right I may have to the same."
Dated _____ day of _____ A. B.
(Signed)

145. Such disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof, with the word "Disclaimer," and be registered at the post office where mailed. 29-30 V., c. 51, s. 131, sub 13. Posting and registry of disclaimer.

146. Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows:—
"I, A.B., do hereby disclaim all right to the office of Township Councillor (or as the case may be) for the Township of _____ (or as the case may be), and all defence of any right I have to the same." 29-30 V., c. 51, s. 131, sub 17. Person elected may disclaim at any time before his election is complained of.

147. Such disclaimer shall relieve the party making it from all liability to costs, and when a disclaimer has been made in

Disclaimer to operate as resignation.

accordance with either of the preceding sections it shall operate as a resignation, and the candidate having the next highest number of votes shall then become the councillor, or other officer as the case may be. *Vide* 29-30 V., c. 51, s. 131, sub 17.

Duplicate disclaimer to be delivered to clerk.

148. Every person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the council, and the clerk shall forthwith communicate the same to the council. *Vide* 29-30 V., c. 51, s. 131, sub 14. 5

Costs provided for.

149. No costs shall be awarded against any person duly disclaiming, unless the judge is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which case the costs shall be in the discretion of the judge ; 29-30, V., c. 51, s. 131, sub 15. 10

When discretionary.

150. In all cases, not otherwise provided for, costs shall be in the discretion of the judge. 29-30 V., c. 51, s. 131, sub 16. 15

Judge to return his judgment to the court in term ; it shall be final.

151. The decision of the judge shall be final, and he shall, immediately after his judgment, return the writ and judgment with all things had before him touching the same into the court from which the writ issued, there to remain of record as a judgment of the said court ; and he shall, as occasion requires, enforce such judgment by a writ in the nature of a writ of peremptory *Mandamus*, and by writs of execution for the costs awarded. 29-30 V., c. 51, s. 131, sub 18. 20

The judges to make rules, &c.

152. The Judges of the Superior Courts of Common Law, or a majority of them, may, by rules made in term time, settle the forms of the writs of summons, *Certiorari*, mandamus and execution, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same, or any other writ or order of the court or judge, and respecting the practice generally, in hearing and determining the validity of such elections or appointments, and respecting the costs thereon ; and may from time to time rescind, alter, or add to such rules ; but all existing rules shall remain in force until rescinded or altered as aforesaid. 29-30 V., c. 51, s. 131, sub. 19. 25 30 35

DIVISION VII.—CORRUPT PRACTICES TO PREVENT :

Bribery and undue influence defined. Sec.

Certain payments lawful. Sec.

Evidence to be viva voce. Sec.

Effect of conviction. Sec.

How penalties recoverable. Sec.

Report and record of convictions. Sec.

Witnesses, how procured, and self-crimination no excuse. Sec.

Proceedings, when to be taken. Sec.

Publicity to law against corrupt practices. Sec.

Certain persons to be deemed guilty of bribery.

Giving money to voters. &c.

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

(1.) Every person who shall directly or indirectly, by himself, or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer or promise any money or valuable 40

consideration, or shall give or procure, or agree to give or procure, or offer or promise, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election, or upon a by-law for raising any money or creating a debt upon a municipality or part of a municipality for any purpose whatever, or who shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any such election, or upon any such by-law :

Procuring
offices for
voters.

(2.) Every person who shall directly or indirectly, by himself or by any other person in his behalf, make any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in any municipal council, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law :

Persons who
influence
voters.

(3.) Every person who shall by reason of any such gift, loan, offer, promise, procurement or agreement, procure or engage, promise or endeavour to procure the return of any person in any municipal election, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law :

Corruptly
influencing
voters.

(4.) Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any municipal election, or at any voting upon a by-law as aforesaid, or who shall knowingly pay, or cause to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election, or at the voting upon any such by-law :

Advancing
money for
bribery, &c.

(5.) Every voter who shall, before or during any municipal election, or the voting of any such by-law, directly or indirectly, by himself or by any other person in his behalf, receive, agree or contract for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at any such election, or upon any such by-law :

Voters receiving
money, &c.

(6.) Every person who shall, after any such election, or the voting upon any such by-law, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted, or refrained from voting, or having induced any other person to vote or to refrain from voting at any such election, or upon any such by-law :

Receiving
money after
the election,
&c.

(7.) Every person who shall hire any horses, teams, carriages or other vehicles for the purpose of conveying electors to and from the polls, and every person who shall receive pay for the use of any horses, teams, carriages, or other vehicles, for the purpose of conveying electors to and from any polls as aforesaid. 35 V., c. 36, s. 1.

Hiring teams,
&c.

154. Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence, or restraint, or inflict, or threaten the infliction, by himself or by or through any other person, of any injury, damage or loss, or in any manner practise intimidation upon or against any person, in order to

Using
violence or
intimidation.

induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall in any way prevent or otherwise interfere with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence, and be subject to the penalty hereinafter mentioned. 35 V., c. 36, s. 2. 5

Expenses of candidates.

155. The actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. 35 V., c. 36, s. 3. 10

Evidence on quo warranto.

156. Where, in an application in the nature of a *quo warranto*, any question is raised as to whether the candidate or any other voter has been guilty of any violation of sections 153 or 154 of this Act, affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence taken before the Judge of any County Court, upon a reference to him by the Judge of the Superior Court for that purpose, or upon an appointment granted by him in cases pending in such County Court. 35 V., c. 36, s. 5 15 20

Penalty on candidates.

157. Any candidate elected at any municipal election, who shall be found guilty by the Judge, upon any trial upon a writ of *quo warranto*, of any act of bribery, or with using undue influence as aforesaid, shall forfeit his seat, and shall be rendered ineligible as a candidate at any municipal election for two years thereafter. 35 V., c. 36, s. 4. 25

Vote of persons found guilty to be void.

158. The vote of every person found guilty, upon any trial or enquiry as to the validity of the election or by-law of a violation of either of the 153rd or 154th sections of this Act, shall be void. 35 V., c. 36, s. 7. 30

Penalty.

159. Any person who shall be adjudged guilty of any of the offences within the meaning of sections 153 or 154 of this Act, shall incur a penalty of twenty dollars, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years. 35 V., c. 36, s. 8. 35

Recovery of penalty.

160. The penalties imposed by section 159 of this Act shall be recoverable with full costs of suit, by any person who will sue for the same by action of debt in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment shall be rendered, shall be ineligible, either as a candidate or municipal voter, until the amount which he has been condemned to pay shall be fully paid and satisfied. 35 V., c. 36, s. 9. 40

Judge to make return.

161. It shall be the duty of the judge who finds any candidate guilty of a contravention of sections 153 or 154 of this Act, or who condemns any person to pay any sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith to the clerk of the municipality wherein the offence has been committed. 35 V., c. 36, s. 10. 45

Clerk to keep books, &c.

162. The clerk of every municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his municipality who shall have been adjudged guilty 50

of any offence within the meaning of sections 153 or 154 of this Act, and of which he shall have been notified by the judge who tried the case. 35 V., c. 36, s. 11.

5 **163.** Any witness shall be bound to attend before the Judge of the County Court upon being served with the order of such County Court Judge directing his attendance and upon
 10 payment of the necessary fees for such attendance, in the same manner as if he had been directed by a writ of subpoena so to attend, and he may be punished for contempt, and shall
 15 be liable to all the penalties for such non-attendance in the same manner as if he had been served with such subpoena. 35 V., c. 36, s. 16.

Attendance of witnesses.

15 **164.** No person shall be excused from answering any question put to him in any action, suit or other proceeding in any court or before any judge, touching or concerning any election, or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that
 20 the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such
 25 answer will tend to criminate himself, shall be used in any criminal proceeding against such person, other than an indictment for perjury, if the judge shall give to the witness a certificate that he claimed the right to be excused on either of the
 30 grounds aforesaid, and made full and true answer, to the satisfaction of the judge. 35 V., c. 36, s. 17.

Witnesses not excused from answering on grounds of self-implication or privilege.

30 **165.** All proceedings other than an application in the nature of a *quo warranto* against any person for any violation of sections 153 or 154 of this Act, shall be commenced within four
 35 weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon any by-law as aforesaid. 35 V., c. 36, s. 18.

Time for commencing actions.

35 **166.** The clerk of every municipality shall, prior to any election, or voting on any by-law, furnish each returning officer with at least two copies of the Sections of this Act, numbered
 40 from 153 to 165 inclusive, and shall also post at least six copies thereof in conspicuous places in each polling division in the municipality. *Vide* 35 V., c. 36, s. 19.

Copy of Act to be posted prior to election.

PART III.

OF MEETINGS OF MUNICIPAL COUNCILS.

DIV. I.—WHEN AND WHERE HELD.

DIV. II.—CONDUCT OF BUSINESS

DIVISION I.—WHEN AND WHERE HELD.

First and subsequent meetings. Sec.
Payment of members for attendance. Sec.

- First meetings of councils.** **167.** The members of every municipal council (except county councils), shall hold their first meeting at two o'clock in the afternoon, on the third Monday of the same January in which they are elected, or on some day thereafter; and the members of every county council shall hold their first meeting at two o'clock in the afternoon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter. *Vide* 29-30 V., c. 51, s. 133. 5
- Place in counties.** **168.** The members of every county council shall hold their first meeting at the county hall, if there is one, or otherwise at the county court house. 29-30 V., c. 51, s. 134. 10
- Place of meeting of county councils.** **169.** The subsequent meetings of the county council, and all the meetings of every other council shall be held at such place, either within or without the municipality, as the council from time to time, by resolution on adjourning to be entered on the minutes, or by by-law, appoints. 29-30 V., c. 51 s. 138. 15
- Place of meeting in cities.** **170.** The council of any county in which any city lies, may hold its sittings, keep its public offices, and transact all the business of the council and of its officers and servants within such city, and may purchase and hold such real property therein as may be convenient for such purposes. 29-30 V., c. 51, s. 139. 20
- Special may be closed; where held.** **171.** In case there may be no by-law of a council fixing the place of meeting, any special meeting of the council shall be held at the place where the then last meeting of the council was held, and a special meeting may be open or closed as in the opinion of the council expressed by resolution in writing, the public interest requires. 29-30 V., c. 51, s. 141. 25
- Remuneration to councillors, and committee men limited.** **172.** The council of every township and county may pass by-laws for paying the members of the council for their attendance in council, or any member while attending on committee of the council, at a rate not exceeding two dollars per diem, and five cents per mile necessarily travelled (to and from) for such attendance. *Vide* 29-30 V., c. 51, s. 271. 31 V., c. 30, s. 26. 35

DIVISION II.—CONDUCT OF BUSINESS.

Meetings to be open to Public. Sec.

Quorum, how many a. Sec.

Who to preside. Sec.

Presiding Officer may vote. Sec.

Power to adjourn. Sec.

- Meetings to be open.** **173.** Every council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct, but the head or other chairman of the council may expel and exclude from any meeting, any person who has been guilty of improper conduct at such meeting. *Vide* 29-30 V., c. 51, s. 140. 40
- No other business before declarations.** **174.** No business shall be proceeded with at the first meeting of the council until the declarations of office and qualification have been administered to all the members who

present themselves to take the same. *Vide* 29-30 V., c. 51, sec. 118.

175. A majority of the whole number of members required by law to constitute the council shall be necessary to form a quorum. 29-30 V., c. 51, s. 142.

176. When a council consists of only five members, the current votes of at least three shall be necessary to carry any resolution or other measure. 29-30 V., c. 51, s. 143.

177. The head of every council shall preside at the meetings of council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the members of the council. 29-30 V., c. 51, s. 145.

178. In case of the death or absence of the head of a town council, the reeve, and in case of the absence or death of both of them, the deputy reeve, and in case of the death or absence of the head of a village or township council, the deputy reeve shall preside at the meetings of the council, and may at any time summon a special meeting thereof; but if there be more than one deputy reeve, the council shall determine which of them shall preside at their meeting. 29-30 V., c. 51, s. 146.

179. In the absence of the head of the council, and in the case of a town, village or township, in the absence also of the reeve, if there be one, and also of the deputy reeve or deputy reeves, if there be one or more, by leave of the council, or from illness, the council may, from among the members thereof, appoint a presiding officer, who, during such absence, shall have all the powers of the head of the council. 29-30 V., c. 51, s. 147.

180. If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. 29-30 V., c. 51, s. 148.

181. The head of the council, or the presiding officer or chairman of any meeting of any council, 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. 29-30 V., c. 51, s. 149.

182. Every council may adjourn its meetings from time to time. 29-30 V., c. 51, s. 144.

PART V.

OFFICERS OF MUNICIPAL CORPORATIONS.

DIV. I.—THE HEADS.

DIV. II.—THE CLERK.

DIV. III.—THE TREASURER.

DIV. IV.—ASSESSORS AND COLLECTORS.

DIV. V.—AUDITORS AND AUDIT.

DIV. VI.—VALUATORS.

DIV. VII.—DUTIES OF, RESPECTING OATHS AND DECLARATIONS.

DIV. VIII.—SALARIES AND TENURE OF OFFICE.

DIVISION I.—THE HEADS.

183. The head of every county and provisional corporation shall be the warden thereof, and of every city and town the mayor thereof, and of every township and incorporated village the reeve thereof. 29-30 V., c. 51, s. 65.

Duties of head
of council.

184. The head of the council is the chief executive officer of the corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the municipality to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished, and to communicate from time to time to the council, all such information, and recommend such measures within the powers of the council, as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. *Vide* 29-30 V., c. 51, s. 123. 5 10 15

DIVISION II.—THE CLERK.

Appointment and Duties of. Sec.

Records and Papers may be inspected. Sec.

Return of Statistics to Government. Sec.

On default, Moneys retained. Sec.

The clerk, and
his duties.

185. Every council shall appoint a clerk; and the clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the council; and shall preserve and file all accounts acted upon by the council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the council, all which he shall so keep in his office, or in the place appointed by by-law of the council. 29-30 V., c. 51, s. 152. 20 25

186. The council may by-bylaw provide that, in case the clerk is absent, or incapable through illness, to perform his duties of

clerk, that some other person to be named in such by-law, or to be appointed under the hand and seal of such clerk, shall act in his stead, and the person so appointed shall, while he so acts, have all the powers of the clerk. New.

5 **187.** Any person may inspect any of the particulars afore-
 said, as well as the assessment rolls, voters' lists, poll books,
 and other documents in the possession of, or under the control
 of, the clerk, at all reasonable times; and the clerk shall, within
 10 rate of ten cents per hundred words, or at such lower rates as
 the council appoints, and shall, on payment of his fee therefor,
 furnish, within a reasonable time, to any elector of the municipi-
 15 resolution, certified under his hand and under the corporate
 seal. 29-30 V., c. 51, s. 153. 34 V., c. 30, s. 18.

Minutes, &c.,
to be open to
inspection.

Copies to be
furnished and
charges there-
for, &c.

188. The clerk of every city, town, incorporated village and
 township shall, on or before the first day in December in each
 year, under a penalty of twenty dollars, to be paid to the
 20 Treasurer of Ontario, in case of default, transmit to the Treas-
 urer of Ontario a true return of the number of resident rate-
 payers appearing on the revised assessment roll of his municipi-
 25 in the following form:—
 "I, A.B., clerk of the municipality of the city, (town, town-
 ship or village, as the case may be) make oath and say, that
 "the above or the within written, or the annexed return (as
 "the case may be,) contains a true statement of the number of
 30 "resident rate-payers appearing on the assessment roll of the
 "said city, (town, township or village,) for the year one thou-
 "sand eight hundred and

Clerk to trans-
mit a yearly
return of rate-
payers to the
Provincial
Treasurer.

Oath of verifi-
cation.

(Signed) A.B.
 "Sworn before me, &c." 29-30 V., c. 51, s. 154.

189. The clerk of every township, village and town shall, in
 35 each year, within one week after the first day in January,
 under a penalty of twenty dollars in case of default, make
 a return to the clerk of the county in which the municipality
 is situate, of the following particulars respecting his municipi-
 40 pality for the year then last past, namely:

To make a
yearly return
to the county
clerk.

- | | | | |
|----|---|---|------------------------------------|
| 40 | } | 1. Number of persons assessed. | What such
return shall
show. |
| | | 2. Number of acres assessed. | |
| | | 3. Total actual value of real property. | |
| | | 4. Total of taxable incomes. | |
| | | 5. Total value of personal property. | |
| 45 | | 6. Total amount of assessed value of real and personal
property. | |
| | | 7. Total amount of taxes imposed by by-laws of the
municipality. | |
| | | 8. Total amount of taxes imposed by by-laws of the
county council. | |
| 50 | | 9. Total amount of taxes imposed by by-laws of any provi-
sional county council. | |
| | | 10. Total amount of Lunatic Asylum or other provincial tax. | |
| | | 11. Total amount of taxes as aforesaid. | |
| 55 | | 12. Total amount of income collected or to be collected from
assessed taxes for the use of the municipality. | |

Heads of columns in assess-
ment rolls to be verified according
to the form of the assessment
rolls required by law.

16. Total amount of income from licenses.
17. Total amount of income from public works.
18. Total amount of income from shares in incorporated companies.
19. Total amount of income from all other sources. 5
20. Total amount of income from all sources.
21. Total expenditure on account of roads and bridges.
22. Total expenditure on account of other public works and property.
23. Total expenditure on account of stock held in any incorporated company. 10
24. Total expenditure on account of schools and education, exclusive of school trustees' rates.
25. Total expenditure on account of the support of the poor, or charitable purposes. 15
26. Total expenditure on account of debentures and interest thereon.
27. Total gross expenditure on account of administration of justice in all its branches.
28. Amount received from Government on account of administration of justice. 20
29. Total net expenditure on account of administration of justice.
30. Total expenditure on account of salaries, and the expenses of municipal government, 25
31. Total expenditure on all other accounts.
32. Total expenditure of all kinds.
33. Total amount of liabilities secured by debentures.
34. Total amount of liabilities unsecured.
35. Total liabilities of all kinds. 30
36. Total value of real property belonging to municipality.
37. Total number of sheep worried by dogs, and the amount paid therefor by the municipality.
38. Total value of stock in incorporated companies owned by municipality. 35
39. Total amount of debts due to municipality.
40. Total amount of arrears of taxes.
41. Balance in hands of treasurer.
42. All other property owned by municipality.
43. Total assets. 29-30 V., c. 51, s. 156. 40

County Clerk to make a return to the Provincial Secretary.

190. The clerk of every county shall, before the first day of February in each year, prepare and transmit to the Provincial Secretary a statement of the aforesaid particulars respecting all the municipalities within his county, entering each municipality in a separate line, and the particulars required opposite to it, each in a separate column, together with the sum total of all the columns for the whole county, and shall also make at the same time a return of the same particulars respecting his county, as a separate municipality.. 29-30 V., c. 51, s. 157. 45

And also clerks of cities.

191. The clerk of every city shall, before the first day of February in each year, make a return to the Provincial Secretary of the same particulars respecting his city. 29-30 V., c. 51, s. 158. 50

Provincial Secretary to lay the returns before Parliament.

192. The Provincial Secretary shall, as soon as may be after the commencement of every Session, lay before both Houses of the Legislature a copy of all returns hereinbefore required to be made. 29-30 V., c. 51, s. 160. 55

- 193.** The treasurer of the county shall retain in his hands any moneys payable to any municipality, if it is certified to him by the clerk of the county that the clerk of such municipality has not made the return hereinbefore required; and the Treasurer of Ontario shall retain in his hands any moneys payable to any municipality, if it is certified to him by the Provincial Secretary that the clerk of such municipality has not made the returns hereinbefore required. 29-30 V., c. 51, s. 159.

Moneys to be retained if returns not made.

DIVISION III. THE TREASURER.

His appointment, duties and remuneration. Sec.
Successor may draw moneys. Sec.

- 10 194.** Every municipal council shall appoint a treasurer, who may be paid either by salary or a percentage, and the present chamberlains of cities shall be hereafter styled treasurers; and every treasurer, before entering upon the duties of his office, shall give such security as the council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every council in each and every year to enquire into the sufficiency of the security given by such treasurer, and report thereon. 29-30 V., c. 51, s. 161.
- 15**
- 20 195.** Every treasurer shall receive and safely keep all moneys belonging to the corporation, and shall pay out the same to such persons and in such manner as the laws of the Province and the lawful by-laws or resolutions of the council of the municipal corporation whose officer he is direct; but no member of the council shall receive any money from such treasurer for any work performed or to be performed; and such treasurer shall not be liable to any action at law for any moneys paid by him in accordance with any by-law or resolution passed by the council of the municipality of which he is the treasurer, unless when another disposition is expressly made of such moneys by statute. 29-30 V., c. 51, s. 162.
- 25**
- 30**
- 35 196.** Every treasurer shall also prepare and submit to the council half yearly, a correct statement of the moneys at the credit of the corporation whose officer he is. 29-30 V., c. 51, s. 163.
- 197.** In case any treasurer is dismissed from office or absconds, it shall be lawful for his successor to draw any moneys belonging to such municipality. 29-30 V., c. 51, s. 163.

Treasurer to be appointed.

To give security.

Enquiry as to sufficiency of.

To receive and take care of and disburse moneys, &c.

His liability limited.

Half-yearly statement for the council.

Proviso.

DIVISION IV.—ASSESSORS AND COLLECTORS.

Certain Councils to appoint. Sec.
Township Collectors to act for Provisional Corporations. Sec.

- 198.** The council of every city, town, township, and incorporated village, shall, as soon as may be convenient after the annual election, appoint as many assessors and collectors for the municipality as the assessment laws from time to time

Assessors and collectors, appointments and qualification of

authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the council shall not appoint as assessor or collector a member of the council, or a person who has not the same property qualification as that required for a councillor or alderman of the municipality; the same person may, in a city, town or township, be appointed assessor or collector for more than one ward, or electoral division. 29-30 V., c. 51, s. 164. 5

Collector of provisional council.

199. The collectors of the several townships in a junior county of a union of counties shall *ex officio* be collectors in such townships for the provisional council, and the collectors shall pay over to the provisional treasurer the money they collect under any by-law of the provisional council. 29-30 V., c. 51, s. 167. 10

Moneys, how to be disposed of

200. The money so collected shall be deemed the money of the union, so far as necessary to make the collectors and their sureties responsible to the union therefor; and in case the corporation of the union receives the same, such corporation shall immediately pay the amount to the provisional treasurer, retaining the expenses of collection. 29-30 V., c. 51, s. 168. 15 20

DIVISION V.—AUDITORS AND AUDIT.

Appointment and duties.

Abstract of receipts and expenditures.

Publication of audit.

Council to finally audit.

County council to regulate and audit county monies.

Auditors.

201. Every council shall, at the first meeting thereof, in every year after being duly organized, appoint two auditors, one of whom shall be such person as the head of the council nominates; but no one who, at such time, or during the preceding year, is or was a member, or is or was clerk or treasurer of the council, or who has, or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed an auditor. 29-30 V., c. 51, s. 169. 25 30

Disqualification for office of.

Duties of.

202. The auditors shall examine and report upon all accounts affecting the corporation, or relating to any matter under its control or within its jurisdiction, for the year ending on the thirty-first day of December preceding their appointment. 29-30 V., c. 51, s. 170. 35

To prepare abstract and detailed statement of receipts and expenditures, &c

203. The auditors shall prepare an abstract of the receipts, expenditures, assets and liabilities of the corporation, and also a detailed statement of the said particulars in such form as the council directs, and report in duplicate on all the accounts audited by them, and make a special report of any expenditure made contrary to law, and shall file the same in the office of the clerk of the council within one month after their appointment, and thereafter any inhabitant or ratepayer of the municipality may inspect one of such duplicate reports, at all seasonable hours, and may, by himself or his agent, at 40 45

his own expense, take a copy thereof or extracts therefrom.
Vide 29-30 V., c. 51, s. 171.

204. The clerk shall publish the auditor's abstract and report (if any), and shall also publish the detailed statement in such form as the council directs. 29-30 V., c. 51, s. 173.

Clerks to publish abstracts and statements.

205. The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors and all accounts chargeable against the corporation; and in case of charges not regulated by law, the council shall allow what is reasonable. 29-30 V., c. 51, s. 172.

The council to audit finally, &c.

206. Every county council shall have the regulation and auditing of all moneys to be paid out of the funds in the hands of the county treasurer. 29-30 V., c. 51, s. 174.

Audit of moneys paid by treasurer.

DIVISION VI.—VALUATORS.

Appointment of. Sec.

207. The council of every county may appoint two or more valuers within the county, for the purpose of valuing the real and personal property, whose duty it shall be to ascertain the value of the same as directed by the county council, but such valuers shall not exceed the powers possessed by assessors, and the valuation so made may be made the basis of equalization by the county council for a period not exceeding five years. 29-30 V., c. 51, s. 175.

County council may appoint valuers, their duties, &c.

DIVISION VII.—DUTIES OF RESPECTING OATHS AND DECLARATIONS.

Declarations of office and qualification. Sec.

Before whom made. Sec.

Power to administer other oaths and declarations. Sec.

Record and deposit of. Sec.

Oaths respecting matters before council. Sec.

Penalty for not making or refusing to administer. Sec.

208. Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent, shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following:

Declaration of Qualification.

"I, A. B., do solemnly declare that I am a natural-born (or naturalized) subject of Her Majesty; and have and had to my own use and benefit in my own right (or have and had in right of my wife as the case may be,) as proprietor (or tenant as the case may be) at the time of my election to the office of hereinafter referred to (or appointment as the case may require) such an estate as does qualify me to act in the office of (naming the office) for (naming the place for which such person has been elected or appointed) and that such estate is (the nature of the estate to be specified as an equitable estate of leasehold or otherwise as the case may require, and if land

Form of.

'the same to be designated by its local description, rents or otherwise), and that such estate at the time of my election, (or appointment, as the case may require) was of the value of at least (specifying the value) over and above all charges, liens and incumbrances affecting the same." 29-30 V., c. 51, s. 178. 5

Declaration of office.

209. Every returning officer and returning officer's clerk, every member of a municipal council, every mayor, and every clerk, assessor, collector, constable and other officer appointed by a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect 10 following :

Form of declaration of office.

" I, A. B., do solemnly promise and declare that I will truly, faithfully, and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) to which I have been elected (*or appointed*) in this township 15 "*(or as the case may be)* and that I have not received and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in 20 "any contract with or on behalf of the said corporation." 29-30 V., c. 51, ss. 179 & 180.

Auditor's declaration.

210. The solemn declaration to be made by every Auditor shall be as follows :

Form of.

" I, A. B., having been appointed to the office of Auditor for 25 "the municipal corporation of , do hereby promise and declare that I will faithfully perform the duties of such office according to the best of my judgment and ability; and "I do solemnly declare, that I had not directly or indirectly any share or interest whatever in any contract or employment 30 "*(except that of Auditor, if re-appointed)* with, by or on behalf of such municipal corporation, during the year preceding my appointment, and that I have not any such contract or employment, except that of Auditor, for the present year." 29-35 30 V., c. 51, s. 181.

Heads and other members of the council before whom to declare.

211. The head and other members of the council, and the subordinate officers of every municipality, shall make the declaration of office and qualification before some court, judge, police magistrate or other justice of the peace having jurisdiction in the municipality for which such head members or 40 officers have been elected or appointed, or before the clerk of the municipality; and the court, judge or other persons before whom such declarations are made, shall give the necessary certificate of the same, having been duly made and subscribed. 45 29-30 V., c. 51, ss. 182 & 183; c. 52, s. 117.

Certificate of declaration.

Head of council and reeves may administer oaths, &c.

212. The head of any council, any alderman, reeve or deputy reeve, any justice of the peace, and the clerk of a municipality may, within the municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where otherwise specially 50 provided, and except where he is the party required to make the oath, affirmation, or declaration. 29-30 V., c. 51, s. 184.

Oath or declaration to be subscribed and kept.

213. The deponent, affirmant, or declarant shall subscribe every such oath, affirmation or declaration, and the person administering it shall duly certify and preserve the same, and 55

within eight days deposit the same in the office of the clerk of the municipality to the affairs of which it relates 29-30 V., c. 51, s. 185.

214. The head of every council, or in his absence the chair- Heads of every council shall administer oaths, &c.
 5 man thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council. 29-30 V., c. 51, s. 366.

215. Every qualified person duly elected or appointed to be Penalty for refusing to accept office or take the oaths, &c.
 10 a mayor, alderman, reeve or deputy reeve, councillor, police trustee, assessor or collector of or in any municipality, who refuses such office, or does not make the declarations of office and qualification within twenty days after knowing of his election or appointment, and every person authorized to administer any such declaration, who upon reasonable demand refuses to How enforced.
 15 administer the same, shall, on summary conviction thereof before two or more justices of the peace, forfeit not more than eighty dollars, nor less than eight dollars, at the discretion of such justices, to the use of the municipality, together with the cost of prosecution. 29-30 V., c. 51, s. 186.

DIVISION VIII.—SALARIES AND TENURE OF OFFICE.

If not otherwise settled, Council to fix. Sec.
Tenure till removal. Sec.
Gratuities to. Sec.

216. In case the remuneration of any of the officers of the Salaries of officers.
 20 municipality has not been settled by Act of the Legislature, the council shall settle the same, and the council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the council. 29-
 25 30 V., c. 51, s. 176.

217. All officers appointed by a council shall hold office Tenure of office.
 30 until removed by the council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the council. 29-30 V., c. 51, s. 177.

217a. Any municipal council, other than a provisional council, may grant to any officer who has been in the service of the municipality for at least fifteen years, and who has, while in such service, become incapable of efficiently discharging the New.
 35 duties of his office, a sum not exceeding his aggregate salary or other remuneration for the last three years of his service, as a gratuity, upon his removal or resignation. New.

PART VI.

GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

TITLE I.—GENERAL JURISDICTION OF COUNCILS.

II.—RESPECTING BY-LAWS.

III.—RESPECTING FINANCE.

IV.—ARBITRATIONS.

V.—DEBENTURES AND OTHER INSTRUMENTS.

VI.—ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

TITLE I.—GENERAL JURISDICTION OF COUNCILS.

DIVISION I.—NATURE AND EXTENT. SEC.

*Confined to Municipality. Sec.**General Regulations. Sec.**May not grant monopolies. Sec.**Except as to Ferries. Sec.*

Local jurisdiction of councils

218. The jurisdiction of every council shall be confined to the municipality the council represents, except where authority beyond the same is expressly given, and the powers of the council shall be exercised by by-law when not otherwise authorized or provided for. 29-30 V., c. 51, s. 190.

5

General power to make local regulations ;

To regulate meetings and proceedings ;

To repeal or alter by-laws.

219. Every council may make regulations not specifically provided for by this Act, and not contrary to law, for governing the proceedings of the council, the conduct of its members, the appointing or calling of special meetings of the council ; and generally such other regulations as the good of the inhabitants of the municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. 29-30 V., c. 51, s. 191.

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Granting monopolies prohibited.

220. No council shall have the power to give any person an exclusive right of exercising within the municipality any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same, unless authorized or required by Statute so to do ; but the council may direct a fee, not exceeding one dollar, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling. 29-30 V., c. 51, s. 220.

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Except as to any Ferry.

221. A council may grant exclusive privileges in any ferry which may be vested in the corporation represented by such council, other than a ferry between a Province of the Dominion of Canada and any British or foreign country, or between two Provinces of the Dominion. 29-30 V., c. 51, s. 221. *Vide* B. N. America Act, sec. 91, sub-sec. 13.

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TITLE II.—RESPECTING BY-LAWS.

- Div. I.—AUTHENTICATION OF.
 Div. II.—OBJECTIONS BY RATE-PAYERS.
 Div. III.—VOTING ON BY ELECTORS.
 Div. IV.—CONFIRMATION OF.
 Div. V.—QUASHING.
 Div. VI.—BY-LAWS CREATING DEBTS.
 Div. VII.—BY-LAWS RESPECTING YEARLY RATES.
 Div. VIII.—ANTICIPATORY APPROPRIATIONS.

DIVISION I.—AUTHENTICATION OF.

Original and Copies. Sec.
Proof of facts for Governor. Sec.

222. Every by-law shall be under the seal of the corporation and shall be signed by the head of the corporation, or by the person presiding at the meeting at which the by-law has been passed, and by the clerk of the corporation. 29-30 V., c. 51, s. 192.

How by-laws
to be authenti-
cated.

223. A copy of any by-law written or printed without erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk, and by any member of the council, shall be deemed authentic, and be received in evidence in any court of justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal, or one or both of the signatures have been forged. 29-30 V., c. 51, s. 193.

Certified co-
pies to be evi-
dence.

224. The facts required by this Act to be recited in any by-law which requires the approval of the Governor in Council, shall, before receiving such approval, be verified by solemn declaration, by the head of the council, and by the treasurer and clerk thereof, and by such other persons and on such other evidence as to the Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of any such municipal officer, upon the declaration of any other member of the council whose declaration the Governor in Council may accept. 29-30 V., c. 51, s. 197.

When the as-
sent of the Go-
vernor is re-
quired by by-
laws.

DIVISION II.—OBJECTIONS BY RATE-PAYERS.

When and how made. Sec.
When successful. Sec.

225. In case any person rated on the assessment roll of any municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the ratable inhabitants of such municipality or place, he shall, on petitioning the council, be at liberty to attend in person, or by counsel or attorney, before the council at the time at which the by-law is intended to be considered, or before a committee of the council appointed to hear evidence thereon, and may produce evidence that the

Opposition to
by-laws ap-
plied for by
rate payers;
Provision for.

necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number nor represent the amount of property necessary to the passing of the by-law. 29-30 V., c. 51, s. 194. 5

When by-laws shall not pass.

226. If the council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the council is satisfied that the notice required by law was not duly given the council shall not pass the by-law. 15 29-30 V., c. 51, s. 195.

DIVISION III.—VOTING ON BY ELECTORS.

Proceedings in Voting. Sec.
Who to Vote. Sec.
Freeholders. Sec.
Leaseholders. Sec.
Oath of Freeholder. Sec.
Oath of Leaseholder. Sec.
Council must pass when carried. Sec.

If a by-law requires the assent of the electors.

227. In case a by-law requires the assent of the electors of a municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for:

Time and place of voting shall be fixed by by-law.

(1.) The council shall by the by-law fix the day, hour and place, for taking the votes of the electors thereon at every place in the municipality at which the elections of the members of the council or councils therein are held, and shall also name a returning officer to take the votes at every such place, and such day shall not be less than three nor more than five weeks after the first publication of the proposed by-law as herein provided for; *Vide* 29-30 V., c. 51, s. 196, sub 1. 20 25

Proposed by-law to be published.

(2.) The council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published within the municipality, or if there is no such newspaper, in the public newspaper published nearest the municipality, and also in either case in a newspaper published in the county town if there be any such newspaper—the publication to be continued in at least one number of each of such papers for three successive weeks, and shall also put up a copy of the by-law at four or more of the most public places in the municipality; 29-30 V., c. 51, s. 196, sub 2. 30 35

Notice to be given.

(3.) Appended to each copy so published and posted, shall be a notice signed by the clerk of the council, stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the council after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held; *Vide* 29-30 V., c. 51, s. 196, sub 3. 40 45

(4.) At such day and hour a poll shall be taken, and all proceedings thereat and for the purpose thereof, shall be conducted in the same manner, as nearly as may be, as at a municipal election; 29-30 V., c. 51, s. 196, sub 4.

5 (5.) Every Returning Officer shall, on the day after the closing of the poll, return his poll-book verified by solemn declaration under his hand, to the clerk of the local municipality in which the poll was taken, and in case of a by-law of a county council, the clerk of the local municipality shall forthwith return to
10 the clerk of the county council every poll-book so delivered to him; 29-30 V., c. 51, s. 196, sub 5.

(6.) The clerk of the council which proposed the by-law shall add up the number of votes for and against the same, and shall certify to the council under his hand whether the majority have
15 approved or disapproved of the by-law, and shall keep the same with the poll-book among the records of his office. 29-30 V., c. 51, s. 196, sub 6.

228. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer,
20 and at the time of tender of the vote of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders; and is at the time of such tender a
25 freeholder, either at law or in equity, in his own right, or in right of his wife, of real property within such municipality, of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, and is named or purported to be named,
30 in the list of electors; Provided always, that in case of a new municipality in which there has not been any assessment roll, the qualification of being named on such list and of being rated on the roll shall be dispensed with, but in such case such person offering to vote shall not be entitled to
35 vote unless possessing the other qualifications above mentioned, and has at the time of tender of his vote sufficient property to have entitled him to vote if he had been rated for such property, and at such time shall name such property to the returning officer: and the returning officer shall note such property in his
40 poll book, opposite the voter's name, at the request of any one entitled to vote on such by-law. *Vide* 29-30 V., c. 51, ss. 77, 101, sub 8; 31 V., c. 30, ss. 46 & 47.

229. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer,
45 and at the time of tender of the vote of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is resident within the municipality for
50 which the vote is taken for one month next before the vote, and who is, or whose wife is, a leaseholder of real property within such municipality of sufficient value to entitle him to vote at any municipal election and is rated on the last revised assessment roll therefor, and which lease extends for the period
55 of time within which the debt to be contracted or the money to be raised by such by-law is made payable; in which lease the lessee has covenanted to pay all municipal taxes in respect of the property leased, and which person is named, or purported to

be named, in the list of electors; Provided always, that in case of a new municipality in which there has not been any assessment roll, the qualification of being named on such list and of being rated on the roll, and of residence for one month, shall be dispensed with, but in such case such person offering to vote shall not be entitled to vote unless possessing the other qualifications above mentioned, and unless he be at the time of tender of his vote a resident of the municipality, and then has sufficient property to have entitled him to vote if he had been rated for such property, and at such time shall name such property to the returning officer; the returning officer shall note such property in his poll book, opposite the voter's name, at the request of any one entitled to vote on such by-law. *Vide* 29-30 V., c. 51, ss. 77, 101, sub 8; 31 V., c. 30, ss. 9, 46, & 47.

Oath of freeholder voting on by-laws.

230. Any ratepayer offering a vote in respect of a freehold on any such by-law, may be required by the returning officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he is a freeholder in his own right, (*or in the right of his wife, as the case may require*), within the municipality for which the vote is taken; that he has not voted before on the by-law in the township or ward (*as the case may be*) in which he is tendering his vote; that he is, according to law, entitled to vote on the said by-law; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders; that he is the person named, or purporting to be named, on the list of electors, (*or in case of a new municipality in which there has not been any assessment roll, then instead of referring to being named in the list of electors, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote*), and no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. *Vide* 29-30 V., c. 51, ss. 77, 101, sub 8; 31 V., c. 30, ss. 9, 46, & 47.

Oath of leaseholders on by-laws.

231. Any ratepayer offering to vote in respect of a leasehold on any such by-law, may be required by the returning officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he is a resident within the municipality for which the vote is taken for one month next before the vote; that he (*or his wife, as the case may require*), is a leaseholder within the municipality, and the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law then submitted to the ratepayers is made payable, and that the lessee has covenanted in such lease to pay all municipal taxes; that he has not before voted on the by-law in the township or ward (*as the case may be*) in which he is voting; that he is, according to law, entitled to vote on the said by-law; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders; that he is the person named, or purporting to be named, in the list of electors (*or in case of a new municipality in which there has*

not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named on the list of electors, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality;) and no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 29-30 V., c. 51, ss. 77, 101, sub 8; 31 V., c. 30, ss. 9, 46, & 47.

- 10 **232.** Any by-law which shall be carried by a majority of the duly qualified electors voting thereon, shall, within six weeks thereafter, be passed by the council which submitted the same. 34 V., c. 30, s. 16.

DIVISION IV.—CONFIRMATION OF.

By Publication. Sec.

Notice. Sec.

Consequent Validity. Sec.

- 51 **233.** Every promulgation of a by-law shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the courts to quash the same or any part thereof, and the publication aforesaid shall be in a public newspaper published within the municipality; or if there be no such newspaper, then in the public newspaper published nearest the municipality; and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper for three successive weeks, and shall also in all cases be published in like manner, and for a like period, in a newspaper published in the county town if there be any such newspaper. *Vide* 29-30 V., c. 51, s. 200.
- What shall be such promulgation.

- 234.** The notice to be appended to every copy of the by-law for the purpose aforesaid, shall be to the effect following:
- 30 "NOTICE.—The above is a true copy of a by-law passed by the municipal council of the township of A, in the county of B, one of the united counties of B, C and D (*or as the case may be*) on the _____ day of _____, 18____, and (*where the approval of the Lieutenant Governor in Council is by law required to give effect* to such by-law) approved by His Excellency the Lieutenant Governor in Council, on the _____ day of _____, 18____; and all persons are hereby required to take notice, that any one desirous of applying to have such by-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's superior courts of common law at Toronto, during the term of the said superior courts next, after the special promulgation thereof by the publication of this notice in three consecutive numbers of the following newspapers, viz.: (*here name the newspapers in which the publication is to be made*) or he will be too late to be heard in that behalf; and take notice that such term commences on the _____ day of _____, next. G. H.,
Township Clerk."
- Notice to be given.
- Form of such notice.

Vide 29-30 V., c. 51, ss. 202 & 203.

If not moved against, within the time limited, to be valid.

235. In case no application to quash any by-law be made within the term next after the third publication of such by-law and notice as aforesaid, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, so far as the same ordains, prescribes or directs anything within the proper competence of the council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law. 20-30 V., c. 51, s. 204; 35 V., c. 26, s. 4.

DIVISION V.—QUASHING BY-LAWS.

- How to proceed.* Sec.
- Time limited for application.* Sec.
- Motion against for corrupt practices.* Sec.
- No action till after quashing and notice.* Sec.
- Tender of Amends.* Sec.

By-laws, how to proceed in order to quash.

236. In case a resident of a municipality, or any other person interested in a by-law, order or resolution of the council thereof, applies to either of the superior courts of common law, and produces to the court a copy of the by-law, order or resolution, certified under the hand of the clerk and under the corporate seal, and shews, by affidavit that the same was received from the clerk, and that the applicant is resident or interested as aforesaid, the court after at least four days' service on the corporation of a rule to shew cause in this behalf, may quash the by-law, order or resolution in whole or in part for illegality and according to the result of the application, award costs for or against the corporation. 29-30 V., c. 51, s. 198.

Proviso: time within which application must be made.

237. No application to quash any such by-law, order or resolution, in whole or in part, shall be entertained by any court unless such application shall be made to such court within one year from the passing of such by-law, order, or resolution, except in the case of a by-law requiring the assent of electors or rate-payers, when such by-law has not been submitted to, or has not received the assent of such electors or rate-payers, and in such case an application to quash such by-law may be made at any time. 29-30 V., c. 51, s. 198.

Time after which by-law cannot be quashed, if promulgated.

238. In case a by-law by which a rate is imposed has been promulgated in the manner herein specified, no application to quash the by-law shall be entertained after the next term of the superior courts of common law after the promulgation.

Quashing by-laws.

239. Any by-law the passage of which has been procured through or by means of any violation of the provisions of sections 153 and 154 of this Act, shall be liable to be quashed upon any application to be made in conformity with the provisions hereinbefore contained.

Procedure on application to quash by-laws.

240. Before determining any application for the quashing of a by-law upon the ground that any of the provisions of the said 153rd and 154th sections of this Act have been contravened in procuring the passing of the same, and if it is made to appear

to a judge of one of the superior courts of law, that probable grounds exist for a motion to quash such by-law, the judge may make an order for an inquiry, to be held upon such notice to the parties affected, as the judge may direct concerning the said grounds, before the judge of the county court of the county in which the municipality which passed the by-law is situate, and require that upon such inquiry, all witnesses both against and in support of such by-law, be orally examined and cross-examined upon oath before said county court judge; and the said county court judge shall thereupon return the evidence so taken before him to the clerk of the Crown and Pleas at Toronto; and after the return of said evidence, and upon reading the same, any judge of the said superior courts may, upon notice to such of the parties concerned, as he shall think proper, proceed to hear and determine the question; and if the grounds therefor shall appear to him to be satisfactorily established, it shall be competent to him to make an order for quashing said by-law, and may order the costs attending said proceedings to be paid by the parties or any of them who shall have supported said by-law; and if it shall appear that the application to quash said by-law ought to be dismissed, the said judge may so order, and in his discretion award costs, to be paid by the persons applying to quash said by-law. 35 V., c. 36, s. 14.

241. After an order has been made by a judge directing an inquiry, and after a copy of such order has been left with the clerk of the corporation of which the by-law is in question, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the inquiry has been directed, but if the matter be not prosecuted to the satisfaction of the judge he may remove the stay of proceedings. 35 V., c. 26, s. 15.

Stay of proceedings on the by-law.

242. In case a by-law, order or resolution be illegal in whole or part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing, of the intention to bring such action, has been given to the corporation, and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. 29-30 V., c. 51, s. 205.

Liability of municipality for acts done under a by-law afterwards quashed.

243. In case the corporation tenders amends to the plaintiff or his attorney, if such tender be pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases. 29-30 V., c. 51, s. 206.

Tender of amends.

DIVISION VI.—BY-LAWS CREATING DEBTS.

Requisite formalities. Sec.
Unnecessary for renewal debentures. Sec.
Assent of Electors, when required. Sec.
When Special Council Meeting sufficient. Sec.
When repealable and when not. Sec.
Illegal repeal to be ignored. Sec.
Purchase of Public Works. Sec.
Rates to be imposed therefor. Sec.

By-laws for creating debt.	<p>244. Every such council may, under the formalities required by law, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the ratable property of the municipality, for any purpose within the jurisdiction of the council, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions, except in so far as may be otherwise provided in the next two sections of this act :</p>	5
Terms of. When to take effect.	<p>(1.) The by-law, if not for creating a debt for the purchase of public works, shall name a day in the financial year in which the same is passed, when the by-law shall take effect ;</p>	10
When debt to be redeemed.	<p>(2.) If not contracted for gas or water-works, or for the purchase of public works, according to the Statutes relating thereto, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such by-law takes effect ; and if the debt is contracted for gas or water-works, the same shall in like manner be paid in thirty years at furthest, from the day on which the by-law takes effect :</p>	15
If for gas works, etc.	<p>(3.) The by-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year for paying the debt and interest ;</p>	20
To provide a yearly rate.	<p>(4.) Such special rate shall be sufficient, according to the amount of ratable property appearing by the last revised assessment rolls, to discharge the debt and interest when respectively payable ;</p>	25
To be sufficient in amount.	<p>(5.) The amount of ratable property shall be ascertained irrespective of any future increase of the ratable property of the municipality, and of any income in the nature of tolls, interest or dividends, from the work, or from any stock, share or interest in the work, upon which the money to be so raised or any part thereof is intended to be invested, and also irrespective of any income from the temporary investment of the sinking fund or of any part thereof ;</p>	30
Irrespective of future increase of ratable property.	<p>(6.) The by-law, unless it is for a work payable by local assessment, shall recite : (1.) The amount of the debt which such new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created ; (2.) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest ; (3.) The amount of the whole ratable property of the municipality according to the last revised, or revised and equalized assessment rolls ; (4.) The amount of the existing debt of the municipality, showing the interest and principal separately and how much (if any) principal or interest is in arrears ; and (5.) The annual special rate in the dollar for paying the interest and creating an equal yearly sinking fund for paying the principal of the new debt, according to this Act ; (or in case the debt is payable under the provisions of section 245a, for paying the instalments</p>	35 40 45
Recitals in :— amount and object of debt ; The yearly rate for the debt. The value of the ratable property. The yearly rate for sinking fund and interest.		

of principal and interest, as they respectively become payable.)
Vide 29-30 V., c. 51, s. 226, sub 1-6.

245. If the by-law is for a work payable by local assessment, it shall recite:—(1) The amount of the debt which such by-law is intended to create, and, in some brief and general terms, the object for which it is to be created; (2) The total amount required by this Act to be raised annually by special rate for paying the debt and interest under the by-law; (3) The value of the whole real property ratable under the by-law as ascertained and finally determined as aforesaid; (4) The annual special rate in the dollar or per foot frontage, or otherwise, as the case may be, for paying the interest and creating an equal yearly sinking fund for paying the principal of the debt, or for discharging instalments of principal, according to the foregoing provisions of this act; (*or in case the debt is payable under the provisions of section 245a*, for paying the instalments of principal and interest, as they respectively become payable.) (5) That the debt is created on the security of the special rate settled by the by-law, and on that security only.
Vide 29-30 V., c. 51, s. 303, sub 5.

What the by-law must recite.
 Amount and object.
 Annual amount.

Value of property rated.

Special rate.

Security for debt.

245a. In any case of passing a by-law for contracting a debt, by borrowing money for any purpose, the Municipal Council may in its discretion make the principal of such debt repayable by equal annual instalments during the currency of the period (not exceeding thirty years, if the debt is for gas or water works, and not exceeding twenty years, if the debt is for any other purpose), within which the debt is to be discharged; such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and may issue the debentures of the Municipal Corporation for the amounts, and payable at the times, corresponding with such instalments, together with interest, annually or semi annually, as may be set forth and provided in such by-law. Such by-law shall set forth the annual special rate to be raised in each year during the period of the currency of the debt, which shall be sufficient according, to the amount of ratable property, appearing by the last revised or revised and equalized assessment rolls, before the passing of the by-law to discharge the several instalments of principal and the interest accruing due on said debt, as the said instalments and interest become respectively payable, according to the terms of said by-law; and, in cases within this section, it shall not be necessary that any provision be made for the creation of a sinking fund. New.

Municipal debentures in exchange for others, how issued.

246. It shall not be necessary for any council when passing a by-law authorizing the issue of debentures of the said municipality for the sole purpose, and no other, of exchanging or redeeming outstanding debentures of said municipality, to comply with the formalities of the preceding section of this Act.
 33 V., c. 26, s. 17.

247. Every by-law (except as in the last section mentioned, or for drainage as provided for under the 436th section of this Act, or for a work payable entirely by local assessment) for raising upon the credit of the municipality any money not required for its ordinary expenditure, and not payable within the same

municipal year, shall before the final passing thereof, receive the assent of the electors of the municipality in the manner provided for in the 227th section of this Act; except that in counties the county council may raise by by-law or by-laws, without submitting the same for the assent of the electors of such county or counties, for contracting debts or loans, any sum or sums, not exceeding in any one year twenty thousand dollars over and above the sums required for its ordinary expenditure. *Vide* 29-30 V., c. 51, ss. 227 & 305. 5

248. No such by-law of a county council for contracting any such debt or loan for an amount not exceeding in any one year twenty thousand dollars, over and above the sums required for its ordinary expenditure, shall be valid, unless the same is passed at a meeting of the council specially called for the purpose of considering the same, and held not less than three months after a copy of such by-law as the same is ultimately passed, together with a notice of the day appointed for such meeting has been published in some newspaper issued weekly or oftener within the county; or, if there be no such public newspaper, then in a public newspaper published nearest to the county; and, in either case, published in a newspaper in the county town, if any such paper there be; which said notice may be of the effect following:— 10 15 20

FORM OF NOTICE.

25

Form of notice. The above is a true copy of a proposed by-law to be taken into consideration by the municipality of the county (or united counties) of _____ at _____ in the said county, (or united counties) on the _____ day of _____, 18____, at the hour of _____ o'clock in the _____ noon, at which time and place the members of the council are hereby required to attend for the purpose aforesaid. 29-30 V., c. 51, s. 228. 30

G. H.
Clerk." 35

249. When part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue and as to a proportionate part of the special rate imposed therefor, provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Governor in Council. 29-30 V., c. 51, s. 234. 40

250. After a debt has been contracted, the council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein, or money from any other source; and the council shall not alter a by-law providing any such rate so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money of the corporation which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment. 29-30 V., c. 51, s. 235. 45 50 55

251. No officer of the municipality shall neglect or refuse to carry into effect a by-law for paying a debt under colour of a by-law, illegally attempting to repeal such first mentioned by-law, or to alter the same so as to diminish the amount to be levied under it. 29-30 V., c. 51, s. 207.

5

252. Any council may contract a debt to Her Majesty, in the purchase of any of the public roads, harbours, bridges, buildings or other public works in Ontario, whether belonging to this Province or to the Dominion of Canada, or of any claim in respect of such works, and may execute such bonds, deeds, covenants, and other securities to Her Majesty, as the council may deem fit, for the payment of the price of any such public work, or claim already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to the municipal corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, covenants and other securities shall be valid although no special or other annual rate has been settled or imposed to be levied in each year, as provided by sections 244 to 245a of this Act. *Vide* 29-30 V., c. 51, s. 229, sub 1.

Municipal councils may purchase public works, and contract debts without imposing a yearly rate as provided in the three last sections

253. The council may in any by-law to be passed for the creation of any such debt, or for the executing of any such bonds, deeds, covenants, or other securities as aforesaid, to Her Majesty, or in any other by-law to be passed by the council settle and impose a special rate per annum, of such amount as the council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed ratable property within the municipality, for the payment and discharge of such debts, bonds, deeds, covenants or other securities, or some part thereof, and the by-laws shall be valid, although the rate settled or imposed thereby be less than is required by the sections last mentioned; and the said sections shall, so far as applicable, apply and extend to every such by-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby. 29-30 V., c. 51, s. 229, sub 2.

Rates may be imposed for the payment of debts contracted with the Crown for such works.

DIVISION VII.—BY-LAWS RESPECTING YEARLY RATES.

Amount and Limit of Rate. Sec.

Power to Exempt Sec.

Reduction of special Rate. Sec.

Formalities in By-law, therefor. Sec.

254. The council of every municipal corporation, and of every provisional corporation, shall assess and levy on the whole ratable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the corporation, whether of principal or interest, falling due within the year, but no such council shall assess and levy in any one year more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates; provided always, if in any municipality the aggregate amount of the rates necessary for the payment of the current

Yearly rates to be levied, sufficient to pay all debts payable within the year.

Aggregate rate limited.

annual expenses of the municipality, and the interest and the principal of the debts contracted by such municipality at the time of the passing of this Act shall exceed the said aggregate rate of two cents in the dollar on the actual value of such ratable property, the council of such municipality shall levy such further rates as may be necessary to discharge obligations already incurred, but shall contract no further debts until the annual rates required to be levied within such municipality are reduced within the aggregate rate aforesaid. 29-30 V., c. 51, s. 225. 5

Exemption. 255. Every municipal council shall have the power of exempting any manufacturing establishment from taxation for any period not longer than five years. 33 V., c. 26, s. 15. 10
factories.

When the rate imposed by by-law may be reduced by by-law. 256. In case in any particular year, one or more of the following sources of revenue, namely: (1.) The sum raised by the special rate imposed for the payment of a debt, and collected for any particular year; and (2.) The sum on hand from previous years; and (3.) Any sum derived for such particular year from the surplus income of any work, or of any share or interest therein applicable to the sinking fund of the debt; and (4.) Any sum derived from the temporary investment of the sinking fund of the debt, or of any part of it, and carried to the credit of the special rate and sinking fund accounts respectively, amount to more than the annual sum required to be raised as a special rate to pay the interest, and the installment of the debt for the particular year, and leave a surplus to the credit of such accounts, or either of them, then the council may pass a by-law reducing the total amount to be levied under the original by-law for the following year to a sum not less than the difference between such last mentioned surplus, and the annual sum which the original by-law named and required to be raised as a special rate. 29-30 V., c. 51, s. 236. 15 20 25 30

Recitals requisite in such by-law. 257. The by-law shall not be valid unless it recites:— (1.) The amount of the special rate imposed by the original by-law; (2.) The balance of such rate for the particular year or on hand from former years; (3.) The surplus income of the work, share or interest therein received for such year; and (4.) The amount derived for such year from any temporary investment of the sinking fund— 35

Reduced rate to be named. Nor unless the by-law names the reduced amount in the dollar to be levied under the original by-law— 40

To be approved of by the Governor. Nor unless the by-law be afterwards approved by the Governor in Council. 29-30 V., c. 51, s. 237.

DIVISION VIII.—ANTICIPATORY APPROPRIATIONS.

When and how made. Sec.

By Senior for Junior Municipality. Sec.

Anticipatory appropriations may be made 258. In case any council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the council may do so, by by-law, in the manner and subject to the provisions and restrictions following: 45

(1.) The council may carry to the credit of the sinking fund

account of the debt, as much as may be necessary for the purpose aforesaid, What funds may be so appropriated.

(a.) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made,

(b.) And of any money raised for the purpose aforesaid by additional rate or otherwise,

(c.) And of any money derived from any temporary investment of the sinking fund,

10 (d.) And of any surplus money derived from any corporation work or any share or interest therein,

(e.) And of any unappropriated money in the treasury,

Such moneys respectively not having been otherwise appropriated;

15 (2.) The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year; The sources to be distinguished.

(3.) In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the council may then pass a by-law directing that the original rate for such next ensuing year be not levied. When sufficient, the yearly rate may be suspended for the future year.

29-30 V., c. 51, s. 238.

259. The by-law shall not be valid unless it recites:

(1.) The original amount of the debt, and in brief and general terms, the object for which the debt was created; By-law must recite. The original debt.

(2.) The amount, if any, already paid of the debt; The amount paid.

30 (3.) The annual amount of the sinking fund appropriation required in respect of such debt; The amount of sinking fund yearly. The amount in hand.

(4.) The total amount, then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested;

35 (5.) The amount required to meet the interest of the debt, for the year next after the making of such anticipatory appropriation; and The amount required for next year's interest. And that it is reserved.

40 (6.) That the council has retained at the credit of the special rate account of the debt, a sum sufficient to meet the next year's interest (naming the amount of it), and that the council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year;

45 No such by-law shall be valid unless approved by the Governor in Council. 29-30 V., c. 51, s. 239. By-law to be approved by Governor.

260. After the dissolution of any municipal union, the senior municipality may make an anticipatory appropriation for the relief of the junior municipality, in respect of any debt secured by the by-law, in the same manner as the senior municipality might do on its own behalf. 39-30 V., c. 51, s. 240. After the dissolution of a union, the senior municipality may relieve the junior by an anticipatory appropriation.

TITLE III.—RESPECTING FINANCE.

DIV. I.—ACCOUNTS AND INVESTMENTS.

DIV. II.—COMMISSION OF INQUIRY INTO FINANCES.

DIVISION I.—ACCOUNTS AND INVESTMENTS.

<i>Accounts for Special Rate and Sinking Fund.</i>	<i>Sec.</i>	
<i>Surplus on Special Rate, Application of.</i>	<i>Sec.</i>	
<i>Surplus on Special Rate, Investment of.</i>	<i>Sec.</i>	
<i>General Surplus, Application of.</i>	<i>Sec.</i>	
<i>Unauthorized Application, Liability for.</i>	<i>Sec.</i>	
<i>Yearly Returns to Government.</i>	<i>Sec.</i>	

261. The council of every municipal corporation, shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund, or for instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof. 29-30 V., c. 51, s. 230. 10

262. If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal, for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account, or in payment of principal of such debt. 29-30 V., c. 51, s. 231. 15

263. The Governor in Council may, by order, direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being so invested as hereinafter provided, shall, from time to time as the same shall accrue, be applied to the payment or redemption, at such value, as the said council can agree for, of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the municipal council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate accounts, as directed by such order. 29-30 V., c. 51, s. 232. 20 25 30

264. If any part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account, or of the special rate account thereof cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable, the council shall, from time to time, invest in Government securities, or otherwise, as the Governor in Council may direct. 29-30 V., c. 51, s. 232. 35

265. Every such council may appropriate to the payment of 40

any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt, or in payment of any instalment accruing due. 29-30 V., c. 51, s. 233.

Council may apply other funds towards such debts.

266. From and after the passing of this Act, any municipal corporation having surplus moneys derived from the Upper Canada Municipalities Fund, or from any other source, other than from any distribution of the provincial surplus, may, by by-law, set such surplus apart for educational purposes, and invest the same, as well as any other moneys held by such municipal corporation for, or by it lawfully appropriated to educational purposes, in public securities of the Dominion, or in first mortgages on real estate, held and used for farming purposes, and being the first lien on such real estate, and from time to time, as such securities mature, may invest in other like securities, or in the securities already authorized by law, as may be directed by such by-law, or by other by-laws passed for that purpose; provided always, that no municipal corporation shall invest in such real estate securities within the limits of its own municipality, nor shall any sum so invested, exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is so invested. 29-30 V., c. 51, s. 272; 31 V., c. 30, s. 27; 32 V., c. 43, s. 21.

Appropriation of certain moneys for education.

Investment.

Proviso: as to investments.

267. Any municipal corporation having surplus moneys set apart for educational purposes, may, by by-law invest the same in a loan or loans to any board or boards of school trustees within the limits of the municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and set forth in such by-law. 29-30 V., c. 51, s. 275.

Loans to board of school trustees by municipalities.

268. No member of any municipal corporation shall take part in or in any way be a party to the investment of any such moneys as are mentioned in this Act, by or on behalf of the corporation of which he is a member, otherwise than as is authorized by this Act, or by the eleventh section of the Act respecting Clergy Reserves, or by any other law in that behalf made and provided, and any such person so doing shall be held personally liable for any loss sustained by such corporation. *Vide* 29-30 V., c. 51, s. 277.

Liability of members of corporation or school trustees, in vesting money otherwise than authorized by this Act.

269. The treasurer of every municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by such municipality, transmit to the Treasurer of Ontario, on or before the fifteenth day of January in every year, a return, certified on the oath of the treasurer before some Justice of the Peace, containing the amount of taxable property in the municipality according to the then last assessment roll or rolls, a true account of all the debts and liabilities of the municipality for every purpose, for the then last year; and such further information and particulars with regard to the liabilities and re-

To make a return yearly to the Provincial Board of Audit.

How attested, and what it must shew.

Penalty for default. sources of the municipality, as the Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information or particulars, of one hundred dollars, to be recovered with costs as a debt due to the Crown. 29-30 V., c. 51, s. 163. 5

Every council to make a yearly report of the state of the debts to the Governor, &c. 270. Every council shall, on or before the thirty-first day of January in each year, under a penalty of twenty dollars, in case of default, to be paid to the Treasurer of Ontario, transmit to the Governor, through the Provincial Secretary, an account, in the form presented from time to time by the Governor in Council, of the several debts of the corporation, as they stood on the thirty-first day of December preceding, specifying in regard to every debt which a balance remained due at that day: 10

What such report must shew.

- (1.) The original amount of the debt; 15
- (2.) The date when it was contracted;
- (3.) The days fixed for its payment;
- (4.) The interest to be paid therefor;
- (5.) The rate provided for the redemption of the debt and interest; 20
- (6.) The proceeds of such rate for the year ending on such thirty-first day of December;
- (7.) The portion (if any) of the debt redeemed or paid during such year;
- (8.) The amount of interest (if any) unpaid on such last mentioned day; and 25
- (9.) The balance still due of the principal of the debt. 29-30 V., c. 51, s. s. 159, 241 and 242. 29-

DIVISION II.—COMMISSION OF INQUIRY INTO FINANCES.

When granted. Sec.
Expenses of. Sec.

When a commission of inquiry may issue. 271. In case one third of the members of any council, or thirty duly qualified electors of the municipality, petition for a commission to issue under the Great Seal, to inquire into the financial affairs of the corporation and things connected therewith, and if sufficient cause be shewn, the Governor in Council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any court has in civil cases. 29-30 V., c. 51, s. 243. 34 V., c. 30, s. 15. 30 35

Expenses of such commissions provided for. 272. The expenses to be allowed for executing the commission shall be determined and certified by the Treasurer of Ontario, and shall thenceforth become a debt due to the commissioner or commissioners by the corporation, and shall be payable within three months after demand thereof made by the commissioner, or by any one of the commissioners, at the office of the treasurer of the corporation. 29-30 V., c. 51, s. 244. 40 45

TITLE IV.—ARBITRATIONS.

DIVISION I.—APPOINTMENT OF ARBITRATORS.

DIVISION II.—PROCEDURE.

DIVISION I.—APPOINTMENT OF ARBITRATORS.

How appointed. See

Failure of parties to appoint. See

Respecting roads, drains, &c. See

Where several interests. See

Award when to be made in case of roads, drains, &c. See

Certain persons disqualified. See

273. The appointment of all arbitrators shall be in writing under the hands of the appointors, or in case of a corporation, under the corporate seal, and authenticated in like manner as a by-law. 29-30 V., c. 51, s. 353, sub 8. Appointments how to be made.

5 274. The arbitrators on behalf of a municipal corporation shall be appointed by the council thereof, or by the head thereof, if authorized by a by-law of the council. 29-30 V., c. 51, s. 353, sub 9. Head may appoint for corporation.

10 275. In cases where arbitration is directed by this Act, either party may appoint one arbitrator, and give notice thereof in writing to the other party, and therein calling upon such party to appoint an arbitrator on behalf of the party to whom such notice is given; a notice to a corporation shall be given to the head of the corporation. *Vide* 29-30 V., c. 51, s. 353, **15** sub 1. Mode of appointing arbitrators and conducting arbitrations.

276. The two arbitrators appointed by or for the parties shall within seven days from the appointment of the lastly named of the two arbitrators choose a third arbitrator. 33 V., c. 26, s. 13. Third arbitrator appointed.

20 277. In cases where more than two municipalities are interested, each of them shall appoint an arbitrator, and in such case if there be an equality of arbitrators, the arbitrators so appointed shall appoint another arbitrator, or in default, at the expiration of twenty-one days after such arbitrators have been appointed, the Lieutenant-Governor in Council may, on the **25** application of any one of the municipalities interested, appoint such arbitrator. 33 V., c. 26, s. 13. When more than two municipalities.

30 278. In case of an arbitration between municipal corporations, if for twenty-one days, or in case the arbitration is respecting drainage works, then, if for ten days after having received such notice, the party notified omits appointing an arbitrator; or if for seven days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then, in case the arbitration is between townships or between a township and an incorporated village, the judge of the county court **35** of the county within which the townships are or either of them is situate, or in case the arbitration is between other municipalities, the Governor in Council may appoint an arbitrator for the party or arbitrators in default, or a third arbitrator, as the case may require. *Vide* 29-30 V., c. 51, s. 353, sub 3. **40** Provision in case of neglect to appoint.

35 V., c. 26, ss. 11 & 12.

In case of exercise of powers as to roads, drains, &c.

279. In case of an arbitration between a municipal corporation and the owners of property to be entered upon, taken or used in the exercise of the powers of the corporation in regard to roads, streets, or other communications, or to drains and sewers, if, after the passing of the by-law, any person interested in the property, appoints and give due notice to the head of the council of his appointment of an arbitrator to determine the compensation to which such person is entitled, the head of the council shall, if authorized by by-law, within seven days, appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers the council intends to exercise with respect to the property, describing it. *Vide* 29-30 V., c. 51, s. 353, sub 4. 5 10

If the owner of property fails to name an arbitrator.

280. In any such last mentioned arbitration, if after service on the owner or owners of the property of a copy of any by-law, certified to be a true copy under the hand of the clerk of the council, the owner or owners omit for twenty-one days naming an arbitrator, and giving notice thereof as aforesaid, the council or the head, if authorized by by-law, may name an arbitrator on behalf of the council, and give notice thereof to the owner or owners of the property, and the latter shall, within seven days thereafter, name an arbitrator on his or their behalf. *Vide* 29-30 V., c. 51, s. 353, sub 5. 15 20

Where many parties are interested in the same property.

281. In case there are several persons having distinct interests in property in respect of which the corporation is desirous of exercising the powers referred to in the — section under a by-law in that behalf passed, whether such persons are all interested in the same piece of property, or some or one in a part thereof, and some or one in another part thereof, and in case the by-law or any subsequent by-law provides that the claims of all should, in the opinion of the council, be disposed of by one award, such persons shall have twenty-one (instead of seven) days to agree upon, and give notice of an arbitrator jointly appointed in their behalf, before the county court judge shall have power to name an arbitrator for them. *Vide* 29-30 V., c. 51, s. 353, sub 10. 25 30 35

County Judge to appoint in certain cases.

282. If any such owner or occupier or the head of any such council, whether from want of authority in that behalf, or otherwise, omit naming an arbitrator within seven days after receiving notice to do so, or if the persons having distinct interests as aforesaid, omit naming an arbitrator within twenty-one days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the lastly named of the two arbitrators, agree on a third arbitrator within seven days after the lastly named arbitrator's appointment, or if any of said arbitrators refuse or neglect to act, the judge of the county court of the county in which the property is situated, on the application of either party, shall nominate as an arbitrator a fit person resident without the limits of the municipality in which the property in question is situate, to act for the party failing to appoint or as such third arbitrator, or in the stead of the arbitrator refusing or neglecting to act, and such arbitrators shall forthwith proceed to hear and determine the matters referred to them. *Vide* 29-30 V., c. 51, s. 353, sub 7. 40 45 50

Time for appointing third arbitrator, and for award.

283. In any of the cases herein provided for, the arbitrators shall make their award within one month after the appointment of the third arbitrator. *Vide* 29-30 V., c. 51, s. 353, sub 6. 55

- 284.** No member, officer or person in the employment of any corporation which is concerned or interested in any arbitration, nor any person so interested shall be appointed or act as an arbitrator in any case of arbitration under this Act. *Vide* 32 V., c. 43, s. 12. 35 V., c. 26, s. 11.

DIVISION II.—PROCEDURE.

Oath of Arbitrator. Sec. . . .
Proceedings. Sec. . . .
Majority to decide. Sec. . . .
Costs, power over. Sec. . . .
Evidence, where filed. Sec. . . .
Award, when adoption by By-law required. Sec. . . .
Award, how made, and Jurisdiction of Courts. Sec. . . .

- 285.** Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm, make and subscribe the following affirmation) before any justice of the peace :
 10 " I (A. B.) do swear (or affirm) that I will well and truly "try the matters referred to me by the parties, and a true and "impartial award make in the premises according to the evidence and my skill and knowledge. So help me God."
Vide 29-30 V., c. 51, s. 353, sub 11. 35 V., c. 26, s. 13.
- 15 286.** The arbitrators shall, within ten days after the appointment of the third arbitrator, meet at such place as they may agree upon, to hear and determine the matter in dispute, with power to adjourn from time, and shall make their award in writing, and if it be respecting drainage works, in triplicate, which shall be binding on all parties, and one copy thereof shall be filed with the clerk of each of the municipalities interested, and one shall, in case it be respecting drainage works as aforesaid, be filed with the registrar of deeds for the county in which the lands affected are situate ; *Vide* 35 V., c. 26, s. 14.
- 25 287.** The arbitrators shall have power to award the payment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may either direct the payment of a fixed sum, or that such costs should be taxed on either the scale of Superior Courts of Common Law, or of the
 30 County Courts, in which case such costs shall be taxed by the officer in the County of the proper Court, without any further order, and the amount shall be payable one week after such taxation. Revision by the principal officer at Toronto may be had upon one week's notice, and an appeal to a judge in the
 35 usual manner. *New.*
- 288.** In case of a difference between the arbitrators, the decision of the majority of them shall be conclusive ; 33 V., c. 26, s. 13. 35 V., c. 26, s. 15.
- 289.** In the case of any award under this Act which does not require adoption by the council, or in case of any award to which a municipal corporation is a party, and which is to be made in pursuance of a submission containing an agreement that this section of this Act should apply thereto,

Arbitrators to be sworn.

Form of oath.

Arbitrators to meet in ten days.

Majority to decide.

Notes of the evidence adduced to be taken and filed in certain cases.

the arbitrator or arbitrators shall take, and immediately after the making of the award, shall file with the clerk of the council for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof, and in case they proceed partly on a view or any knowledge or skill possessed by themselves or by any of them, they shall also put in writing a statement thereof sufficiently full to allow the court to form a judgment of the weight which should be attached thereto ; 29-30 V., c. 51, s. 353, sub 13. 10

Award to be binding in certain cases, must be adopted by by-law within a certain time.

290. In case the award relates to property to be entered upon, taken or used as mentioned in the 279th section, and in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the corporation unless it is adopted by by-law within six weeks after the making of the award ; and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the corporation shall pay the costs of the arbitration. 29-30 V., c. 51, s. 353, sub 12. 15 20

Award to be made by at least two arbitrators, and subject to Superior Courts.

291. Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of any of the superior courts of law or equity as if made on a submission by a bond containing an agreement for making the submission a rule or order of such court ; and in the cases provided for by the 289th section, the court shall consider not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence to be taken in any manner the court directs, and may, either without taking such evidence or after taking such evidence set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other person or persons whom the court may appoint as prescribed in the "Common Law Procedure Act," and fix the time within which such further or new award shall be made, or the court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to the court to require. 29-30 V., c. 51, s. 353, sub 14. 30 35 40 45

Powers of the courts in such matters.

TITLE V.—DEBENTURES AND OTHER INSTRUMENTS.

Under Seal and by Signature of head. Sec.

Railway Debentures. Sec.

Local Improvement Debentures. Sec.

Registered Debentures. Sec.

No issue under \$100. Sec.

292. All debentures and other instruments duly authorized to be executed on behalf of a municipal corporation shall, unless 45

otherwise specially authorized or provided, be sealed with the seal of the corporation, and be signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the treasurer of the municipality to see that the money collected under such by-law is properly applied to the payment of the interest and principal of such debentures. 29-30 V., c. 51, s. 213.

Debentures,
bonds, &c.,
how to be executed

293. Any debenture issued in aid of any railway, or for any bonus, signed or indorsed and countersigned as directed by the by-law, shall be valid and binding on the corporation without the corporate seal thereto, or the observance of any other form with regard to the debenture than such as may be directed in the by-law. 29-30 V., c. 51, s. 350.

Debentures
when valid
without the
corporate seal.

294. Any debentures issued under the authority of any by-law which has been promulgated under this Act, shall be valid and binding upon the Corporation, notwithstanding any insufficiency in form or otherwise of such by-law, or in the authority of the Corporation in respect thereof: Provided that the said by-law is in accordance with sub-sections one to five, both inclusive of section 244, or in accordance with section 245a, and has received the assent of the electors where necessary, and that no successful application has been made to quash the same within the next term after the promulgation thereof. *Vide* 35 V., c. 26, s. 22.

Debentures
under sections
to be specially
distinguished.

295. Every debenture issued under the sections of this Act numbered 458, 459, and 460, inclusive, shall bear on its face the words "Local Improvement Debenture," and shall contain a reference, by date and number, to the by-law under which it is issued. 29-30 V., c. 51, s. 304.

296. Any debentures to be issued by any municipal council may contain a provision in the following words: "This debenture, or any interest therein, shall not, *after* a certificate of ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable, except by entry by the treasurer or his deputy in the Debenture Registry Book of the said corporation at the town (*or village*) of _____," or to the like effect. *New.*

297. The treasurer of every municipality issuing any debentures containing the provision in the last section mentioned, shall open and keep a Debenture Registry Book, in which he shall enter a copy of all certificates of ownership of debentures, which he may give, and also every subsequent transfer of any such debenture; such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debenture, or of his executors or administrators, or of his or their lawful attorney, which authority shall be retained by the said treasurer and duly filed. *New.*

298. After such certificate of ownership has been endorsed as aforesaid, such debenture shall only be transferable by entry, by the treasurer of the municipality or his deputy, in such Debenture Registry Book from time to time as transfers of such debenture are authorized by the then owner thereof, or his lawful attorney. *New.*

Restrictions
upon councils
as to banking,
issuing bills,
bonds, &c.

Proviso.

299. No council shall, unless especially authorized so to do, make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than one hundred dollars; and any bond, bill, note, debenture, or other undertaking issued in contravention of this section, shall be void; Provided always that nothing herein contained, shall be construed to affect or repeal so much of the provisions of sections two hundred and eighteen, two hundred and nineteen, and two hundred and twenty of the Act of the Parliament of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, as is intended to prohibit municipal councils acting as bankers, or issuing notes to circulate as those of a bank. *Vide* 29-30 V., c. 51, s. 218.

TITLE VI.—RESPECTING THE ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

- DIV. I.—CORONERS AND JUSTICES OF THE PEACE.
 DIV. II.—PENALTIES.
 DIV. III.—WITNESSES AND JURORS.
 DIV. IV.—CONVICTIONS UNDER BY-LAWS.
 DIV. V.—EXECUTIONS AGAINST MUNICIPAL CORPORATIONS.
 DIV. VI.—COSTS IN *Mandamus*.
 DIV. VII.—CONTRACTS ALIKE VOID IN EQUITY AND IN LAW.
 DIV. VIII.—POLICE OFFICE AND POLICE MAGISTRATE.
 DIV. IX.—BOARD OF COMMISSIONERS OF POLICE AND POLICE FORCE.
 DIV. X.—COURT HOUSE, GAOLS AND OTHER PLACES OF IMPRISONMENT.
 DIV. XI.—INVESTIGATIONS AS TO MALFEASANCE OF CORPORATE OFFICERS.
 DIV. XII.—WHEN MAYOR MAY CALL OUT *Posse*.

DIVISION I.—CORONERS AND JUSTICES OF THE PEACE.

Coroners. Sec.

Justices of the Peace—who are ex-officio. Sec.

Jurisdiction of County, City and Town Justices. Sec.

Oath and declaration requisite. Sec.

Appointment of.

300. One or more coroners may be appointed for any incorporated city or town. *Vide* 29-30 V., c. 51, s. 298.

Heads of councils, mayors and reeves to be justices of the peace.

301. The head of every council, the police magistrate of every city and town, and reeve of every town, township and incorporated village, shall, *ex-officio*, be justices of the peace for the whole county, or union of counties, in which their respective municipalities lie, and aldermen in cities shall be justices of the peace in and for such cities. 32 V., c. 6, s. 11.

Recorders and police magistrates to be J. P.'s *ex officio*.

302. Every police magistrate shall also *ex officio* be a justice of the peace for the city or town for which he holds office. 32 V., c. 6, s. 11.

303. No other justice of the peace shall admit to bail, or discharge a prisoner, or adjudicate upon, or otherwise act in any case for any town or city where there is a police magistrate, except in the case of the illness, absence, or at the request of the police magistrate. 32 V., c. 6, s. 11.

Other justices of the peace not to act when a police magistrate.

304. The police magistrate, or when there is no police magistrate, the mayor of a town or city, shall have jurisdiction in addition to his other powers, to try and determine all prosecutions for offences against the by-laws of the town or city, and for penalties for refusing to accept office therein, or to make the necessary declarations of qualification and office. 29-30 V., c. 51, s. 212.

Jurisdiction of mayors and police magistrates over penal offences.

305. Every justice of the peace for a county shall have jurisdiction in all cases arising under any by-law of any municipality in such county, where there is no police magistrate. 29-30 V., c. 51, s. 364.

Jurisdiction of justices under by-laws.

306. In case an offence is committed against a by-law of a council, for the prosecution of which offence no other provision is made, any justice of the peace, having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the justice is a member of the council or not, may try and determine any prosecution for the offence. 29-30 V., c. 51, s. 208.

Jurisdiction to try offences.

Summary proceedings.

307. Nothing herein contained shall interfere with the jurisdiction of justices of the peace for the county in which a town having no police magistrate, is situate, over offences committed in the town. 29-30 V., c. 51, s. 361.

Jurisdiction of county justices in certain towns.

308. When a town has been erected into a city, and the council of the city duly organized, every commission of the peace theretofore issued for the town shall cease. 29-30 V., c. 51, s. 359.

When towns become cities, former commissions of peace to cease.

309. Before any reeve or alderman shall act in the capacity of a justice of the peace for the county or city, he shall take the same oath of qualification, and in the same manner as is by law required for justices of the peace. 31 V., c. 30, s. 38.

Reeve or alderman to take oath of qualification.

310. No warden, mayor or police magistrate, after taking the oaths or making the declarations as such, shall be required to have any property qualification, or to take any further oath to enable him to act as a justice of the peace. 29-30 V., c. 51, s. 358.

Qualification and oath of such persons as justices of the peace.

DIVISION II.—PENALTIES.

Recovery and application thereof. Sec. . . .

Where Offence against By-Laws. Sec. . . .

312. Every fine and penalty imposed by or under the authority of this Act may, unless where other provision is specially made therefor be recovered and enforced, with costs, by summary conviction, before any justice of the peace for the county, or of the municipality in which the offence was committed; and,

Recovery and enforcement of penalties.

- Imprisonment in default of payment.** in default of payment, the offender may be committed to the common jail, house of correction, or lock-up-house of such county or municipality, there to be imprisoned for any time, in the discretion of the convicting justice, not exceeding, unless where other provision is specially made, fourteen days, unless such fine and penalty, and costs, including the costs of the commitment, be sooner paid. 29-30 V., c. 51, s. 355, sub. 23. 5
- Application of penalties.** **313.** When not otherwise provided, every pecuniary penalty recovered before any justice of the peace under this Act, shall be paid and distributed in the following manner: one moiety to the city, town, village or township in which the offence was committed, and the other moiety thereof, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the justice may seem proper. 29-30 V., c. 51, s. 355, sub. 23. 10 15
- Evidence.** **314.** The justice or other authority before whom a prosecution is had for an offence against a municipal by-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law, as he shall think fit, with the costs of prosecution, and may, by warrant, under the hand and seal of the justice or other authority, or in case two or more justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender. 29-30 V., c. 51, s. 209. 20 25
- Penalty and costs.**
- How levied.**
- Commitment in default of distress.** **315.** In case of there being no distress found, out of which the penalty can be levied, the justice may commit the offender to the common gaol, house of correction, or nearest lock-up-house, for the term, or some part thereof, specified in the by-law. 29-30 V., c. 51, s. 210. 30
- Fines, how applied.** **316.** When the pecuniary penalty has been levied, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the municipal corporation, unless the prosecution is brought in the name of the corporation, in which case the whole of the pecuniary penalty shall be paid to the corporation. 29-30 V., c. 51, s. 211. 35

DIVISION III.—WITNESSES AND JURORS.

Informer, competent. Sec.
Corporators may be witnesses in Municipal Cases. Sec.
Liable to challenge as Jurors. Sec.
Witnesses compelled to attend. Sec.

- Who may be witness** **317.** Upon the hearing of any information or complaint, exhibited or made under this Act, any person, (including the person giving or making the information or complaint) shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender. 29-30 V., c. 51, s. 355, sub. 24. 40
- Jurors, etc.** **318.** In any prosecution, suit, action or proceeding in any civil matter to which a municipal corporation is a party, no 45

rate-payer, member, officer or servant of the corporation shall, on account of his being such, be incompetent as a witness; but they, and every of them, shall be liable to challenge as a juror, except where the corporation, the party to such prosecution, 5 suit, action or proceeding, is a county. 32 V., c. 6, s. 13.

319. In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give evidence in the same manner, and by the same process as witnesses are compelled to attend and give evidence on summary 10 proceedings before justices of the peace in cases tried summarily, under the Statutes now in force, or which may be hereafter enacted. 29-30 V., c. 51, s. 363.

Compelling witnesses to attend, etc.

DIVISION IV.—CONVICTIONS UNDER BY-LAWS.

Form of. Sec.

321. It shall not be necessary in any conviction made under any by-law of any municipal corporation, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law under which the conviction is made, but all such convictions may be in the form given in the following schedule.

What only shall be necessary in conviction under by-laws.

PROVINCE OF ONTARIO, } **BE IT REMEMBERED,** *Form.*
 20 County of , } that on the day of
 To wit. } A.D. at in the county
 of , A.B. is convicted before the undersigned,
 one of Her Majesty's justices of the peace in and for the said
 county, for that the said A.B. (*stating the offence, and time and*
 25 *place, and when and where committed,*) contrary to a certain
 by-law of the municipality of the of , in
 the said county of ; passed on the day of
 A.D. , and intituled; (*reciting the title of*
 30 *the by-law*); and I adjudge the said A.B., for his said offence,
 to forfeit and pay the sum of , to be paid and applied
 according to law, and also to pay to C. D., the complainant,
 the sum of for his costs in this behalf. And if the
 said several sums be not paid forthwith, (*or*) on or before the
 day of (*as the case may be*),
 35 I order that the same be levied by distress and sale of the goods
 and chattels of the said A. B.; and in default of sufficient distress,
 I adjudge the said A. B. to be imprisoned in the common
 jail of the said county of (*or, in the public lock-up at*
) for the space of days, unless
 40 the said several sums, and all costs and charges of conveying
 the said A. B. to such jail (*or lock-up*), shall be sooner paid.
 Given under my hand and seal, the day and year first above
 written, at , in the said county.
 J. M.,
 45 (L.S.) J. P.
 29-30 V., c. 51, s. 362.

DIVISION V.—EXECUTIONS AGAINST MUNICIPAL CORPORATIONS.

Proceedings thereon. Sec.
Municipal Officers, also Officers of Court. Sec.

Proceedings
on writs of exe-
cution against
municipalities.

322. Any writ of execution against a municipal corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following :

Sheriff to deli-
ver statement
to treasurer.

(1.) The sheriff shall deliver a copy of the writ and endorse-
ment to the treasurer, or leave such copy at the office or dwell-
ing-house of that officer, with a statement in writing of the
sheriff's fees, and of the amount required to satisfy such execu-
tion, including in such amount the interest calculated to some
day as near as is convenient to the day of the service. 5

If not paid, a
rate to be
struck.

(2.) In case the amount, with interest thereon from the day
mentioned in the statement, be not paid to the sheriff within
one month after the service, the sheriff shall examine the
assessment rolls of the corporation, and shall, in like manner
as rates are struck for general municipal purposes, strike a rate
sufficient in the dollar to cover the amount due on the execu-
tion, with such addition to the same as the sheriff deems suf-
ficient to cover the interest, his own fees and the collector's
per centage, up to the time when such rate will probably be
available. 10

Sheriff's pre-
cept to levy.

(3.) The sheriff shall thereupon issue a precept or precepts,
under his hand and seal of office, directed to the collector or
respective collectors of the corporation, and shall annex to every
precept the roll of such rate, and shall by such precept after
reciting the writ, and that the corporation had neglected to
satisfy the same, and referring to the roll annexed to the pre-
cept, command the collector or collectors within their respec-
tive jurisdictions, to levy such rate at the time and in the
manner by law required in respect of the general annual rates. 15

Who to collect
the rate.

(4) In case at the time for levying the annual rates next after
the precept of such receipt, the collectors have a general rate
roll delivered to them for such year, they shall add a column
thereto, headed, "Execution rate in A. B., vs. The Township"
(or as the case may be, adding a similar column for each execu-
tion if more than one,) and shall insert therein the amount by
such precept required to be levied upon each person respectively,
and shall levy the amount of such execution rate as aforesaid,
and shall, within the time they are by law required to make
the returns of the general annual rate, return to the sheriff the
precept with the amount levied thereon, after deducting their
per centage. 20

Surplus.

(5) The sheriff shall, after satisfying the execution and all
fees thereon, pay any surplus, within ten days after receiving
the same, to the treasurer, for the general purposes of the cor-
poration. 29-30 V., c. 51, s. 224, subs 1-5. 45

Clerk, assess-
ors and col-
lectors to be
officers of the
court from
which writ
issues.

323. The clerk, assessors and collectors of the corporation
shall, for all purposes connected with carrying into effect, or
permitting or assisting the sheriff to carry into effect, the pro-
visions of this Act, with respect to such executions, be deemed
to be officers of the court, out of which the writ issued, and as
such shall be amenable to the court, and may be proceeded
against by attachment, mandamers or otherwise, in order to
compel them to perform the duties hereby imposed upon them.
29-30 V., c. 51, s. 224 sub 6. 50

DIVISION VI.—COSTS IN MANDAMUS.

324. Upon any application for, or other proceedings upon a writ of mandamus for or against a municipal corporation, the courts may, in their discretion, grant or refuse costs to either party. 29-30 V., c. 51, s. 223.

Cost of
mandamus.

DIVISION VII.—CONTRACTS VOID ALIKE IN EQUITY AND LAW.

325. In case a member of the council of any municipality, either in his own name, or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the corporation is a party interested, and which is on that account void or voidable in equity, the same contract, purchase or sale, shall also be held void in any action at law thereon against the corporation. 29-30 V., c. 51, s. 222.

Contracts by
members with
the corpora-
tion void in
law if void in
equity.

DIVISION VIII.—POLICE OFFICE AND POLICE MAGISTRATE.

Who to preside in Police Office. Sec.
Clerk of. Sec.
Magistrate, appointment and salary of. Sec.
Tenure of office. Sec.

326. The council of every town and city shall establish therein a police office; and the police magistrate, or in his absence, or where or when there is no police magistrate, the mayor of the town or city shall attend at such police office daily, or at such times and for such period as may be necessary for the disposal of the business brought before him as a justice of the peace; but any justice of the peace having jurisdiction in a town may, at the request of the mayor thereof, act in his stead at the police office. Except in cases of urgent necessity, no attendance is required on Sunday, Christmas Day, or Good Friday, or any day appointed by proclamation for a Public Fast, Thanksgiving, or Holiday, or on any day set apart by the council as a civic holiday. *Vide* 29-30 V., c. 51, s. 367.

Police offices
in cities and
towns.

327. The clerk of the council of every city or town, or such other person as the council of the city or town may appoint for that purpose, shall be the clerk of the police office thereof, and perform the same duties, and receive the same emoluments as clerks of justices of the peace; and in case the said clerk is paid by a fixed salary, the said emoluments shall be paid by them or him to the municipality, and form part of its funds, and such clerk shall be the officer of and under the police magistrate. *Vide* 29-30 V., c. 51, s. 374.

Clerk of police
office, and his
duties.

Fees or salary.

328. All cities, and all towns having more than five thousand inhabitants, shall have a police magistrate, and the salaries of such police magistrate shall not be less than on the following scale, and such salaries shall be paid half-yearly by the city and town municipalities respectively:

Police magis-
trate.

In cities. (1.) In cities—Twelve hundred dollars per annum, but any salary of a larger amount paid to any police magistrate at the time of the passing of this Act, shall be continued whilst such police magistrate remains in office ;

Salary of police magistrate. (2.) In towns—Where the population is not more than six thousand, four hundred dollars per annum ; where the population is over six thousand and not more than eight thousand, six hundred dollars per annum ; where the population is over eight thousand, one thousand dollars per annum. *Vide* 29-30 V., c. 52, s. 371. 31 V., c. 30, s. 39. 5 10

329. Every other town may, if the Governor in Council sees fit to make such an appointment, have a police magistrate, but no such appointment 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. *Vide* C. S. U. C. Cap. 54, ss. 369 & 374. 29-30 V., c. 51, s. 371. 15

Tenure of office. **330.** Every police magistrate shall be appointed by the Governor, and shall hold office during pleasure. *Vide* 29-30 V., c. 51, s. 372. 20

DIVISION IX.—BOARD OF COMMISSIONERS OF POLICE IN CITIES AND POLICE FORCE IN CITIES AND TOWNS.

Board, members of. Sec.
Quorum, who to be. Sec.
May license horses, cabs, &c. Sec.
By-laws of, how authenticated. Sec.
Infraction of, how punishable. Sec.
Police in cities, appointment of. Sec.
Oath of. Sec.
Regulations for. Sec.
Remuneration of. Sec.
Appointment of Police where no Board. Sec.
When may arrest without Warrant. Sec.
Suspension from office. Sec.

Board of police; of whom composed. **331.** In every city there is hereby constituted a board of commissioners of police, and such board shall consist of the mayor, the judge of the county court of the county in which the city is situate, and the police magistrate, and in case the office of county judge or that of police magistrate be vacant, the council of the city shall appoint a person resident therein to be a member of the board, or two persons so resident to be members thereof, as the case may require, during such vacancy ; such commissioners shall have power to summon and examine witnesses on oath in all matters connected with the administration of their duties. 32 V., c. 6, s. 15. 25 30

A majority to constitute a quorum. **332.** A majority of the board shall constitute a quorum, and the acts of a majority shall be considered acts of the board. 29-30 V., c. 51, s. 395.

Licensing cabs, etc. **333.** The board of commissioners of police may in cities regulate and license the owners of livery stables and of horses, cabs, carriages, omnibuses, and other vehicles used for hire and establish the rates of fare to be taken by the owners or drivers, 35

and may provide for enforcing payment of such rates and for such purposes may pass by-laws and enforce the same in the manner and to the extent in which any by-law to be passed under the authority of this Act may be enforced. *Vide* 31 V. c. 30, s. 33 ; 32 V., c. 43, s. 22.

334. All by-laws of such board of commissioners of police shall be sufficiently authenticated by being signed by the chairman of the board, who shall pass the same ; and a copy of any such by-law written or printed and certified to be a true copy by any member of such board, shall be deemed authentic, and be received in evidence in any court of justice without proof of any such signature, unless it is specially pleaded or alleged that the signature to any such original by-law has been forged. 32 V., c. 32, s. 39.

How such by-laws authenticated, etc

335. In all cases where the board of commissioners of police are authorized to make by-laws, either under this or any other Act or law, they shall have power in and by such by-laws to attach penalties for the infraction thereof, to be recovered and enforced by summary proceedings before the police magistrate of the city for which the same may be passed, or in his absence, before any justice of the peace having jurisdiction therein, in the manner and to the extent that by-laws of city councils may be enforced under the authority of this Act ; and the convictions in such proceedings may be in the form herein set forth. 32 V., c. 32, s. 38.

By-laws by police commissioners in cities may have penalties attached thereto, etc.

336. The council of every city shall appoint a high bailiff, but may provide by by-law that the offices of high bailiff and chief constable shall be held by the same person. 29-30 V., c. 51, s. 389.

High bailiffs and constables.

337. The police force in cities shall consist of a chief constable and as many constables and other officers and assistants as the council from time to time deems necessary ; but not less in number than the board reports to be absolutely required. 29-30 V., c. 51, s. 396.

Number of police to be determined by the council.

338. The members of such police force shall be appointed by and hold their offices at the pleasure of the board, and shall take and subscribe to the following oath :

“ I, A. B., do swear that I will well and truly serve our Sovereign Lady the Queen, in the office of Police Constable for the _____ of _____ without favour or affection, malice or ill-will ; and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty’s subjects ; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.” 29-30 V., c. 51, s. 397 ; 31 V., c. 30, s. 41.

The policemen to be appointed by the board.

Their oath of office.

339. The board shall, from time to time, make such regulations as they may deem expedient, for the government of the force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of all its duties. 29-30 V., c. 51, s. 398.

Board to make police regulations.

340. The constables shall obey all lawful directions, and be subject to the government of the board, and shall be charged

The policeman to be subject to the board.

Duties of with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanors, and apprehending offenders, and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities which belong by law to constables duly appointed. 29-30 V., c. 51, s. 399. 5

Remuneration and contingent expenses. **341.** The council shall appropriate and pay such remuneration for and to the respective members of the force as shall be required by the board of commissioners of police, and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessaries as the board may from time to time deem requisite, and require for the payment, accommodation, and use of the force. 29-30 V., c. 51, s. 400. 10

Chief constable. **342.** The council of every town shall appoint one chief constable for the municipality, and one or more constables for each ward, and the persons so appointed shall hold office during the pleasure of the council. 29-30 V., c. 51, s. 390. 15

Arrests by constables for alleged breaches of the peace (not within view, when sanctioned. **343.** In case any person complains to a chief of police, or to a constable in a town or city, of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape or to prevent a renewal of a breach of the peace, or to prevent immediate violence to person or property, then if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the police magistrate or before the mayor or sitting justice, such officer may, without warrant, arrest the person charged in order to his being conveyed as soon as conveniently may be before the magistrate, mayor or justice to be dealt with according to law. 29-30 V., c. 51, s. 391. 20 25 30

Until a board of police is organized mayor, etc., may suspend chief constable, etc., from office. **344.** Until the organization of a board of police, every mayor or police magistrate may, within his jurisdiction, suspend from office for any period in his discretion, the chief constable, or constable of the town or city, and may, if he chooses, appoint some other person to the office during such period; and in case he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, report the case to the council, and the council may dismiss such officer, or may direct him to be restored to his office after the period of his suspension has expired; and the city council respectively shall have the like powers as to the high bailiff of a city. 29-30 V., c. 51, s. 392. 35 40 45

Salary to be withheld during suspension. **345.** During the suspension of such officer he shall not be capable of acting in his office except by the written permission of the mayor or police magistrate who suspended him, nor during such suspension shall he be entitled to any salary or remuneration. 29-30 V., c. 51, s. 393. 50

DIVISION X.—COURT HOUSES, GAOLS AND OTHER PLACES OF IMPRISONMENT.

Erection and care of. Sec.

Who to be confined in. Sec.

- 346.** Every county council may pass by-laws for erecting, improving and repairing a court-house, gaol, house of correction, and house of industry, upon land being the property of the municipality, and shall preserve and keep the same in repair, and provide the food, fuel and other supplies required for the same. 29-30 V., c. 51, s. 401. County council may pass by-laws for buildings.
- 347.** The gaol, court-house and house of correction of the county in which a town or city, not separated for all purposes from a county, is situate, shall also be the gaol, court house, and house of correction of the town or city, and shall, in the case of such city, continue to be so until the council of the city otherwise directs; and the sheriff, gaoler and keeper of the gaol and house of correction shall receive and safely keep, until duly discharged, all persons committed thereto by any competent authority of the town or city. 29-30 V., c. 51, s. 402. Gaols and court houses to be common to counties and cities, &c., not separated.
- 348.** The council of every city may erect, preserve, improve and provide for the proper keeping of a court house, gaol, house of correction and house of industry upon lands being the property of the municipality, and may pass by-laws for all or any of such purposes. 29-30 V., c. 51, s. 405. City councils may erect court house, gaol, houses of correction and house of industry.
- 349.** The council of every county may establish and maintain a lock-up-house or lock-up-houses within the county, and may establish and provide for the salary or fees to be paid to the constable to be placed in charge of every such lock-up-house, and may direct the payment of the salary out of the funds of the county. 29-30 V., c. 51, s. 407. Lock-up-houses may be established by county council.
- 350.** Every lock-up-house shall be placed in the charge of a constable specially appointed for that purpose, by the magistrates of the county at a General Sessions of the Peace therefor. 29-30 V., c. 51, s. 408. A constable to be placed in charge of.
- 351.** The council of every city, township, town, and incorporated village may, by by-laws, establish, maintain and regulate lock-up-houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any by-law of the council; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any common gaol or house of correction, either for trial or in the execution of any sentence; and such councils shall have all the powers and authorities conferred on county councils in relation to lock-up-houses. 29-30 V., c. 51, s. 412. Lock-up-houses for persons sentenced to short imprisonment.
- 352.** Two or more municipalities may unite to establish and maintain a lock-up-house. 29-30 V., c. 51, s. 412.
- 353.** The council of every county, city, or town separated from a county may acquire an estate in landed property for an industrial farm, and may establish a House of Industry and a House of Refuge, and provide by by-law for the erection and repair County councils may erect and appoint inspectors of Houses of Industry.

Proviso: as to united or contiguous counties.

thereof, and for the appointment, payment and duties of inspectors, keepers, matrons and other servants for the superintendence, care and management of such Houses of Industry or Refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same; Provided always, that any two or more united counties, or any two or more contiguous counties, or any city and one or more counties, or any town or one or more counties, may agree to have only one House of Industry or Refuge for such united or contiguous counties, or city and counties, or town and counties and maintain and keep up the same in the manner herein provided. *Vide* 29-30 V., c. 51, s. 413; 31 V., c. 30, s. 42.

Inspectors to keep and render accounts of expenses, &c.

354. The Inspector shall keep an account of the charges of erecting, keeping, upholding and maintaining the House of Industry or Refuge, and of all materials found and furnished therefor, together with the names of the persons received into the House, as well as of those discharged therefrom, and also of the earnings, and such account shall be rendered to the county council every year, or oftener when required by a by-law of the council, and a copy thereof shall be presented to each branch of the Legislature. 29-30 V., c. 51, s. 416.

Work-houses in cities and towns and houses of correction.

355. The council of every city and town may respectively pass by-laws:

(1.) For erecting and establishing within the city or town, or on such industrial farm, or on any ground held by the corporation for public exhibitions, a work-house or house of correction, and for regulating the government thereof;

Who liable to be committed thereto.

(2.) For committing and sending, with or without hard labour, to the work-house or house of correction, or to the industrial farm, by the mayor, police magistrate, or any justice of the peace while having jurisdiction in the city or town respectively, such description of persons as may by the council be deemed, and by by-law be declared expedient; and such farm or ground held as aforesaid, shall, for the purposes in this sub-section mentioned, be deemed to be within the city or town and the jurisdiction thereof. 29-30 V., c. 51, s. 417.

Custody of gaols and court houses.

356. The sheriff shall have the care of the county gaol, gaol offices and yard, and gaoler's apartments, and the appointment of the keepers thereof. 29-30 V., c. 51, s. 418.

County council to appoint keepers, &c.

357. The county council shall have the care of the house and of all offices and rooms connected therewith, whether the same forms a separate building or is connected with the gaol, and shall have the appointment of the keepers thereof; and shall from time to time provide all necessary and proper accommodation for the courts of justice other than the division courts, and for all officers connected with such courts. 29-30 V., c. 51, s. 419.

City gaols to be regulated by by-law.

358. In any city not being a separate county for all purposes, but having a gaol or court house separate from the county gaol or court house, the care of such city gaol or court house shall be regulated by the by-laws of the city council. 29-30 V., c. 51, s. 420.

Upon separation, gaol and court house regulations to continue.

359. In case of a separation of a union of counties, all rules and regulations, and all matters and things in any Act of Parliament for the regulation of, or relating to court houses or

gaols in force at the time of the separation, shall extend to the court house and gaol of the junior county. 29-30 V., c. 51, s. 406.

360. While a city or town uses the court-house, gaol or house of correction of the county, the city or town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or be settled by arbitration under this Act. 29-30 V., c. 51, s. 403.

Compensation by city or town how to be regulated and made.

361. In case after the lapse of five years from such compensation having been so agreed upon or awarded, or having been settled by Statute, and whether before or after the passing of this Act, it appears reasonable to the Governor in Council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the order, and after such time the councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the order. 29-30 V., c. 51, s. 404.

When the amount may be revised.

362. Nothing herein contained shall affect any lock-up-house heretofore lawfully established, but the same shall continue to be a lock-up-house as if established under this Act. 29-30 V., c. 51, s. 411.

Previous lock-up-houses to continue.

363. Nothing herein contained shall be taken or construed to affect or repeal section four hundred and nine of the Act passed in the session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered fifty-one, which enacts that "any justice of the peace of the county may direct by warrant in writing under his hand and seal, the confinement in a lock-up-house within his county, for a period not exceeding two days, of any person charged on oath with a criminal offence, whom it may be necessary to detain until examined, and either dismissed or fully committed for trial to the common gaol, and until such person can be conveyed to such gaol; also the confinement in such lock-up-house, not exceeding twenty-four hours, of any person found in a public street or highway in a state of intoxication, or any person convicted of desecrating the Sabbath, and generally may commit to a lock-up-house instead of the common gaol or other house of correction, any person convicted on view of the justice, or summarily convicted before any justice or justices of the peace of any offence cognizable by him or them, and liable to imprisonment therefor under any statute or municipal by-law." 29-30 V., c. 51, s. 409.

Who liable to confinement in, &c.

364. The expense of conveying any prisoner to, and of keeping him in a lock-up-house, shall be defrayed in the same manner as the expense of conveying him to and keeping him in the common gaol of the county. 29-30 V., c. 51, s. 410.

Expense of conveying and maintaining prisoners.

365. Nothing herein contained shall be taken or construed to affect or repeal so much of sections four hundred and fourteen and four hundred and fifteen of the Act passed in the session of the Parliament of the late Province of Canada, held in the twenty ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, which enact that :—

Who liable to be committed thereto.	“ Any two of Her Majesty’s justices of the peace or of the Inspectors appointed as aforesaid may, by writing under their hands and seals, commit to the house of industry or of refuge, to be employed and governed according to the rules, regulations, and orders of the house ;	5
Indigent.	“ (1.) All poor and indigent persons who are incapable of supporting themselves ;	
Idle.	“ (2.) All persons without the means of maintaining themselves, and able of body to work, and who refuse or neglect so to do ;	10
Lewd.	“ (3.) All persons leading a lewd, dissolute or vagrant life, and exercising no ordinary calling, or lawful business sufficient to gain or procure an honest living ;	
Frequenters of public houses.	“ (4.) And all such as spend their time and property, in public houses, to the neglect of any lawful calling ;	15
Idiots.	“ (5.) And idiots ;	
Punishment of refractory inmates.	“ And every person committed to the house of industry or of refuge, if fit and able, shall be kept diligently employed at labour during his continuance there ; and in case any such person is idle and does not perform such reasonable task or labour as may be assigned, or is stubborn, disobedient or disorderly, such person shall be punished according to the rules and regulations of the house of industry or of refuge in that behalf.”	20
	29-30 V., c. 51, ss. 414 & 415.	

DIVISION XI.—INVESTIGATIONS AS TO MALFEASANCE OF CORPORATE OFFICERS.

Investigation by county judge of charges of malfeasance.	366. In case the council of any municipality at any time passes a resolution requesting the judge of the county court of the county in which the municipality is situated to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the council or officer of the corporation, or of any person having a contract therewith, in relation to the duties or obligations of the member, officer or other person, to the municipality, or in case the council of any municipality sees fit to cause enquiry to be made into or concerning any matter connected with the good government of the municipality, or the conduct of any part of the public business thereof, and if the council at any time passes a resolution requesting the said judge to make the inquiry, the judge shall enquire into the same, and shall for that purpose have all the powers of commissioners under the Statute of Ontario respecting inquiries concerning	25 30 35 40
To have powers under Consolidated Statutes of Ontario, 31 Vic., cap. 6.	ing public matters and official notices, and the judge shall, with all convenient speed, report to the council the result of the enquiry and the evidence taken thereon. 29-30 V., c. 51, s. 380. 32 V., c. 6, s 12.	45

DIVISION XII.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*.

Mayor may call out posse.	367. The mayor of any city or town may call out the <i>posse comitatus</i> to enforce the law within his municipality should exigencies require it, but only under the same circumstances in which the sheriff of a county may now by law do so. 29-30 V., c. 51, s. 365.	45
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PART VII.

GENERAL POWERS OF MUNICIPAL COUNCILS.

- DIV. I.—OF COUNTIES, TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES.
 DIV. II.—OF COUNTIES, CITIES, TOWNS AND INCORPORATED VILLAGES.
 DIV. III.—OF TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES.
 DIV. IV.—OF COUNTIES, CITIES AND SEPARATED TOWNS.
 DIV. V.—OF CITIES, TOWNS AND INCORPORATED VILLAGES.
 DIV. VI.—OF CITIES AND TOWNS.
 DIV. VII.—OF TOWNSHIPS, TOWNS AND INCORPORATED VILLAGES.
 DIV. VIII.—OF TOWNS AND INCORPORATED VILLAGES.
 DIV. IX.—OF COUNTIES ONLY.
 DIV. X.—OF TOWNSHIPS ONLY.
 DIV. XI.—AS TO HIGHWAYS AND BRIDGES.
 DIV. XII.—AS TO WORKS PAID FOR BY LOCAL RATES.
 DIV. XIII.—AS TO RAILWAYS.

DIVISION I.—POWERS OF COUNTIES, TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES.

368. The council of every county, township, city, town and incorporated village may pass by-laws:— Councils may make by laws*

Obtaining Property

(1.) For obtaining such real and personal property as may be required for the use of the corporation, and for erecting, improving and maintaining a hall, and any other houses and buildings required by and being upon the land of the corporation, and for disposing of such property when no longer required; 29-30 V., c. 51, s. 246, sub. 1. For obtaining property, real and personal, &c.

Appointing Certain Officers.

(2.) For appointing such—
 10 Pound-keepers, | Road Surveyors,
 Fence-viewers, | Road Commissioners,
 Overseers of Highways, | Valuators;
 And such other officers as are necessary in the affairs of the corporation, or for carrying into effect the provisions of any Act of the Legislature, or for the removal of such officers; but nothing in this Act shall prevent any member of a corporation from acting as commissioner, superintendent or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality; and it shall be lawful for said municipality to pay any such member of the corporation acting as such commissioner, superintendent or overseer. 29-30 V., c. 51, s. 246, sub. 2; 31 V., c. 30, s. 25. To appoint officers;

(3.) For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties; 29-30 V., c. 51, s. 246, sub. 3. To fix fees and securities;

Aiding Agricultural and other Societies.

For aiding
Agricultural
Societies;

(4.) For granting money or land in aid of the Agricultural Association of Ontario, or of any duly organized Agricultural or Horticultural Society in Ontario, or of the Board of Arts and Manufactures for Ontario, or of any incorporated Mechanics' Institute within the municipality; 29-30 V., c. 51, s. 246, sub. 4. 5

Aiding Manufacturing Establishments.

(5.) For granting bonuses to any person or persons, or company, establishing and maintaining manufacturing establishments within the bounds of such municipality, and for issuing debentures, payable at such time or times, and bearing or not bearing interest, as the municipality may think meet for the purpose of raising money to meet such bonuses; 34 V., c. 30, s. 6. 10

Aiding Road Companies.

Taking stock
in, or making
loans to, such
companies;

(6.) For taking stock in, or lending money to, any incorporated road or bridge company having roads or bridges within its jurisdiction, under and subject to the respective statutes in that behalf; 29-30 V., c. 51, s. 333, sub. 8. 15

Aiding Indigent Persons and Charities.

(7.) For aiding in maintaining any indigent person belonging to or found in the municipality at any workhouse, hospital or institution for the insane, deaf and dumb, blind or other public institution of a like character; or granting aid to any charitable institution or out-of-door relief to the resident poor. *Vide* 29-30 V., c. 51, s. s. 279 and 299, sub. 11; 31 V., c. 30, s. 28. 20

Census.

Local census;

(8.) For taking a census of the inhabitants, or of the resident male freeholders and householders in the municipality; 29-30 V., c. 51, s. 246, sub. 5.

Driving on Roads and Bridges.

To regulate
driving on
bridges;

(9.) For regulating the driving and riding of horses and other cattle on highways and public bridges, and for preventing racing or dangerous driving or riding thereon; 29-30 V., c. 51, s. 296, sub. 26, sec. 333, sub. 3, sec. 344, sub. 2. 25

Opening or
stopping up
drains and
water-courses.

(10.) For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers or water-courses, within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained; 29-30 V., c. 51, s. 333, sub. 1. 30 35

Fines and Penalties.

Fines and
penalties for
neglect of duty

(11.) For inflicting reasonable fines and penalties not exceeding fifty dollars exclusive of costs,—

(a) Upon any person for the non-performance of his duties who has been elected or appointed to any office in the corporation, and who neglects or refuses to accept such office, unless 40

good cause be shown therefor, or to take the declaration of office, and afterwards neglects the duties thereof; and

(b) For breach of any of the by-laws of the corporation; 29-30 V., c. 51, s. 246, sub. 6; 34 V., c. 30, s. 3.

5 (12.) For collecting such penalties and costs by distress and sale of the goods and chattels of the offender; 29-30 V., c. 51, s. 246, sub. 7. Levying penalties by distress.

(13.) For inflicting reasonable punishment, by imprisonment with or without hard labour either in a lock-up-house in some Imprisonment when allowed, and time of.
10 town or village in the township, or in the county gaol or house of correction, for any period not exceeding twenty-one days, for breach of any of the by-laws of the council, in case of non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied,
15 except for breach of any by-law or by-laws in cities, and the suppression of houses of ill-fame, for which the imprisonment may be for any period not exceeding six months, in case of the non-payment of the costs and fines inflicted and there being no sufficient distress as aforesaid. 29-30 V., c. 51, s. 246, sub. 8.

Temperance Laws.

20 (14.) For prohibiting the sale of intoxicating liquors and the issue of licenses therefor, subject to the provisions and limitations contained in the Temperance Act of 1864, 27-28 Vic., cap. 18. New.

Purchasing Wet Lands.

(15.) For purchasing from the Government or any corporation or person, at a price (in case of Crown Lands, to be fixed upon by the Governor in Council, and which price the Governor in Council is hereby authorized to fix), all the wet lands at the disposal of the Crown or such corporation or person in any such township; and such lands may be sold accordingly to the Purchase of wet lands from Government.
25 corporation of any such township; 29-30 V., c. 51, s. 345, sub. 5.

(16.) The purchase and draining of such lands shall be one of the purposes for which any such corporation may raise money, by loan or otherwise, or for which they may apply any of its funds not otherwise appropriated; 29-30 V., c. 51, s. 345, sub. 6. Raising money for that purpose.

35 (17.) The corporation of any such township may possess and hold the land so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose of the same by public auction, in like manner as they may by law sell or dispose of other property, and upon such terms and conditions, Disposing of such land.
40 and with such mortgages upon the land so sold, or other security for the purchase-money or any portion thereof, as they may think most advantageous. 29-30 V., c. 51, s. 345, sub. 7.

(18.) The proceeds of the sale of such lands shall form part of the general funds of the municipality. 29-30 V., c. 51, s. 345, sub. 8.

Ornamental Trees.

(19.) For causing any tree, shrub, or sapling, growing or planted on any public place, square, highway, street, lane, alley, or other communication under its control to be removed, if and when such removal shall be deemed necessary for any purpose Proceeds of sale.
50 of public improvement; but no such tree, shrub, or sapling shall be so removed until after one month's notice thereof shall be given to the owner of the adjoining property, and he be recompensed for his trouble in planting and protecting the

same; nor shall such owner, or any pathmaster, or other public officer, or any other person, remove or cut down or injure such tree, shrub, or sapling, on pretence of improving the public place, square, highway, street, road, lane, alley, or other communication or otherwise, without the express permission of the municipal council having the control of the public place, square, highway, street, road, lane, alley, or other communication; and any council may expend money in planting and preserving shade and ornamental trees upon any public place, square, highway, street, road, lane, alley, or other communication within the municipality, and may grant sums of money to any person or association of persons to be expended for the same purposes. 34 V., c. 31, ss. 3 & 5.

Compensation for Lands taken.

369. Every council shall make to the owners of real property entered upon, taken or used by the corporation in the exercise of its powers in respect to roads, streets and other public communications, or to drains and common sewers, due compensation for any damages (including cost of fencing when required) necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act. 29-30 V., c. 51, s. 325.

Titles to Land of Infants, &c., how acquired.

370. In the case of real property which a council has authority under this Act to enter upon, take or use without the owner's consent, corporations, tenants, in tail or for life, guardians, committees and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatic, idiots, married women or others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the council any such real property, or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof; in case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the judge of the county court for the county in which such property is situate, may, on the application of the council, appoint a person to act in respect to the same for all or any of the said purposes. 29-30 V., c. 51, s. 326.

371. In case any party acting as aforesaid has not the absolute estate in the property, the council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the party entitled to it whenever he claims the same, and executes a valid acquittance therefor, unless the Court of Chancery, or other court having equitable jurisdiction in such cases, do in the mean time direct the council to pay the same to any person or into court; and the council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such court. 29-30 V., c. 51, s. 327.

372. All sums agreed upon, or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject. 29-30 V., c. 51, s. 328. Charges on the purchase-money.

Expenses of Erecting Fences, &c.

373 Whenever any municipal council has any authority to direct by by-law or otherwise, that any matter or thing should be done by any person or corporation, such council may also by the same or another by-law, direct that in default of its being done by the party, such matter or thing shall be done at the expense of the party on default, and may recover the expense thereof with costs by action or distress. New.

DIVISION II.—POWERS OF COUNCILS OF COUNTIES, CITIES, TOWNS, AND INCORPORATED VILLAGES.

374. The council of every county, city, town and incorporated village may pass by-laws for the following purposes:— By-laws may be made—

Harbours, Docks, &c.

(1.) For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water; For the cleanliness of wharves, docks, &c.

(2.) For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water, or the banks or shores thereof, at the expense of the proprietor or occupant of the property connected with which such projections are found; For removal of door step, &c.

(3.) For making, opening, preserving, altering, improving and maintaining public wharves, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof; Wharves, docks, &c.

(4.) For regulating harbours; for preventing the filling up or encumbering thereof; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers, and docks therein, and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels; for regulating the vessels, crafts and rafts arriving in any harbour; and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master. 29-30 V., c. 51, s. 296, sub s. 1—4; 31 V., c. 30, s. 43. For regulating harbours, &c.

DIVISION III.—POWERS OF COUNCILS OF TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES.

375. The council of every township, city, town or incorporated village may pass by-laws. By-laws for—

Electoral Divisions.

(1.) For dividing the wards of such city or town, or for dividing such township or village into two or more con- Dividing city or town into wards.

And townships
and villages
into electoral
divisions.

venient electoral divisions, and for establishing polling places therein, and may from time to time repeal or vary the same, and such electoral divisions shall be made, or varied whenever the electors in any ward, township, village, or division exceed _____, and shall be made and varied in such a manner that the number of electors in the several electoral divisions shall not exceed the said number of _____.
Vide 29-30 V., c. 51, s. 278.

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Billiard Tables.

Licensing and
regulating bil-
liard tables.

(2.) For licensing, regulating and governing all persons who, for hire or gain directly or indirectly, keep, or have in their possession, or on their premises, any billiard table, or who keep or have a billiard table in a house or place of public entertainment or resort, whether such billiard table is used or not, and for fixing the sum to be paid for a license so to have or keep such billiard table, and the time such license shall be in force. 29-30 V., c. 51, s. 264, sub. 1.

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15

Victualling Houses, &c.

Victualling
houses, num-
ber and regu-
lation of.

(3.) For limiting the number of and regulating victualling houses, ordinaries, and houses where fruit, oysters, clams, or victuals are sold to be eaten therein, and all other places for reception, refreshment or entertainment of the public; and 29-30 V., c. 51, s. 264, sub. 2.

20

License and
fee for same.

(4.) For licensing the same when no other provision exists therefor, and for fixing the rates of such licenses not exceeding twenty dollars. 29-30 V., c. 51, s. 264, sub. 3.

Schools.

Acquiring
land for
schools, &c.

(5.) For obtaining such real property as may be required for the erection of common school-houses thereon, and for other common school purposes, and for the disposal thereof when no longer required; and for providing for the establishment and support of common schools according to law; 29-30 V., c. 51, s. 269, sub. 2.

30

Cemeteries.

For establish-
ing cemeteries

(6.) For accepting or purchasing land for public cemeteries, as well within as without the municipality, and for laying out, improving and managing the same; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery and for no other purpose; and thereupon such land, although without the municipality, shall become part thereof, and shall cease to be a part of the municipality to which it formerly belonged; and such by-law shall not be repealed; 29-30 V., c. 51, s. 269, sub. 3.

40

For selling
portions there-
of on limited
terms.

(7.) For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portion shall be held; 29-30 V., c. 51, s. 269, sub. 4.

Cruelty to Animals.

Preventing
cruelty to ani-
mals.

(8.) For preventing cruelty to animals; and for preventing the destruction of birds, the by-laws for these purposes not being inconsistent with any Statute in that behalf; 29-30 V., c. 51, s. 269, sub. 5.

45

Dogs.

(9.) For imposing a tax on the owners, possessors or har- Tax on dogs.
 bourers of dogs; 29-30 V., c. 51, s. 269, sub. 6.

(10.) For killing dogs running at large contrary to the by-laws; Killing dogs.
 29-30 V., c. 51, s. 269, sub. 7.

Fences.

5 (11.) For settling the height and description of lawful fences; Height and
kind of fences
 29-30 V., c. 51, s. 269, sub. 8.

Division Fences.

(12.) For regulating the height, extent and description of Of division
fences.
 lawful division fences; and for determining how the cost
 thereof shall be apportioned; and for directing that any amount
 10 so apportioned shall be recovered in the same manner as pen-
 alties not otherwise provided for may be recovered under this
 Act; but until such by-laws be made, the Act respecting line
 fences and water courses, shall continue applicable to the muni-
 cipality; 29-30 V., c. 51, s. 269, sub. 9.

Water Courses.

15 (13.) For compelling the owners of lands through which any
 open drain or water course passes to erect and keep up water
 gates where fences cross such drain or water course, and for
 preventing persons obstructing any drain or water course;
 New.

Weeds.

20 (14.) For preventing the growth of weeds detrimental to Destruction of
weeds.
 husbandry and compelling the destruction thereof; 29-30 V.,
 c. 51, s. 269, sub. 10.

Filth in Streets.

(15.) For preventing persons from throwing any dirt, filth, Preventing
throwing dirt,
in streets, &c.
 carcasses of animals, or rubbish, on any street, road, line, or
 25 highway; 31 V., c. 30, s. 36.

Burning Stumps, Brush, &c.

(16.) For regulating the times during which stumps, wood,
 logs, trees, brush, straw, shavings, or refuse, may be set on fire
 or burned in the open air, and for prescribing precautions to be
 observed during such times, and for preventing such fires being
 30 kindled at other times; New.

Exhibitions, Shows, &c.

(17.) For preventing or regulating and licensing exhibitions Licensing
public shows.
 of wax work, menageries, circus-riding, and other such like
 shows usually exhibited by showmen, and for requiring the
 payment of license fees for authorizing the same, not exceeding
 35 one hundred dollars for every such license, and for imposing
 fines upon persons infringing such by-laws, and for levying the
 same by distress and sale of the goods and chattels of such
 showman or belonging to or used in such exhibition whether
Fines for in-
fractioin.

Proviso owned by such showman or not, or for the imprisonment of
Licenses not to such offenders for any term not exceeding one month; Provided
be granted for always, that it shall not be lawful for the council of any munici-
certain times pal corporation, or the commissioners of police in any city, to
and places. grant licenses or license certificates to persons having exhibi- 5
 tions of any work or circus, riding, or other shows of a like
 character, or places of gambling, or to those engaged in traffic
 in fruits, goods, wares, or merchandize of whatever description,
 for gain, on the days of the exhibition of the Agricultural
 Association of Upper Canada, or of any county, electoral divi- 10
 sion, or township agricultural society, either on the grounds of
 such society, or within the distance of three hundred yards
 from such grounds; 29-30 V., c. 51, s. 269, sub-s. 11.

Graves.

Protecting (18.) For preventing the violation of cemeteries, graves,
graves. tombs, tombstones, or vaults where the dead are interred; 15
 29-30 V., c. 51, s. 269, sub-s. 12.

Injuries to Property and Notices.

Ornamental (19.) For preventing the injuring or destroying of trees
trees. planted or preserved for shade or ornament; and the defacing
 of private or other property by printed or other notices; *Vide*
 29-30 V., c. 51, s. 269, sub-s. 13. 20
Signs. (20.) For preventing the pulling down or defacing of sign-
 boards, and of printed or written notices lawfully affixed;
Vide 29-30 V., c. 51, s. 269, sub-s. 14.

Gas and Water Companies.

Authorising (21.) For authorizing any corporate gas or water company to
gas and water lay down pipes or conduits for the conveyance of water or gas 25
companies to under streets or public squares, subject to such regulations as
lay down the council sees fit; 29-30 V., c. 51, s. 269, sub-s. 15.
pipes, &c.
Taking stock (22.) For acquiring stock in, or lending money to, any such
in gas and company; and for guaranteeing the payment of money bor-
water com- rowed by, or of debentures issued for money so borrowed by 30
panies. the company; Provided the by-law is consented to by the elec-
Proviso. tors, as hereinbefore provided: in such case the head of any
Head of corpo- corporation holding stock in any such company to the amount
ration to be a of ten thousand dollars shall be *ex officio* a director of the com-
director. pany in addition to the other directors thereof, and shall also be 35
 entitled to vote on such stock at any election of directors.
 29-30 V., c. 51, s. 269, sub-s. 16; sec. 270.

Establishing Boundaries.

Ascertaining (23.) For procuring the necessary estimates, and making the
and marking proper application for ascertaining and establishing the bound-
boundaries of ary lines of the municipality, according to law, in case the 40
townships. same has not been done; and for erecting and providing for the
 preservation of the durable monuments required to be erected
 for evidencing the same; 29-30 V., c. 51, s. 269, sub-s. 1.

Inspection of Weights and Measures.

Inspectors of (24.) For appointing inspectors to regulate weights and
weights and measures, according to the lawful standard; 29-30 V., c. 51, 45
measures; s. 283, sub. 1.
their powers.

(25.) For visiting all places wherein weights and measures, steel-yards or weighing machines of any description are used; 29-30 V., c. 51, s. 283, sub. 2.

(26.) For seizing and destroying such as are not according to the standard; 29-30 V., c. 51, s. 283, sub. 3.

(27.) For imposing and collecting penalties upon persons who are found in possession of unstamped or unjust weights, measures, steel-yards, or other weighing machines; 29-30 V., c. 51, s. 283, sub. 4.

Public Morals

10 (28.) For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master, or legal protector; 29-30 V., c. 52, s. 284, sub. 1. Giving drink to children, &c.

(29.) For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places; 29-30 V., c. 52, s. 284, sub. 2. Indecent placards, &c.

(30.) For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency; 33 V., c. 26, s. 4. Drunkenness, &c.

20 (31.) For suppressing disorderly houses and houses of ill-fame; 29-30 V., c. 51, s. 284, sub. 4. Lewdness.

(32.) For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys, and other places of amusement; 29-30 V., c. 51, s. 284, sub. 6. Exhibitions, &c.

25 (33.) For suppressing gambling houses, and for seizing and destroying faro-banks, rouge et noir, roulette tables, and other devices for gambling found therein; 29-30 V., c. 51, s. 284, sub. 7. Gaming.

(34.) For preventing horse racing; 29-30 V., c. 51, s. 284, sub. 5. Racing.

(35.) For restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place; 29-30 V., c. 51, s. 284, sub. 8. Vagrants.

35 (36.) For preventing indecent public exposure of the person and other indecent exhibitions; 29-30 V., c. 51, s. 284, sub. 9. Indecent exposure.

(37.) For preventing or regulating the bathing or washing the person in any public water in or near the municipality; 29-30 V., c. 51, ss. 284, sub. 10, 296, sub. 19. Bathing.

376. In case the council of any township, city, town or incorporated village adopts a resolution on the application of one half of the resident landholders to be affected thereby, that it is expedient to place durable monuments at the front or rear of any concession or range, or part thereof in the municipality, or at the front or rear angles of the lots therein, the council may apply to the Governor in the manner provided for in the sixth to the tenth sections of the Consolidated Statute for Upper Canada respecting the survey of lands, praying him to cause a survey of such concession or range, or such part thereof, to be made, and such monuments to be placed under the authority of the Commissioner of Crown Lands, and the person or persons making the survey shall accordingly plant stones or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein (as the case may be) and the limits of each lot so ascertained and marked, shall be the true limits thereof; and the costs of the survey shall be defrayed in the manner prescribed by the said Statute. 29 & 30 Vic., c. 51, s. 268. Placing land marks and monuments to mark boundaries. Con. Stat. U. C., c. 93.

By-laws as to pounds and cruelty to animals.

377. The council of every township, city, town and incorporated village, may also pass by-laws (not inconsistent with the Consolidated Statute of Canada relating to cruelty to animals):

Providing Pounds, &c.

Pounds to be provided.

(1.) For providing sufficient yards and enclosures for the safe-keeping of such animals as it may be the duty of the pound-keeper to impound; 5

Animals running at large.

(2.) For restraining or regulating the running at large of any animals, and providing for impounding them; and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law; 10

Appraising damages done by.

(3.) For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to the laws of Ontario or of the municipality. 15

Compensation for impounding animals.

(4.) For determining the compensation to be allowed for services rendered, in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. 29 & 30 Vic., c. 51, s. 354, sub. s. 1-4. 20

Public Health.

Members of council to be health officers.

378. The members of every township, city, town and incorporated village council shall be health officers within their respective municipalities, under the Consolidated Statute for Upper Canada, respecting the public health, and under any Act passed after this Act takes effect for the like purpose; but any such council may by by-law delegate the powers of its members as such health officers to a committee of their own number, or to such persons, either including or not including one or more of themselves, as the council thinks best. 29 & 30 Vic., c. 51, s. 248. 30

DIVISION IV.—POWERS OF COUNCILS OF COUNTIES, CITIES AND SEPARATED TOWNS.

By-laws for regulating—

379. The council of every county, city and town separated from the county for municipal purposes, may pass by-laws for the following purposes:

Engineers—Inspectors.

Appointing engineers and inspectors.

(1.) For appointing, in addition to other officers, one or more engineers, and also one or more inspectors of the House of Industry, also one or more surgeons of the Gaol and other institutions under the charge of the municipality, and for the removal of such officers; 29 & 30 Vic., c. 51, s. 286, sub. s. 1. 35

Auctioneers.

Auctioneers.

(2.) For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction; and for fixing the sum to be paid for every such license, and the time it shall be in force; 29 & 30 Vic., c. 51, s. 286, sub. s. 2. 40

Hawkers and Pedlars.

(3.) For licensing, regulating and governing hawkers or petty chapmen ; and other persons carrying on petty trades, who have not become permanent residents in the county, city or town, or who go from place to place or to other men's houses, on foot, or with any animal bearing or drawing any goods, wares or merchandise for sale, or in or with any boat, vessel, or other craft or otherwise carrying goods, wares or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the county, city or town, and the time the license shall be in force ; and for providing the clerk of the Municipality with licenses in this and the previous section mentioned, for sale to parties applying for the same in the township under such regulations as may be prescribed in such by-law ; but no duty shall be imposed for hawking or peddling any goods, wares or merchandise the growth, produce or manufacture of this Province, not being liquors, within the meaning of the law relating to taverns or tavern licenses ; 32 Vic., c. 43, s. 19.

Hawkers and pedlars.

Licenses for.

No duty on manufacture of this Province, &c.

Ferries.

(4.) For licensing and regulating ferries between any two places within the municipality, and establishing the rates of ferriage to be taken thereon ; but no such by-law as to ferries, shall have effect until assented to by the Governor in Council ; but until the council pass a by-law regulating such ferries, and in the cases of ferries not between two places in the same municipality, the Governor by order in council may from time to time regulate such ferries respectively, and establish the rates to be taken thereon, in accordance with the Statutes in force relating to ferries. Vide 29 & 30 Vic., c. 51, s. 286, sub-s. 4

Ferries with assent of Governor in Council.

Where there is no by-law.

Lands for High Schools.

(5.) For obtaining in such part of the county, or of any city or town separated within 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 school-houses, and for disposing of such property when no longer required. 29 & 30 Vic., c. 51, s. 288, sub-s. 1.

Purchase of lands for High Schools.

Aiding High Schools.

(6.) For making provisions in aid of such High Schools as may be deemed expedient ; 29 & 30 Vic., c. 51, s. 288, sub-s. 2.

Aiding such school.

Supporting Pupils at University and High Schools.

(7.) For making a permanent provision for defraying the expense 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 public High Schools 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 ; 29 & 30 Vic., c. 51, s. 288, sub-s. 3.

Attendance at Grammar Schools.

Grammar School pupils competing or University prizes.

(8.) For making similar provision for the attendance at any

High School, for like purposes of pupils of Common Schools of the county; 29 & 30 Vic., c. 51, s. 288, sub-s. 4.

Endowing Fellowships.

Endowing fellowships.

(9.) 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 Public High Schools in the county, as the council deem expedient for the encouragement of learning amongst the youth thereof. 29 & 30 Vic., c. 51, s. 288, sub-s. 5. 5

Public Fairs.

(10.) For authorizing on petition of at least fifty qualified electors of the municipality, the holding of public fairs at one or more of the most public and convenient places not separated from the municipality for municipal purposes.

(a.) The purpose for which such fairs may be held shall be restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement. 15

(b.) The by-law to authorize the establishment of any such fair, shall establish rules and regulations for the government of the same, and appoint a person whose duty it shall be to have them carried out. 20

(c.) The council authorizing the establishment of a public fair shall, immediately after the passing of a by-law for that purpose, give public notice of the same. 34 V., c. 21, ss. 1-4.

DIVISION V. -- POWERS OF COUNCILS OF CITIES, TOWNS AND INCORPORATED VILLAGES.

By-laws may be made—

380. The council of every city, town and incorporated village may pass by-laws for the following purposes: 25

Water.

For supplying water, &c.

(1.) For establishing, protecting and regulating public wells reservoirs and other conveniences for the supply of water, and for making reasonable charges for the use thereof, and for preventing the wasting and fouling of public water: 29-30 V., c. 30 51, s. 296, sub-s. 5.

Markets, &c.

Markets.

(2.) For establishing markets; 29-30 V., c. 51, s. 296, sub-s. 6.

For regulating markets.

(3.) For regulating all markets established and to be established; the places, however, already established as markets in such municipality, shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority; and all market reservations or appropriations heretofore made in any such municipality, shall continue to be vested in the corporation thereof; 29-30 V., c. 51, s. 296, sub-s. 7. 35

Old markets continued.

Regulating vending in streets, &c.

(4.) For preventing or regulating the sale by retail in the public streets, or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, small ware and other articles offered for sale; 33 V., c., 26, s. 5. 40

- (5.) For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed : 29-30 V., c. 51, s. 296, sub-s. 9. Vending in open air
- 5 (6.) For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small ware and all other articles exposed for sale, and the fees to be paid therefor ; and also for preventing criers and vendors of small ware from practising their calling in the market, public streets
10 and vacant lots adjacent thereto. 33 V., c. 26, s. 6. Sale of butcher's meat, farm produce, small ware, &c.
- (7.) For preventing the forestalling, regrating or monopoly of market grains, meats, fish, fruits, roots, vegetables, poultry and dairy products, eggs and all articles required for family use, and such as are usually sold in the market; 29-30 V., c. 51, s. 296, sub-s. 11. Preventing forestalling.
- (8.) For preventing and regulating the purchase of such things by hucksters, butchers or runners; 29-30 V., c. 51, s. 296, sub-s. 12; 31 V., c. 30, s. 32; 34 V., c. 30, s. 2. Regulating hucksters, &c.
- 20 (9.) For regulating the mode of measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and other fuel; 29-30 V., c. 51, s. 296, sub-s. 13. Measuring, weighing, &c.
- (10.) For imposing penalties for light weight or short count, or short measurement in anything marketed; 29-30 V., c. 51, s. 296, sub-s. 14. Penalties for light weight.
- 25 (11.) For regulating all vehicles, vessels, and all other things in which anything is exposed for sale or marketed, and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid; 29-30 V., c. 51, s. 296, sub-s. 15. Regulating vehicles used in market vending.
- (12.) For regulating the assize of bread, and preventing the use of deleterious materials in making bread; and for providing for the seizure and forfeiture of bread made contrary to the by-law; 29-30 V., c. 51, s. 296, sub-s. 16. Assize of bread, &c.
- 30 (13.) For selling, after six hours' notice, butchers' meat distrained for rent of market-stalls; 29-30 V., c. 51, s. 296, sub-s. 18. Rent of market stall.

Tainted Meat.

- 35 (14.) For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food : 29-30 V., c. 51, s. 296, sub-s. 17. Tainted provisions.

Nuisances.

- (16.) For preventing and abating public nuisances; 29-30 V., c. 51, s. 296, sub-s. 20. Abatement of nuisances.
- 40 (17.) For preventing or regulating the construction of privy vaults; 29-30 V., c. 51, s. 296, sub-s. 21. Privy vaults.
- (18.) For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances; 29-30 V., c. 51, s. 296, sub-s. 23. Slaughter houses, &c.
- 45 (19.) For preventing the ringing of bells, blowing of horns, shouting and other unusual noises, in streets and public places; 29-30 V., c. 51, s. 296, sub-s. 24. Noise
- 50 (20.) For preventing or regulating the firing of guns or other fire-arms; and the firing or setting off of fire balls, squibs, crackers or fire-works, and for preventing charivaries and other like disturbances of the peace; 29-30 V., c. 51, s. 296, sub-s. 25. Firing guns, &c.

Vacant Lots.

- (21.) For causing vacant lots to be properly enclosed : 29-30 V., c. 51, s. 296, sub-s. 22. Vacant lots.

Cattle Off Sidewalks.

Furious driv- (22.) For preventing the leading, riding or driving of horses
ing. or cattle upon sidewalks or other places not proper therefor ;
vide 29-30 V., c. 51, s. 296, sub-s. 26.

Importuning Travellers.

Importuning (23.) For preventing persons in streets or public places from
travellers. importuning others to travel in or employ any vessel or vehicle, 5
or go to any tavern or boarding house, or for regulating per-
sons so employed ; 29-30 V., c. 51, s. 296, sub-s. 27.

Public Health.

Public health. (24.) For providing for the health of the municipality, and
against the spreading of contagious or infectious diseases ; 29-
30 V., c. 51, s. 296, sub-s. 28. 10

Interments.

Interments. (25.) For regulating the interment of the dead, and for pre-
venting the same taking place within the municipality ; 29-30
V., c. 51, s. 296, sub-s. 29.

Bills of mor- (26.) For directing the keeping and returning of bills of mor-
tality. tality ; and for imposing penalties on persons guilty of default ; 15
29-30 V., c. 51, s. 296, sub-s. 30.

Gunpowder.

Gunpowder,} (27.) For regulating the keeping and transporting of gun-
care of. powder and other combustible or dangerous materials ; for
regulating, and providing for the support by fees, of magazines
for storing gunpowder belonging to private parties ; for com- 20
pelling persons to store therein ; for acquiring land, as well
within as without the municipality, for the purpose of erecting
powder magazines, and for selling and conveying such land
when no longer required therefor ; 29-30 V., c. 51, s. 296, sub-
s. 32. 25

Preventing Fires.

Fire compa- (28.) For appointing fire wardens, fire engineers and firemen,
nies, &c. and promoting, establishing, and regulating fire companies ;
hook-and-ladder companies, and property-saving companies ;
29-30 V., c. 51, s. 296, sub-s. 33.

Medals and re- (29.) For providing medals or rewards for persons who dis- 30
wards to, &c. tinguish themselves at fires ; and for granting pecuniary aid,
or otherwise assisting the widows and orphans of persons who
are killed by accident at such fires ; 29-30 V., c. 51, s. 296,
sub-s. 34.

Fire in stables, (30.) For preventing or regulating the use of fire or lights in 35
&c. stables, cabinet makers' shops, carpenters' shops, and combustible
places ; 29-30 V., c. 51, s. 296, sub-s. 35.

Dangerous (31.) For preventing or regulating the carrying on of manu-
manufactories. factories or trades dangerous in causing or promoting fire ; 29-
30 V., c. 51, s. 296, sub-s. 36. 40

Stores, chim- (32.) For preventing, and for removing or regulating the
neys, &c. construction of any chimney, flue, fire-place, stove, oven, boiler,
or other apparatus or thing which may be dangerous in causing
or promoting fire ; 29-30 V., c. 51, s. 296, sub-s. 37.

- (33.) For regulating the construction of chimneys as to dimensions and otherwise, and for enforcing the proper cleaning of the same; 29-30 V., c. 51, s. 296, sub-s. 35. Size and cleaning chimneys, &c.
- 5 (34.) For regulating the mode of removal and safe keeping of ashes; 29-30 V., c. 51, s. 296, sub-s. 39. Ashes.
- (35.) For regulating and enforcing the erection of party walls; 29-30 V., c. 51, s. 296, sub-s. 40. Party walls.
- 10 (36.) For compelling the owners and occupants of houses to have scuttles in the roof thereof, with approaches; or stairs or ladders leading to the roof; vide 29-30 V., c. 51, s. 296, sub-s. 41. Ladders to houses.
- (37.) For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident; 29-30 V., c. 51, s. 296, sub-s. 42. Buildings and yards, condition of.
- 15 (38.) For requiring the inhabitants to provide so many fire buckets in such manner and time as may be prescribed; and for regulating the examination of them, and the use of them at fires; 29-30 V., c. 51, s. 296, sub-s. 43. Fire buckets.
- 20 (39.) For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same; 29-30 V., c. 51, s. 296, sub-s. 44. Inspection of premises.
- 25 (40.) For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire; 29-30 V., c. 51, s. 296, sub-s. 45. Suppression of fires.
- 30 (41.) For regulating the conduct, and enforcing the assistance of the inhabitants present at fires, and for the preservation of property at fires; 29-30 V., c. 51, s. 296, sub-s. 46. Enforcing assistance at fires.

Removal of Snow, Ice, Dirt, and Obstructions.

- (42.) For compelling persons to remove the snow, ice and dirt from the roofs of the premises owned or occupied by them, and from the sidewalks, street, or alley in front of such premises, and for removing the same at the expense of the owner or occupant in case of his default; 29-30 V., c. 51, s. 296, sub-s. 47; 31 Vic., c. 30, s. 34. Removal of snow, &c.
- 35 (43.) For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication; 29-30 V., c. 51, s. 340, sub-s. 3. Preventing obstruction in streets.
- 40 (44.) For directing the removal of door-steps, porches, railings or other erections, or obstructions projecting into or over any road or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found; 29-30 V., c. 51, s. 340, sub-s. 4. Removal of door-steps, &c.
- 45

Numbering Houses and Lots.

- (45.) For numbering the houses and lots along the streets of the municipality, and for affixing the numbers to the houses, buildings, or other erections along the streets, and for charging the owner or occupant of each house or lot with the expense incident to the numbering of the same; 29-30 V., c. 51, s. 296, sub-s. 48. Numbering houses, &c.
- 50 (46.) For keeping (and every such council is hereby required to make and keep) a record of the streets, and numbers of the houses and lots numbered thereon respectively, and entering Record of streets, numbers, boundaries, &c.

thereon, and every such council is hereby required to enter thereon a division of the streets with boundaries and distances for public inspection: 29-30 V., c. 51, s. 296, sub-s. 49.

Naming Streets.

For marking the boundaries of and naming streets. (47.) For surveying, settling, and marking the boundary lines of all streets, roads, and other public communications, and for giving names thereto, and affixing such names at the corners thereof on either public or private property. 29-30 V., c. 51, s. 340, sub-s. 5. 5

Levels of Cellars.

Ascertaining levels. (48.) For ascertaining and compelling owners, tenants and occupants to furnish the councils with the levels of the cellars heretofore dug or constructed, or which may hereafter be dug or constructed along the streets of the municipality, such levels to be with reference to a line fixed by the by-laws; 29-30 V., c. 51, s. 296, sub-s. 50. 10

Block plan of buildings. (49.) For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-laws. 29-30 V., c. 51, s. 296, sub-s. 51. 15

Sewerage.

Cellars, sinks, &c. (50.) For regulating the construction of cellars, sinks, water-closets, privies and privy vaults, and the manner of draining the same; 29-30 V., c. 51, s. 296, sub-s. 52. 20

Filling in hollow places, drains, &c. (51.) For compelling or regulating the filling up, draining, clearing, altering, relaying and repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools and privies; and for assessing the owners or occupiers of such grounds or yards, or of the real estate on which the cellars, private drains, sinks, cesspools, and privies are situate, with the cost thereof if done by the council on their default; 29-30 V., c. 51, s. 296, sub-s. 53. 25 30

Sewerage and drainage. (52.) For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes; 29-30 V., c. 51, s. 296, sub s. 54.

Charging rent for sewers. (53.) For charging all persons who own or occupy property which is drained into a common sewer, or which by any by-law of the council is required to be drained into such sewer with a reasonable rent for the use of the same; and for regulating the time or times and manner in which the same is to be paid: 29-30 V., c. 51, s. 296, sub-s. 55. 35

Licensing Transient Traders.

Regulating transient traders. (54.) For licensing, regulating and governing transient traders and other persons who occupy places of business in the city or town, or incorporated village, for periods less than one year, and whose names have not been duly entered on the assessment roll for the then current year. 33 V., c. 26, s. 7. 40

DIVISION VI.—POWERS OF COUNCILS OF CITIES AND TOWNS

381. The council of every city and town may pass by-laws : *By law for—*

Intelligence Officers.

- (1.) For licensing suitable persons to keep Intelligence Offices for registering the names and residences of, and giving information to, or procuring servants for, employers in want of domestics or labourers, and for registering the names and residences of and giving information to, or procuring employment for, domestics, servants and other labourers desiring employment, and for fixing the fees to be received by the keepers of such offices; 29-30 V., c. 51, s. 299, sub-s. 1. Licensing intelligence offices.
- 10 (2.) For the regulation of such Intelligence Offices; 29-30 V., c. 51, s. 299, sub-s. 2. Regulation of.
- (3.) For limiting the duration of or revoking any such license; 29-30 V., c. 51, s. 299, sub-s. 3. Duration of license.
- 15 (4.) For prohibiting the opening or keeping any such Intelligence Office within the municipality without license; 29-30 V., c. 51, s. 299, sub-s. 4. Prohibition of without license.
- (5.) For fixing the fee to be paid for such license, not exceeding ten dollars for one year; 29-30 V., c. 51, s. 299, sub-s. 5. Fees for.

Wooden Buildings.

- 20 (6.) For regulating the erection of buildings, and preventing the erection of wooden buildings and wooden fences in specified parts of the city or town; 29-30 V., c. 51, s. 299, sub-s. 6. Wooden buildings.

Police.

- (7.) For establishing, regulating and maintaining a police; but subject to the other provisions of this Act on that head; 29-30 V., c. 51, s. 299, sub-s. 7. A police.

Industrial Farm—Exhibition.

- 25 (8.) For acquiring any estate in landed property within or without the city or town for an industrial farm, or for a public park, garden or walk, or for a place for exhibitions, and for the disposal thereof when no longer required for the purpose; and for accepting and taking charge of landed property, within or without the city or town, dedicated for a public park, garden or walk for the use of the inhabitants of the city or town; 29-30 V., c. 51, s. 299, sub-s. 8. Industrial farm.
- 30 (9.) For the erection thereon of buildings and fences for the purposes of the farm, park, garden, walk or place for exhibitions, as the council deems necessary; 29-30 V., c. 51, s. 299, sub-s. 9. Buildings thereon.
- 35 (10.) For the management of the farm, park, garden, walk, or place for exhibitions and buildings; 29-30 V., c. 51, s. 299, sub-s. 10. Managing the same.

Charities.

- 40 (11.) For establishing and regulating within the city or town, or on the industrial farm or ground held for public exhibitions, one or more almshouses or houses of refuge for the relief of the destitute, and also for aiding charitable institutions within the city or town. 29-30 V., c. 51, s. 299, sub-s. 11. Almshouses, and poor.

Corporation Surveyor.

Appointment of corporation surveyor. (12.) For appointing any person to be the corporation surveyor; and the board of examiners of provincial land surveyors for Ontario shall examine such person, and, if he is found competent, shall grant to him, without the usual service, his certificate as a deputy provincial surveyor, and his acts as such shall, in the town or city, while he holds the office of surveyor thereto, have the same effect as those of any other deputy provincial surveyor; 29-30 V., c. 51, s. 300, sub-s. 1. 5

Gas and Water.

Lighting with gas. (13.) For lighting the municipality, and for this purpose performing any work, and placing any fixtures that are necessary on private property; 29-30 V., c. 51, s. 300, sub-s. 2. 10

Laying down gas and water pipes. (14.) For laying down gas or water pipes in any street, and opening streets for the purpose; and for taking up or repairing such pipes, and for using every power and privilege given to any gas or water company incorporated in the municipality as if the same were specially given by this Act, subject, however, to the provisions herein contained as to the erection of gas or water-works and levying rates therefor; 29-30 V., c. 51, s. 300, sub-s. 3. 15

Inspection of gas-meters. (15.) For providing for the inspection of gas-meters; 29-30 V., c. 51, s. 300, sub-s. 8. 20

Commissioners for erection of gas or water works. (16.) For providing for the appointment of three commissioners for entering into contracts for the construction of gas and water works,—for superintending the construction of the same,—for managing the works when completed,—and for providing for the election of the said commissioners by the electors from time to time and at such periods, and for such terms as the council may appoint by the by-law authorizing the election. 29-30 V., c. 51, s. 300, sub-s. 9. 25

Gas and water works. (17.) For constructing gas and water works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within such time as shall not exceed thirty years, nor be less than five years; 29-30 V., c. 51, s. 300, sub-s. 4. 30 35

Estimate to be published, and notice of poll to be held on the by-law. **382.** No by-law under the last sub-section shall be passed—
 Firstly, until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law has been published for two months, and a copy of the proposed by-law at length as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in council, have been published for three months, in some newspaper in the municipality; or if no newspaper is published therein, then in some newspaper in the county in which the municipality is situate; 40

Proceedings prior to taking public vote. Nor, secondly, until at a poll, held in the same manner and at the same places, and continued for the same time as at elections for councillors, a majority of the electors, voting at the poll, vote in favour of the by-law. 50

Poll to be held, and majority must be in favour. Nor, thirdly, unless the by-law is passed within three months after holding said poll; 29-30 V., c. 51, s. 300, sub-s. 5.

By-law to be passed only at a special meeting, &c. **383.** If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year; 29-30 V., c. 51, s. 300, sub-s. 6. 55

If the by-law is rejected.

384. In case there be any gas or water company incorporated for the municipality, the council shall not levy any gas or water rate until such council has by by-law fixed a price to offer for the works or stock of the company ; nor until thirty 5 days have elapsed after notice of such price has been communicated to the company without the company's having accepted the same, or having, under the provisions of this Act as to arbitrators, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, 10 or has been secured to the satisfaction of the company. 29-30 V., c. 51, s. 300, sub-s. 7.

If there is a gas or water company for the municipality.

DIVISION VII.—POWERS OF COUNCILS OF TOWNSHIPS, TOWNS AND INCORPORATED VILLAGES

385. The council of every township, town and incorporated village may also pass by-laws :

By-laws respecting statute labour.

Commutation of Statute Labour.

(1.) For empowering any person (resident or non-resident) 15 liable to statute labour within the municipality, to compound for such labour, for any term not exceeding five years, at any sum not exceeding one dollar for each day's labour ;

Voluntary commutation.

(2.) For providing that a sum of money, not exceeding one dollar for each day's labour, may, or shall be paid in commu- 20 tion of such statute labour ;

Compulsory commutation.

Increasing Amount.

(3.) For increasing or reducing the number of days' labour, to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the statute labour to which such persons are, in respect of the amounts at which they are 25 assessed, or otherwise, respectively liable ;

Fixing number of days' labour.

Enforcing.

(4.) For enforcing the performance of statute labour, or payment of a commutation in money in lieu thereof, when not otherwise provided by law ;

Enforcing statute labour.

(5.) For regulating the manner and the divisions in which 30 statute labour or commutation money shall be performed or expended. 29-30 V., c. 51, s. 332, sub-s. 1-5.

Regulating the application of labour, and commutation money.

Tavern and Shop Licenses.

(6.) Respecting shop and tavern licenses, and regulating the sale of spirituous, fermented, or other manufactured liquors, and the appointment of inspectors of licenses—as authorized by the 35 Act respecting Tavern and Shop Licenses, being 32 Vic. Cap. 32, and the Act 33 Vic. Cap. 28. 32 V., c. 32 ; 33 V., c. 28.

DIVISION VIII.—POWERS OF COUNCILS OF TOWNS AND INCORPORATED VILLAGES.

By-laws for— **386.** The council of every town and incorporated village may pass by-laws :

Licensing Vehicles, &c.

Licensing cabs etc' (1.) For regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles used for hire ; for establishing the rates of fares to be taken by the owners or drivers, and for enforcing payment thereof. 29-30 V., c. 51, s. 296, sub-s. 31 ; vide 31 V., c. 30, s. 33. 5

DIVISION IX.—EXCLUSIVE POWERS OF COUNCILS OF COUNTIES.

387. The council of every county may make by-laws :

Protecting Booms.

Protecting booms (1.) For protecting and regulating of booms on any stream or river for the safe-keeping of timber, saw-logs and staves within the municipality 29-30 V., c. 51, s. 344, sub-s. 4. 10

Board of Audit, Criminal Justice, &c.

388. Every County Council shall appoint at its first meeting in each year two persons, not more than one of whom shall belong to such Council, to be Members of the Board of Audit, for auditing and approving accounts and demands preferred against the County, the approving and auditing whereof previous to the 19th day of December, 1868, belonged to the "General Sessions." 32 V., c. 6, s. 9, sub-s. 2 ; 33 V., c. 8, s. 2. 15

389. The Council may pay the persons appointed by them to serve on the said Board of Audit, any sum not exceeding two dollars each per day for their attendance at such audit, and five cents for each mile necessarily travelled in respect thereof, in going to and from such audit. 33 V., c. 8, s. 3. 20

Livery Horses, &c.

County licenses for livery stables, etc. **390.** The council of every county, having county, gravel or macadamized roads within its jurisdiction, and under its immediate control, such roads being kept up and repaired by municipal taxation, and upon which no toll is collected, shall have power to pass a by-law or by-laws authorizing the regulating and licensing of the owners of livery stables, and of horses, cabs, carriages, omnibuses, and all other vehicles used or kept for hire, and for issuing and regulating teamsters' licenses, for regulating the width of tire used on such vehicles, for establishing the rates of fare that may be collected or taken by the owners or drivers, for enforcing the payment of such licenses, regulating rates of fares for the conveyance of goods or passengers, and for enforcing the width of tire that may be used on such vehicles, when travelling on the aforesaid county gravel or macadamized roads. 31 V., c. 30, s. 45. 25 30 35

Horse Thieves

391. The council of every county shall provide by by-law that a sum not less twenty dollars shall be payable as a reward to any person or persons who shall pursue and apprehend, or cause to be apprehended, any person or persons guilty of stealing any horse or mare within the said county, and such reward shall be paid out of the funds of the corporation on conviction of the thief on the order of the judge before whom the conviction is obtained. 29-30 V., c. 51, s. 355, sub-s. 26.

Reward for taking person guilty of horse stealing.

Improvements by either County of a Union

391a. The councils of united counties may make appropriations and raise funds to enable either county separately to carry on such improvements as may be required by the inhabitants thereof. 29-30 V., c. 51, s. 290.

Enabling one of united counties to raise money for improvements.

391b. Whenever any such measure is brought under the notice of the council of any united counties, none but the reeves and deputy reeves of the county to be affected by the measure shall vote; except in case of an equality of votes, when the warden, whether a reeve or deputy reeve of any portion of the county to be affected by the measure or not, shall have the casting vote. 29-30 V., c. 51, s. 291.

Reeves of the county interested only to vote for.

Exception.

391c. In all other respects, all the provisions of this Act giving such privileges and making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised by direct taxation, shall be adhered to. 29-30 V., c. 51, s. 292.

Provisions of this Act for repayment to apply.

391d. The treasurer of the united counties shall pay over all sums so raised and paid into his hands by the several collectors, without any deduction or percentage. 29-30 V., c. 51, s. 293.

Treasurer to pay over moneys without deduction.

391e. The property to be assessed for the purposes contemplated in the four last preceding sections of this Act, shall be the same as the property assessed for any other county purpose, except that any sum to be raised for the purposes of one county only, or for the payment of any debt contracted for the purposes of one county only, shall be assessed and levied solely upon property assessed in that county, and not upon property in any other county united with it, and any debenture that may be issued for such purposes may be issued as the debenture of the said one county only, and shall be as valid and binding upon that county as if that county were a separate municipality, but such debenture shall be under the seal of the united counties, and be signed by the warden thereof. 29-30 V., c. 51, s. 294.

In such cases, the property of the county interested is alone to be assessed.

DIVISION X.—POWERS OF TOWNSHIPS.

391f. The council of every township may pass by-laws—

Obstructions to Streams and Water-courses.

(1) For preventing the obstruction of streams, creeks, and water-courses, by trees, brushwood, timber, or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise;

By-laws for preventing obstruction of streams, &c.

(2) For levying the amount of such expense in the same manner as taxes are levied;

(3) For imposing penalties on parties causing such obstructions. 29-30 V., c. 51, s. 280.

391g. Whenever any stream or creek in any township is cleared of all logs, brush, or other obstructions to the town line between such township and any adjoining township into which such stream or creek flows, the council of the township in which the creek or stream has been cleared of obstruction may serve a notice in writing on the head of the council of the adjoining township into which the stream or creek flows, requesting such council to clear such stream or creek through their municipality; and it shall be the duty of such last named council, within six months after the service of the notice as aforesaid, to enforce the removal of all obstructions in such creek or stream within their municipality to the satisfaction of any person whom the council of the county in which the municipality whose council received the notice is situate, shall appoint to inspect the same. 34 V., c. 30, s. 14.

DIVISION XI.—POWERS AND DUTIES OF COUNCILS AS TO HIGHWAYS AND BRIDGES.

Highways Defined.

What shall constitute highways.

392. All allowances made for roads by the Crown Surveyors in any town, township or place already laid out, or hereafter laid out; and also all roads laid out by virtue of any Statute or any roads whereon the public money has been expended for opening the same, or whereon the statute labour hath been usually performed, or any roads passing through the Indian Lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law. 29-30 V., c. 51, s. 315.

Freehold in the Crown.

Highways, &c. vested in the Crown.

393. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out, to law, shall be vested in Her Majesty, her heirs and successors. 29-30 V., c. 51, s. 316.

Jurisdiction in Councils.

Jurisdiction of municipal councils.

394. Subject to the exceptions and provisions hereinafter contained, every municipal council shall have jurisdiction over the original allowances for roads, highways and bridges within the municipality. 29-30 V., c. 51, s. 317.

Possession in Municipality.

Streets in cities, towns and incorporated villages how far vested in municipalities.

395. Every public road, street, bridge or other highway, in a city, township, town or incorporated village, shall be vested in the municipality, subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway, reserved, and except any concession or other road within the city, township or town or incorporated village, taken and held possession of by an individual in lieu of a street, road or high-

way, laid out by him without compensation therefor. 29-30 V., c. 51, s. 338.

396. The councils of every city and town may respectively pass by-laws for acquiring and assuming possession of and control over any public highway or road in an adjacent municipality by and with the consent of such municipality, the same being signified by a by-law passed for that purpose, for a public avenue or walk; and to acquire from the owners of the land adjacent to such highway or road, such land as may be required on either side of such highway or road to increase the width thereof to the extent of one hundred feet or less, subject to the provisions of section 369 of this Act. 29-30 V., c. 51, s. 339.

Liability for Repairs.

397. Every public road, street, bridge and highway shall be kept in repair by the corporation, and on default of the corporation so to keep in repair, the corporation shall, besides being subject to any punishment provided by law, be civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained; and this section shall not apply to any road, street, bridge or highway laid out by any private person, until established and assumed by by-law of the corporation. 34 V., c. 30, s. 5.

To be kept to repair by the corporation, on pain of damages

What are County Roads.

398. The county council shall have exclusive jurisdiction over all roads and bridges, lying within any township of the county and which the council by by-law assumes as a county road or bridge, until the by-law has been repealed by the council, and over all bridges across streams separating two townships in the county, and over all bridges crossing rivers over five hundred feet in width within the limits of any incorporated village in the county and connecting any highway leading through the county, and over every road or bridge dividing different townships, although such road or bridge may so deviate as in some places to lie, wholly or in part, within one township. 33 V., c. 30, s. 7.

Exclusive jurisdiction over certain roads by counties.

399. Any county council may assume, make and maintain any township or county boundary line at the expense of the county or may grant such sum or sums from time to time for the said purposes as they may deem expedient. 29-30 V., c. 51, s. 341, sub-s. 11.

County council may assume the road, &c.

As to Improving and Maintaining County Roads.

400. When a county council assumes by by-law any road or bridge within a township as a county road or bridge, the council shall, with as little delay as reasonably may be, and at the expense of the county, cause the road to be planked, gravelled or macadamized, or the bridge to be built in a good and substantial manner; and further, the county council shall cause to be built and maintained in like manner all bridges on any river over five hundred feet in width within the limits of any incorporated village in the county necessary to connect

Roads assumed to be macadamized, &c.

any public highway leading through the county, and may pass a by-law for the purpose of raising any money by any toll on such bridge to defray the expense of making and repairing the same. 29-30 V., c. 51, s. 342; 34 V., c. 30, s. 8.

Bridges over rivers, being boundaries.

401. It shall be the duty of county councils to erect and maintain bridges over rivers forming township or county boundary lines, and in the case of a bridge over a river forming a boundary line between a county and a city, such bridge shall be erected and maintained by the councils of the county and city; and in case the councils of such county and city, or the councils of such counties fail to agree on the respective portions of the expense to be borne by the several municipalities, it shall be the duty of each council to appoint arbitrators as provided by this Act, to determine the amount to be so expended, and such award as may be made shall be final. 29-30 V., c. 51, s. 341, sub-s. 12; 34 V., c. 30, s. 13.

Township Roads, and Maintaining.

To be opened, &c., by township councils.

402. All township boundary lines not assumed by the county council shall be opened, maintained and improved by the township councils; 29-30 V., c. 51, s. 341, sub-s. 1.

Township boundaries, being also county boundaries.

403. Township boundary lines forming also the county boundary lines, and not assumed or maintained by the respective counties interested, shall be maintained by the respective townships bordering on the same; 29-30 V., c. 51, s. 341, sub-s. 7.

Roads under Joint Jurisdiction.

Joint jurisdiction over certain roads.

404. In case a road lies wholly or partly between a county town, city, township or incorporated village, and an adjoining county or counties, town, city, 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, and the said road shall include a bridge forming part of the road. 33 V., c. 26, s. 8.

Both councils must concur in by-laws respecting them.

405. No by-law of the council of any one of such municipalities with respect to any such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms as nearly as may be, by the other council or councils having joint jurisdiction in the premises. 33 V., c. 26, s. 9.

Arbitration if they do not concur.

406. In case the other council or councils, for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. 33 V., c. 26, s. 10.

Transfer of Powers of Justices in Sessions.

Certain power of Justice in Sessions transferred.

407. All powers, duties and liabilities which at any time before the first day of January, one thousand eight hundred and fifty, belonging to the magistrates in Quarter Sessions, with respect to any, particular road or bridge in a county, and not conferred or imposed upon any other municipal corporation, shall belong to the council of the county, or in case the road or

bridge lies in two or more counties, to the councils of such counties; and the neglect and disobedience of any regulations or directions made by such council or councils, shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations of the magistrates would have subjected them to. 29-30 V., c. 51, s. 343.

Roads under Board of Works not affected.

408. No council shall interfere with any public road or bridge vested as a provincial work in Her Majesty, or in any Public Department or Board, and the Governor shall by order in Council have the same powers as to such road and bridge as are by this Act conferred on municipal councils with respect to other roads and bridges; but the Governor may by proclamation declare any public road or bridge under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thenceforth be controlled and kept in repair by the council of the municipality. 29-30 V., c. 51, s. 318.

Road under Board of Works not to be interfered with.

Nor Roads on Dominion Lands.

409. No council shall pass any by-law (1) for stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordinance, or the Principal Secretary of State in whom the Ordinance Estates became vested under the Statute of the Province of Canada, passed in the nineteenth year of Her Majesty's Reign, chapter forty-five, or the Consolidated Statute of Canada, chapter twenty-four, respecting the Ordinance and Admiralty lands, or by the Dominion of Canada; or (2) for opening any such communication through any lands held by the Dominion of Canada; or (3) interfering with any bridge, wharf, dock, quay or other work vested in the Dominion of Canada; or (4) interfering with any land reserved for military purposes, or with the integrity of the public defences, without the consent of the Government of the Dominion of Canada; and a by-law for any of the purposes aforesaid shall be void unless it recites such consent. *Vide* 29-30 V., c. 51, s. 319.

Nor Ordinance roads, lands, &c.

Unless sanctioned by the Dominion, &c.

Roads Necessary for Egress, not to be Closed.

410. No council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter Sessions, or any municipal council, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, but all such roads shall remain open for the use of the person who requires the same. 29-30 V., c. 51, s. 320.

Council not to close road required by individuals for egress, &c.

Limits of Encroachment, &c.

411. No council shall authorize an encroachment on any dwelling-house, barn, stable, out-house, orchard, garden, yard or pleasure ground, without the written consent of the owner. 29-30 V., c. 51, s. 321.

Nor to encroach upon houses, &c.

Width of Roads.

Width of roads.

412. No council shall lay out any road or lane more than one hundred nor less than thirty feet in width; but any road when altered, may be of the same width as formerly. *Vide* 29-30 V., c. 51, s. 322.

Notices Requisite for By-laws affecting Public Roads.

What notice to be given of by-laws intended to affect public roads.

413. No council shall pass a by-law for stopping up, altering, widening, diverting or selling any original allowance for road or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street or lane: 5

Publication.

(1.) Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street or other highway, road, street or lane: 10

The same.

(2.) And published weekly for at least four successive weeks in some newspaper (if any there be) published in the municipality; or if there be no such newspaper, then in a newspaper published in some neighbouring municipality; and, in either case, in the county town, if any such there be. 15

Parties to be heard.

(3.) Nor until the council has heard, in person or by counsel or attorney, any one whose land might be prejudicially affected thereby, and who petitions to be so heard; 20

Clerk to give the notice.

(4.) And the clerk shall give such notices, at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notices. *Vide* 29-30 V., c. 51, s. 25 323.

By-laws respecting roads.

414. The council of every county, township, city, town and incorporated village may pass by-laws:

General Powers.

Opening or stopping up roads, &c.

(1.) For opening, making, preserving, improving, repairing, widening, altering, diverting or stopping up roads, streets, squares, alleys, lanes, bridges or other public communications within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained; and for preventing and removing any obstruction upon any roads or bridges within its jurisdiction. 29-30 V., c. 51, s. 333, sub 1. 34 V., c. 30, s. 4. 30

Tolls.

To raise money by toll

(2.) For raising money by toll, on any bridge, road or other work, to defray the expense of making or repairing the same; 29-30 V., c. 51, s. 333, sub 2. 40

To make regulations as to pits, &c.

(3.) For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers; 29-30 V., c. 51, s. 333 sub 4.

Timber, &c., on Road Allowances.

For preservation of trees, stone, &c.

(4.) For preserving or selling timber, trees, stone, sand or gravel, on any allowance or appropriations for a public road; 29-30 V., c. 51, s. 333, sub 5. 45

Permitting Road and Bridge Companies to Make, &c.

(5.) For regulating the manner of granting to road or bridge companies, permission to commence or proceed with roads or bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the council; 29-30 V., c. 51, s. 333, sub 7.

Granting privileges to road or bridge companies.

Grant of Tolls.

(6.) For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council authorizing tolls to be collected; and the grantee of such tolls shall, during the period of his right thereto, maintain the road or bridge in repair. 29-30 V., c. 51, s. 333, sub-s. 9.

Granting right to take tolls, when.

Taking Materials.

(7.) For searching for and taking such timber, gravel, stone or other material or materials as may be necessary for making and keeping in repair any road or highway belonging to any such municipality; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such materials, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner provided by this Act. 29-30 V., c. 51, s. 333, sub-s. 10.

Searching for and taking materials.

Selling Old Road Allowances.

(8.) For selling the original road allowance to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance, and for the sight or line of which compensation has been paid, and for selling in like manner to the owners of any adjoining land, any road legally stopped up or altered by the council; and in case such parties respectively refuse to become the purchasers at such price as the council thinks reasonable, then for the sale thereof to any other person for the same or a greater price; 29-30 V., c. 51, s. 333, sub-s. 6.

When the council may stop up or sell a road allowance.

415. In case any one in possession of a concession road or side line has laid out and opened a road or street in place thereof without receiving compensation therefor, or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out, and the council of the municipality upon the report in writing, of its surveyor, or of a deputy provincial land surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road in fee simple to the person or persons upon whose land the

When a road is substituted for an original allowance.

Conveying of former road allowance.

Compensation to party whose land is taken

new road runs, and when any such original road allowance is, in the opinion of the council, useless to the public, and lies between lands owned by different parties, the municipal council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties as may seem just and reasonable; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold, shall be paid to the person who at the time of the sale owns the land through which the new road passes. 29-30 Vic., c. 51, s. 334.

Possession of Unopened Road Allowances.

Original allowances for roads when to be deemed legally possessed till a by-law is passed for opening them.

416. In case a person be in possession of any part of a Government allowance for road laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or be in possession of any Government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof, as against any private person, until a by-law has been passed for opening such allowance for road by the council having jurisdiction over the same. 29-30 V., c. 51, s. 335.

Notice of By-laws for Opening such Allowances.

By-law for opening, &c., Roads, &c., to require notice

417. No such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the council, that an application will be made for opening such allowance. 29-30 V., c. 51, s. 336.

Aiding in making Roads and Bridges.

By-laws to aid adjoining municipality to open roads, &c.

418. The council of any municipality may pass by-laws for granting aid to any adjoining municipality in making, opening, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge, or communication passing from or through an adjoining municipality. 32 V., c. 43, s. 20.

By-laws for—

aiding counties in making roads and bridges.

Joint works with other municipalities.

419. The municipal council of every township, city, town and incorporated village may pass by-laws ;
 (1.) For granting to the county or united counties in which such municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such municipality ;
 (2.) For entering into and performing any arrangement with any other council in the same county or united counties for executing at their joint expense and for their joint benefit, any work within the jurisdiction of the council. 29-30 V., c. 51, s. 337.

Repair of Township Roads—how Enforced.

If any township council fails to perform its duty.

420. Whenever township councils fail to maintain township boundary lines not assumed by the county council, in the same way as other township roads by mutual agreement as to the share to be borne by each, it shall be competent for one or more of such councils to apply to the county council to enforce joint action on all township councils interested ; 29-30 V., c. 51, s. 341, sub-s. 2.

- 421.** In cases where all the township councils interested neglect or refuse to open up and repair such lines of road in a manner similar to the other local roads, it shall be competent for a majority of the ratepayers resident on the lots bordering on either or both sides of such line to petition the county council to enforce the opening up or repair of such lines of road by the township councils interested. 29-30 V., c. 51, s. 341, sub-s. 3. If all the councils fail.
- 422.** A county council receiving such petition, either from township councils or from ratepayers, as in the preceding section mentioned, may consider and act upon the same at the session at which the petition is presented. 29-30 V., c. 51, s. 341, sub-s. 4; 33 V., c. 26, s. 16. Duty of county councils on petition.
- 423.** The county council may determine upon the amount which each township council interested shall be required to apply for the opening or repairing of such lines of road or to direct the expenditure of a certain proportion of Statute labour, or both, as may seem necessary to make the said lines of road equal to other local roads. 29-30 V., c. 51, s. 341, sub-s. 4; 33 V., c. 26, s. 16. Amount to be furnished by each township.
- 424.** It shall be the duty of the county council to appoint a commissioner or commissioners to execute and enforce their orders or by-laws relative to such roads; provided always, that if the representatives of any or all of the townships interested shall intimate to the council or to the commissioner or commissioners so appointed, their intention to execute the work themselves, then such commissioner or commissioners shall delay proceedings for a reasonable time; but if the work be not proceeded with during the favourable season by the township officers, then the commissioners shall undertake and finish it themselves. 29-30 V., c. 51, s. 341, sub-s. 5. Commissioners to enforce order of county council as to such roads. Proviso.
- 425.** Any sum of money so determined upon by the county council as the portion to be paid by the respective townships, shall be paid by the county treasurer on the order of the commissioner or commissioners, and the amount retained out of any money in his hands belonging to such township, but if there be not at any time before the striking of a county rate any such moneys belonging to such township in the treasurer's hands, an additional rate shall be levied by the county council against such township sufficient to cover such advances. 29-30 V., c. 51, s. 341, sub-s. 6. Payments to be made by township councils.
- 426.** Whenever the several townships interested in the whole or part of any County boundary line road, are unable mutually to agree as to their joint action in opening or maintaining such line road, or portion thereof, one or more of such township councils may apply to the wardens of the bordering counties to determine jointly the amount which each township shall be required to expend either in money or statute labour, or both, and the mode of expenditure on such road; the county judge of the county in which the township first making the application is situate shall, in all cases, be the third arbitrator when such wardens are unable to agree. 29-30 V., c. 51, s. 341, sub-s. When the several townships interested cannot agree. Wardens and county judges to decide.
- 427.** It shall be the duty of the wardens of the counties interested to meet within twenty-one days from the time of receive- Meeting of wardens.

Who to convene, &c.

ing such application for the determination of the matter in dispute; the warden of the county in which the township first making the application is situated, shall be the convener of the meeting; and it shall be his duty to notify the warden of the other county and county judge of the time and place of meeting, within eight days of the time of his receiving such application. 29-30 V., c. 51, s. 341, sub 9. 5

What the wardens and county judge shall determine, &c.

428. At such meeting, the wardens and county judge, or any two of them, shall determine on the share to be borne by the respective townships, of the amount required on the part or parts to be opened or repaired by each or both, and shall appoint a commissioner or commissioners to superintend such work, and it shall be the duty of the township treasurer to pay the orders of such commissioners to the extent of the sum apportioned to each; and path-masters controlling the statute labour on the lots adjoining such line, on the portion of such line to be opened or repaired, shall obey the orders of such commissioner or commissioners in performing the statute labour unexpended. 29-30 V., c. 51, s. 341, sub 10. 15

Powers of County Councils.

By-laws for—

429. The council of every county shall have power to pass by-laws for the following purposes: 20

Closing Road Allowances.

Sale of original allowance, &c., for roads in certain cases.

(1.) For stopping up, or stopping up and sale, of any original allowance for roads or parts thereof within the county, which is subject to the sole jurisdiction and control of the council, and not being within the limits of any village, town or city within or adjoining the county; but the by-law for this purpose shall be subject to the 413th section of this Act. 29-30 V., c. 51, s. 344, sub 1. 25

Opening and Altering Roads.

Roads within or between several municipalities.

(2.) For opening, making, preserving, improving, repairing, widening, altering, diverting, and stopping up roads, streets, squares, alleys, lanes, bridges, or other public communications, running or being within one or more townships, or between two or more townships of the county, or any bridge required to be built or made across any river over five hundred feet in width within any incorporated village in the county connecting any public highway leading through the county, or between the county, and any adjoining county or city, or on the bounds of any town or incorporated village, within the boundaries of the county, as the interests of the inhabitants of the county in the opinion of the council require to be so opened, made, preserved, and improved, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions herein contained. 29-30 V., c. 51, s. 344, sub 3. 34 V., c. 30, s. 9. 35 40 45

Trees Obstructing Highways.

May direct the trees to be cleared on each side of highways.

(3.) For directing that, on each and either side of a highway (under the jurisdiction of the council) passing through a wood, the trees (unless such as are reserved

by the owner for ornament or shelter), shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, in his default, by the county surveyor or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and may further pay such expenses out of County funds. 29-30 V., c. 51, s. 344, sub 5.

Aiding Townships, &c.

(4.) For granting to any town, township, or incorporated village in the county, aid, by loan or otherwise, towards opening or making any new road or bridge in the town, township, or village, in cases where the council deems the county at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the council in at once assuming the same as a county work. 29-30 V., c. 51, s. 344, sub 6. For aiding in making roads and bridges.

Powers of Township Councils.

20 **430.** The council of every township may pass by-laws: By-laws for—

Aiding Counties.

(1.) For granting to any adjoining county aid in making, opening, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge or communication lying between the township and any other municipality, and for granting like aid to the county in which the township lies in respect of any highway, road, street, bridge, or communication within the township assumed by the county as a county work, or agreed to be so assumed on condition of such grant. 29-30 V., c. 51, s. 345, sub 1. Aiding county in making roads.

Closing Road Allowances.

30 (2.) For the stopping up and sale of any original allowance for road or any part thereof within the municipality, and for fixing and declaring therein the terms upon which the same is to be sold and conveyed; but no such by-law shall have any force (1) unless passed in accordance with the 413th section of this Act, nor (2) until confirmed by a by-law of the council of the county in which the township is situate at an ordinary session of the county council, held not sooner than three months, nor later than one year next after the passing thereof. 29-30 V., c. 51, s. 345, sub 2. Stopping up and sale of original road allowance.

Trees Obstructing Highways.

40 (3.) For directing that, on each or either side of a highway (under the jurisdiction of the council) passing through a wood, the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, on his default, by the overseer of highways, or Ordering trees to be cut down on each side of a road.

other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and may grant out of township funds any money that may be necessary to pay for the cutting down and removing such trees. 29-30 V., c. 51, s. 345, sub-s 3 & 4. 5

Granting money for that purpose.

Foot Paths.

Foot-paths. (4.) For setting apart so much of any highway as they may deem necessary for the purposes of a foot-path, and for imposing penalties on persons travelling thereon on horseback or in vehicles. 33 V., c. 26, s. 11. 10

Selling Minerals.

Sale of mineral rights under roads.

431. The corporation of any township or county, wherever minerals are found, may sell, by public auction or otherwise, the mineral rights to the roads over which said township or county may have jurisdiction, if considered expedient so to do; Provided always, that no such sale shall take place until after due notice of such intended by-law has been posted up, in six of the most public places in the immediate neighbourhood of such road, for, at least, one month previous to the time fixed for considering such by-law; Provided also, that the deed of conveyance to the purchaser or purchasers, under said by-law, shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights interfering with public travel. 31 V., c. 30, s. 37. 15 20 25

Sale of Roads in Villages or Hamlets.

When roads in police villages may be sold by township councils.

432. In case the trustees of any police village, or fifteen of the inhabitant householders of any other unincorporated village or hamlet consisting of not less than twenty dwelling houses standing within an area of two hundred acres, petition the council of the township in which the village or hamlet is situate, and in case the petition of such unincorporated village or hamlet not being a police village, is accompanied by a certificate from the registrar of the county within which the township lies, that a plan of the village or hamlet has been duly deposited in his office according to the registry laws, the council may pass a by-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the village or hamlet, as the same shall be laid down on the plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances. 29-30 V., c. 51, s. 346. 30 35 40

When village is partly in each of two townships.

433. The last section shall apply to a village or hamlet situate in two townships, whether such townships are in the same or different counties, and in such case the council of each of the townships shall have the power thereby conferred, as to any original allowance for road lying within that part of the village or hamlet which, according to the registered plan, is situate within such township. 29-30 V., c. 51, s. 347. 45

Registration of By-laws for opening Roads.

- 434.** All by-laws hereafter to be passed by any municipal council under the authority of which any street, road or highway shall be opened upon any private property, shall, before the same becomes effectual in law, be duly registered in the Registry Office of the county where the land is situate, and for the purpose of registration, a duplicate original of such by-law shall be made out, certified under the hand of the clerk and the seal of the municipality, and shall be registered without any further proof; and all by-laws heretofore passed, and all orders and resolutions of the Quarter Sessions heretofore passed, under the authority of which any street, road or highway has already been opened upon any private property, may at the election of any party interested, and at the cost and charges of such party or municipality, be also duly registered, upon the production to the Registrar of a duly certified copy of such by-law under the hand of the municipal clerk and seal of such municipality, or by a duly certified copy of such order or resolution of such Quarter Sessions, given under the hand of the clerk of the peace (as the case may be). 29-30 V., c. 51, s. 348.
- By laws under which roads are opened on private property to be registered as to by-laws already passed.

In Disputes respecting Roads—who to Administer Oaths.

- 435.** In case of disputes in any municipality, concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of and in the course of investigation before a municipal council, the head of the council may administer an oath or affirmation to any party or witness examined upon the matters in dispute. 29-30 V., c. 51, s. 324.
- Power to administer oath in disputes respecting boundaries.

DIVISION XII.—POWERS OF MUNICIPAL COUNCILS AS TO DRAINAGE AND OTHER IMPROVEMENTS PAID FOR BY LOCAL RATE.

- Local drainage, by-laws, and funds for.* Sec.
Complaints respecting assessments, how tried. Sec.
Quashing by-laws, limitations respecting. Sec.
Extension of works to other municipalities. Sec.
Mode of apportioning cost. Sec.
Who to keep in repair. Sec.
Terms on which others may use. Sec.
Sale of debentures to Government. Sec.
Provisions for securing payment. Sec.
Pavements, sewers and other local improvements provided for. Sec.
Sweeping, watering and lighting. Sec.
Special rates by County Councils for local improvements in Townships. Sec.

- 436.** In case the majority in number of the owners, as shown by the last revised assessment roll to be resident on the property to be benefited in any part of any township, city, town or incorporated village, do petition the council for the deepening of any stream, creek, or water-course, or for draining of the property (describing it) the council may procure an examination to be made by an engineer, or other competent person, of the stream, creek or water-course, proposed to
- Municipal Councils may pass by-laws.

be deepened, or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or other competent person, and an assessment to be made by such engineer or person of the real property to be benefited by such deepening or drainage, stating as nearly as may be in the opinion of such engineer or person, the proportion of benefit to be derived by such deepening or drainage by every road and lot, or portion of lot; and if the council be of opinion that the deepening of such stream, creek, or water-course, or the draining of the locality described, or a portion thereof, would be desirable, the council may pass by-laws—

For deepening streams and drainage.
For borrowing requisite funds.

(1.) For providing for the deepening of the stream, creek, or water-course, or the draining of the locality;
(2.) For borrowing, on the credit of the municipality, the funds necessary for the work, and for issuing the debentures of the municipality to the requisite amount, in sums of not less than one hundred dollars each and payable within ten years from date, with interest at a rate of not less than five per centum per annum.

For levying rate for payment.

(3.) For assessing and levying in the same manner as taxes are levied, upon the real property to be benefited by the deepening or draining, a special rate sufficient for the payment of the principal and interest of the debentures, including a sinking fund for the payment of the principal thereof, and for so assessing and levying the same, as other taxes are levied, by an assessment and rate on the real property so benefited, (including roads held by joint stock companies or private individuals,) as nearly as may be to the benefit derived by each lot or portion of lot and road in the locality: Provided always, that any person whose property has been assessed for such deepening or drainage may pay the amount of such assessment, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionably reduced; and provided further, that any agreement on the part of any tenant, to pay the rates or taxes of the demised property, shall not apply to, or include the charges or assessments for draining under this Section, unless such agreement shall in express terms mention or refer to such charges of assessments, and as payable in respect of drainage works; but in cases of contracts of purchase or of leases giving the lessee a right of purchase, the said charges or assessments shall be added to the price, and shall be paid (as the case may be) by the purchaser, or by the lessee in case he exercises such right of purchase;

For providing how assessment be paid.
For ascertaining the property liable to the rate.

(4.) For regulating the times and manner in which the assessment shall be paid;

(5.) For determining what real property will be benefited by the deepening or draining, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case of complaint, by the owner or person interested in any property assessed, whether of overcharge, or of undercharge of any other property assessed, or that property that should be assessed has been wrongfully omitted to be assessed, to proceedings for trial of such complaint, and appeal therefrom, in like manner as nearly as may be as on proceedings for the trial of complaints, as set forth in the sixtieth, sixty-first, sixty-third, sixty-fifth, sixty-six, sixty-seventh, sixty-eighth, sixty-ninth and seventieth sections of "The Assessment Act of 1869."

Court of appeal.

(6.) Trial of such complaints shall be had in the first ins-

5 tance by and before a Court of Revision, which the Council shall, from time to time as occasion may require, hold, on some day not earlier than twenty nor later than thirty days from the day on which the by-law shall be first published, notice of which shall be published with the by-law during the first three weeks of its publication; and such court shall be constituted and have the powers referred to in sections numbered from fifty-one to fifty-eight, both inclusive, of the said assessment Act; and in case of appeal to the judge, junior or acting judge of the County Court, he shall have the same powers and duties, and the clerks of the Municipality and Division Court respectively shall have the same powers and duties, as nearly as may be, as contained in sections numbered from sixty-three to seventy, both inclusive, of such Act. 35 V., c. 26, ss. 1 & 2.

Appeal to
County Judge.

15 **437.** Before the final passing of the by-law it shall be published, in the same manner as nearly as may be as a by-law is promulgated under this Act. 35 V., c. 26, s. 3.

Notice before
passing of
by law.

20 **438.** Whenever it is necessary to continue the deepening or drainage aforesaid beyond the limits of any municipality, the engineer or other person employed by the council of such municipality, may continue the survey and levels into the adjoining municipality, until he finds fall enough to carry the water beyond the limits of the municipality in which the deepening or drainage was commenced. 35 V., c. 26, s. 5.

When work
may be ex-
tended into
other muni-
cipalities.

25 **439.** When the deepening and drainage do not extend beyond the limits of the municipality in which they are commenced, but in the opinion of the engineer or other person aforesaid, benefit lands in an adjoining municipality, or greatly improve any road lying within any municipality, or between
30 two or more municipalities, then the engineer or other person aforesaid, shall charge the lands to be so benefited, and the intending to apply to have such by-law, or any part thereof quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Law at Toronto, during the
35 corporation person or company whose road or roads are improved, with such proportion of the costs of the works as he may deem just; and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such municipality or company. 35 V., c. 26, s. 6.

When lands
on adjoining
municipality
may be
charged
though works
not carried
into such
municipality.

40 **440.** The engineer or other person aforesaid shall determine and report to the Council by which he was employed, whether the deepening or drainage shall be constructed and maintained solely at the expense of such municipality, or whether it shall be constructed and maintained at the expense of both munici-
45 palities, and in what proportion. 35 V., c. 26, s. 7.

Report as to
which muni-
cipality shall
pay.

441. The engineer or other person aforesaid, when necessary, shall make plans and specifications of the deepening or drainage to be constructed, and charge the lands to be benefited by the work as provided herein. 35 V., c. 26, s. 8.

Plans, &c.

50 **442.** The council of the municipality in which the deepening or drainage is to be commenced, shall serve the head of the council of the municipality into which the same is to be continued or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the

Council of
municipality
wherein work
begun to
notify muni-
cipality to be
benefited.

report, plans and specifications of the engineer, or other competent person aforesaid, when necessary, so far as they affect such last mentioned municipality; and unless the same is appealed from as hereinafter provided, it shall be binding on the council of such municipality. 35 V. c. 26, s. 9. 5

Council of municipality wherein work not begun may pass by-law.

443. The council of such last mentioned municipality shall, within four months from the delivery to the head of the corporation of the report of the engineer or other competent person, as provided in the next preceding section, pass a by-law or by-laws to raise such sum as may be named in the report, or in case of an appeal, for such sum as may be determined by the arbitrators in the same manner and without such other provisions as would have been proper as if a majority of the owners resident on the lands to be taxed had petitioned as provided in the section of this Act. 35 V., c. 26, s. 10. 10 15

Council of municipality wherein work not begun may appeal; arbitration thereon.

444. The council of the municipality into which the deepening or drainage is to be continued, or whose lands, road, or roads are to be benefitted without the deepening or drainage being carried within its limits, may, within ten days from the day in which the report was served on the head of the municipality, appeal therefrom; in which case they shall serve the head of the corporation from which they received the report, with a written notice of appeal; such notice shall state the ground of appeal, the name of an engineer or other person as their arbitrator and calling upon such corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice. 35 V., c. 26, s. 11. 20 25

445. The arbitrators shall be appointed by the parties in manner hereinbefore provided by the sections of this Act, with reference to arbitration, and shall proceed as therein directed; provided always that in no case shall the engineer or other person employed to make surveys, plans and specification be appointed or act as arbitrator. *Vide* 35 V., c. 26, ss. 11-15. 30

Repairs and maintenance of work after completion.

446. After such deepening or drainage is fully made and completed, it shall be the duty of each municipality, in the portion determined by the engineer or arbitrators, (*as the case may be*) or until otherwise determined by the engineer or arbitrators, under the same formalities as near as may be, as provided in the preceding sections, to preserve, maintain and keep in repair the same within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and the municipality, as to the council, upon the report of the engineer or other competent person, may seem just; and any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be compelled by *mandamus* to be issued by any court of competent jurisdiction to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who or whose property shall be injuriously affected by reason of such neglect or refusal. 35 V., c. 26, s. 16. 35 40 45 50

447. In any case wherein after such deepening or drainage is fully made and completed, the same has not been continued into any other municipality than that in which the same was 55

commenced, or wherein the lands or roads of any such other municipality are not benefited by such deepening or drainage, it shall be the duty of the municipality, making such deepening and drainage, to preserve, maintain, and keep in repair the same at the expense of the lots, parts of lots and roads as the case may be, as agreed upon and shown in the by-law when finally passed. Provided always, that the council may, from time to time, change such assessment on the report of an engineer, appointed by them to examine and report on such drain deepening and repairs, subject to the like rights of appeal as the persons charged would have in the case of an original assessment. *Vide* 35 V., c. 26 s. 16.

448. Should a drain already constructed, or hereafter constructed, by a municipality, be used as an outlet, or otherwise by another municipality, company, or individual, such municipality, company or individual using the same as an outlet or otherwise, may be assessed for the construction and maintenance thereof in such proportion and amount as shall be ascertained by the engineer or arbitrators under the formalities provided in the preceding sections. 35 V., c. 26, s. 17.

Case of a drain being used by another municipality.

449. Any township municipality proposing to undertake works under the provisions of the thirteen preceding sections of this Act may, after the expiration of the time limited for an application to quash the by-law, deposit with the Commissioner of Public Works authenticated copies of the plans, specifications and estimates of the works and of the by-law; and may apply for the purchase of the debentures authorized thereby. 35 V., c. 26, s. 18.

Deposit with Commissioner of Public Works of copies of plans, etc.

450. The Commissioner of Public Works shall investigate and report to the Governor in Council as to the propriety of the investments proposed in such applications, in the order of time in which they are deposited; and such reports shall be disposed of by the Governor in Council in the order of time in which the same are made. 35 V., c. 26, s. 19.

Commissioner of Public Works to report as to investment.

451. The Governor in Council may from time to time in his discretion invest any surplus of the Consolidated Revenue Fund, not exceeding in the whole at any one time the sum of two hundred thousand dollars, in the purchase of any debentures issued under any by-law so deposited as aforesaid in respect of which the Commissioner of Public Works shall certify to the propriety of the investment. 35 V., c. 26, s. 20.

Purchase out of Cons. Rev. Fund of debentures.

452. On any such investment not more than eighty-five per centum of the par value of the debentures shall be advanced until after the Commissioner of Public Works has reported that the works have been inspected and are completed; and any expenses in connection with the investigation and inspection made under this Act shall be deducted from the amount retained. 35 V., c. 26, s. 21.

Percentage to be advanced on debentures.

453. The Commissioner of Public Works shall not certify to the propriety of the investment in any case in which the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality and the interest and principal of the debts contracted by the municipality shall exceed the aggregate value of three cents in the dollar on the

When the Commissioner shall not report propriety of investment.

whole value of the ratable property within its jurisdiction, or in any case in which the debentures to be issued under the by-law shall exceed twenty thousand dollars. 35 V., c. 26, s. 23.

Amount payable under by-law to be remitted to Treasurer of Ontar.o.

454. The amount payable in any year under any such by-law or debentures, for principal, interest and sinking fund, shall be remitted by the treasurer of the Municipality to the Treasurer of Ontario, within the space of one month after the same shall have become exigible, together with interest at the rate of seven per centum per annum, during the time of default in payment; and in case of the continuance of such default, the council of the municipality shall, in the next ensuing year, assess and levy on the whole ratable property within its jurisdiction, in the same manner in which taxes are levied for the general purposes of the municipality, a sufficient sum to enable the treasurer, over and above the other valid debts of the corporation falling due within the year, to pay over to the Treasurer of Ontario the amount in arrear, together with the interest thereon at the rate of seven per centum per annum, during the time of default in payment, whether the same may have been previously recovered from the parties or lands chargeable, under the by-law, with the same or not; 35 V., c. 26, s. 24.

Consequences of neglect.

Duty and liability of Municipal Treasurer after default.

455. The amount so in arrear and interest shall be the first charge upon all the funds of the municipality, for what ever purpose, or under whatever by-law they may have been raised; and no treasurer or other officer of the municipality shall, after such default, pay any sum whatsoever, except for the ordinary current disbursements, and salaries of clerks and other employees of such municipality, out of any funds of the municipality in his hands, until the amount so in arrear and interest shall have been paid to the Treasurer of Ontario. 35 V., c. 26, s. 24.

456. If any treasurer or other municipal officer shall pay any sum out of the funds of his municipality, except as aforesaid, contrary to the provision hereinbefore made, he shall, besides being deemed guilty of a misdemeanor, be liable to the Treasurer of Ontario for every sum so paid, as for money received by him for the Crown. 35 V., c. 26, s. 24.

Liability of Reeves and Councillors.

457. Any reeve or councillor wilfully or negligently omitting to see the foregoing provisions carried into effect shall also be personally and individually liable to the Treasurer of Ontario for the full amount so in arrear and interest, to be recovered with costs by the said Treasurer of Ontario, in any suit as for money had and received for Her Majesty's behoof: Provided always, that no assessment, levy or payment, made under Section 454 shall in anywise exonerate the persons or lands chargeable under the by-law from liability to the municipality. 35 V., c. 26, s. 24.

City town and village councils may make by-laws for Ascertainng the property to be benefited by a local improvement.

458. The council of every city, town, and incorporated village may pass by-laws for the following purposes: (1.) For 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 as hereinafter mentioned 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 the real estate so benefited; subject in every case to an appeal to the judge of the county court, in the same manner and on the same terms, as nearly as may be, as an appeal from the court of revision in the case of an ordinary assessment; 29-30 V., c. 51, s. 301, sub-s. 1; 31 V. c. 30, s. 35; 34 V., c. 30, s. 10.

(2.) For assessing and levying upon the real property to be immediately benefited by the making, enlarging, or prolonging of any common sewer, or the opening, widening, prolonging, or altering, macadamizing, grading, levelling, paving or plank- ing of any street, lane, or alley, public way or place, or of any sidewalk, or any bridge forming part of a highway therein, on the petition of at least two-thirds in number and one-half in value of such real property, of the owners of such real property, a special rate, sufficient to include a sinking fund, for the repay- ment of debentures which such councils are hereby authorized to issue in such cases respectively, on the security of such rates respectively, to provide funds for such improvements, and for so assessing and levying the same; by an annual rate in the dollar on the real property so benefited, according to the value thereof, exclusive of improvements; 29-30 V., c. 51, s. 301, sub-s. 2; 34 V., c. 30, s. 11.

(3.) For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for local improvements may commute for the payment of their propor- tionate shares of the cost thereof in principal sums; 29-30 V., c. 51, s. 301, sub-s. 3.

(4.) For effecting any such improvement as aforesaid with funds provided by parties desirous of having the same effected. 29-30 V., c. 51, s. 301, sub-s. 4.

459. No such local improvement as aforesaid shall be under- taken by the council, (unless as provided in the next section,) except under a by-law passed in pursuance of the fourth sub- section of the preceding section, otherwise than on the peti- tion of two-thirds in number and one-half in value of the owners of the real property to be directly benefited thereby— the number of such owners, and the value of such real property having been first ascertained, and finally determined in the manner and by the means provided by by-law in that behalf; and if the contemplated improvement be the construc- tion of a common sewer having a sectional area of more than four feet, one third of the cost thereof shall also first be pro- vided for by the council of the city, by by-law for borrowing money, which every such council is hereby authorized to pass for such purpose, or otherwise. 29-30 V., c. 51, s. 302.

460. In cases where the council of any city, town or incorpo- rated village shall decide to contribute at least half of the cost of such local improvement it shall be lawful for the said coun- cil to assess and levy in manner provided by the 458th and 459th sections of this Act from the owners of real property to be direct- ly benefited thereby the remaining portion of such cost without petition therefor, unless the majority of such owners represent- ing at least one half in value of such property shall within one month after the publication of a notice of such proposed assess- ment in at least two newspapers, published in such city, town or incorporated village if there be two newspapers published

Assessing such property for such improve- ment, and in what manner.

Annual rate.

Regulating time of pay- ment, &c.

If funds fur- nished by par- ties.

Under what conditions such improve- ments may be un-dertaken.

As to sewer.

therein, and if there be not, then in two newspapers published nearest the proposed work, petition the council against such assessment. 34 V., e. 30, s. 12.

Certain sections not to apply to certain works.

461. Nothing contained in the 458th and 459th sections of this Act shall be construed to apply to any work of ordinary repair or maintenance; and every common sewer made, enlarged, or prolonged, and street, lane, alley, public way or place, and sidewalk therein, once made, opened, widened, prolonged, altered, macadamized, paved or planked under the said sections of this Act, shall thereafter be kept in a good and sufficient state of repair at the expense of the city generally. 29-30 V., e. 51, s. 306. 5 10

Lighting, watering and sweeping streets.

462. 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 in any street, square, alley or lane, representing in value one-half of the ratable 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 ratable property therein; but the council may charge the general corporate funds with the expenditure incurred in such making or repairing, or in such sweeping, watering or lighting as aforesaid. 29-30 V., e. 51, s. 340, sub. 2. 15 20

Local rates for special improvements

463. The council of every county shall have power to pass by-laws for levying by assessment on all ratable property within any particular part of one or parts of two townships to be described by metes and bounds in the by-law, in addition to all other rates, a sum sufficient to defray the expenses of making, repairing or improving any road, bridge, or other public work, lying within one township or between parts of such two townships, and by which the inhabitants of such parts will be more especially benefited; provided that the provisions of this subsection shall not be held to apply to any road, bridge or other public work within the limits of any town or incorporated village municipality. 29-30 V., e. 51, s. 344, sub. 6. 25 30 35

Proceedings to obtain a by-law for.

464. No by-law under the last preceding section, shall be passed, except--(1.) Upon a petition signed by at least two-thirds of the electors who shall be rated for at least one-half of the value of the property within those parts of such townships which are to be affected by the by-law; (2.) Nor unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the by-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the township, and at the places for holding the sittings of the council of each township, whether it be within such parts or not, and also by inserting the same weekly for at least three consecutive weeks in some newspaper, if any there be published in the county town or if there is no such newspaper, then in the two newspapers published nearest the proposed work. 29-30 V., e. 51, s. 344, sub. 7. 40 45 50

Notice to be given.

DIVISION XIII.—POWERS OF MUNICIPAL COUNCILS AS TO RAILWAYS.

Aiding by taking stock, loan, guarantee, or bonus. Sec.
How By laws in aid submitted. Sec.
Provisions of By-laws. Sec.
Head of Council to be a Director ex-officio. Sec.
May permit railways to pass along highways, &c. Sec.

465. The council of every township, county, city, town and incorporated village, may pass by-laws :

Municipal councils may make by-laws.

(1.) For subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated railway company to which the eighteenth section of the Statute fourteenth and fifteenth Victoria, chapter fifty-one—(the Railway Clauses Consolidation Act) or the sections of the Consolidated Statute of Canada respecting railways, numbered seventy-five to seventy-eight, have been or may be made applicable by any special Act. 29-30 V., c. 51, s. 349, sub. 1.

For taking stock in railways or guaranteeing debentures.

(2.) For endorsing or guaranteeing the payment of any debenture to be issued by the company for the money by them borrowed, and for assessing and levying from time to time upon the whole ratable property of the municipality, a sufficient sum to discharge the debt or engagement so contracted: 29-30 V., c. 51, s. 349, sub. 2.

For guaranteeing the payment of debentures, &c.

(3.) For issuing, for the like purpose, debentures payable at such times and for such sums respectively not less than twenty dollars, and bearing or not bearing interest as the municipal council may think meet; 29-30 V., c. 51, s. 349, sub. 3.

For issuing debentures.

(4.) For granting bonuses to any railway company in aid of such railway and for issuing debentures in the same manner as is in the preceding sub-section provided for raising money to meet such bonuses. 34 V., c. 30, s. 6.

(5.) For directing the manner and form of signing or endorsing any debenture so issued, endorsed or guaranteed and of countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned respectively; but no municipal corporation shall subscribe for stock or incur a debt or liability for the purposes aforesaid, unless the by-law before the final passing thereof shall receive the assent of the electors of the municipality in manner provided by this Act. 29-30 V., c. 51, s. 349, sub. 4.

Form of

To be confirmed by public vote.

466. Any municipality or any portion of any municipality which may be interested in securing the construction of a railway or through any part of which or near which the railway, or works of any railway company shall pass or be situated, may aid or assist such company by loaning or guaranteeing or giving money by way of bonus or other means to the company, 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 such aid, loan, bonus or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of section 227 of this Act. *Vide* 34 V., c. 43, s. 19.

Municipalities may aid the company.

such aid to be granted by by-law.

467. Such by-laws shall be submitted in manner following, namely :—

(1.) In the case of a county municipality by the county council on a petition of a majority of the reeves and deputy-reeves, or of two hundred resident free-holders who may be duly qualified voters under the Municipal Act.

(2.) In the case of other municipalities and of sections of such municipalities, by the councils of such municipalities, on the petition of the majority, or of fifty resident free-holders being duly qualified voters as aforesaid.

(3.) And in the case of municipalities, or portions of municipalities which form part of a county municipality, by the council of such county municipality on the petition of fifty resident free-holders who are duly qualified voters as aforesaid. *Vide* 35 V., c. 60, s. 5.

Provisions,
Submission of
by-laws

468. Such by-laws shall provide:—

(1.) For raising the amount so petitioned for, repayable within twenty years by annual instalments of principal with interest, in the meantime payable yearly or half-yearly, and for the issue of debentures for such instalments and interest, and for delivery to the trustees of the debentures for the amount of such instalments with interest, at the times and on the terms specified in the petition; which debentures the municipal councils and the wardens, reeves, and other officers thereof, are hereby authorized to execute and issue in such case, respectively.

Head, when to
be a director.

(2.) For assessing and levying upon all the ratable property lying within the section or sections defined by the petition, an annual special rate, as nearly equal as may be sufficient for the repayment of the debentures and interest, as the same become due and payable; and in case the debt incurred for said aid is not repayable by instalments, then sufficient to provide a sinking fund for the redemption thereof. *Vide* 35 V., c. 60, s. 6.

By-laws
authorizing
branch rail-
ways.

469. In case any municipal council subscribes for and holds stock in a railway company, under section 465, to the amount of twenty thousand dollars or upwards, the head of the council shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as the other directors of the company. 29-30 V., c. 51, s. 351.

To authorize
companies.

470. The council of every township may pass by-laws for authorizing any railway company, in case such authority is necessary, to make a branch railway on property of the corporation, or on highways, under such conditions as the council sees fit, and subject to the restrictions contained in the Consolidated Railway Act, and any other Acts affecting such railway, and may also pass by-laws to authorize companies or individuals to construct tram and other railways along any highway on such terms and conditions as the council shall see fit. 29-30 V., c. 51, s. 352; 33 V., c. 26, s. 12.

PART VIII.

POLICE VILLAGES

DIV. I.—FORMATION OF.

DIV. II.—TRUSTEES AND ELECTION OF

DIV. III.—DUTIES OF POLICE TRUSTEES.

DIVISION I.—FORMATION OF.

*Existing continued. Sec.**New—how formed. Sec.*

471. Every existing police village shall continue to be a Police Villages continued. police village, with the boundaries then established. 29-30 V., c. 51, s. 1.

472. On the petition of any of the inhabitants of an un- New police villages. incorporated village, the council or councils of the county or counties within which the village is situate, may, by by-law, erect the same into a police village, and assign thereto such limits as may seem expedient. 29-30 V., c. 51, s. 9.

DIVISION II.—TRUSTEES, AND ELECTION THEREOF.

*Existing Trustees continued. Sec.**Trustees three in number. Sec.**Qualification required for. Sec.**Electors, who are. Sec.**Election, where to be held. Sec.**Returning Officer, how appointed. Sec.**No Election in a Tavern. Sec.**Nomination, how conducted. Sec.**Election, how conducted. Sec.**Tenure of office. Sec.**Powers of returning officer. Sec.**Vacancies, how filled. Sec.**Inspecting Trustee, how appointed. Sec.*

473. The trustees of every police village existing when this Trustees continued. Act takes effect, shall be deemed the trustees respectively of every such village as continued under this Act. 29-30 V., c. 51, s. 2.

474. The trustees of every police village shall be three in Trustees of police village to be three in number. number. 29-30 V., c. 51, s. 68.

475. The persons qualified to be elected police trustees are Qualification of councillor, etc. such persons as reside within the police village, or within two miles thereof, as are eligible to be elected township councillors, and as are qualified in respect of property for which they are rated in such police village to the amount required so to qualify them. 29-30 V., c. 51, s. 70.

476. If there are not six persons qualified under the preceding section, any person entitled to vote at the election may be elected. 29-30 V., c. 51, s. 72.

477. Any township elector, rated on the last assessment roll for such property in a police village as entitles him to vote in respect thereof at the municipal election for the township, shall be entitled to vote at the election for police trustee. 31 V., c. 30, ss. 9 & 10. 5

Also for police villages. **478.** The council by which a police village is established shall, by the by-law establishing the same, name the place in the village for holding the first election of police trustees, and the returning officer therefor. 29-30 V., c. 51, ss. 86 & 96. 10

After first election, police trustees to appoint. **479.** In a police village, after the first election, the trustees thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the returning officer, and the place or places, within such village, for holding nominations and elections. 29-30 V., c. 51, s. 96, sub 2. 15

No elections to be in taverns. **480.** No election of police trustees shall be held in a tavern or in a house of public entertainment licensed to sell spirituous liquors. 29-30 V., c. 51, s. 82. 20

Nomination meeting. **481.** A meeting of the electors shall take place for the nomination of candidates for the offices of police trustees, in each police village, at noon, on the last Monday in December, annually, at such place therein as shall from time to time be fixed by the trustees. *Vide* 29-30 V., c. 51, s. 100. 25

President. **482.** The returning officer (or, in his absence, a chairman to be chosen) shall preside at such meeting, of which the police trustees shall give at least six days' notice. *Vide* 29-30 V., c. 51, s. 100, sub 1.

If no more candidates than officers. **483.** If only three candidates shall be proposed and seconded, the returning officer or chairman shall, after the lapse of one hour, declare such candidates duly elected. 29-30 V., c. 51, s. 100, sub 2. 30

If more and poll demanded. **484.** If more than the necessary number of candidates are proposed, the returning officer or chairman shall adjourn the proceedings until the second Monday in January, when a poll or polls shall be opened for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. *Vide* 29-30 V., c. 51, s. 100, sub 3. 31 V., c. 30, s. 13. 33 V., c. 26, s. 3. 35
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Notice of persons proposed. **485.** The returning officer or chairman of the meeting shall, on the day following that of the nomination, post up in the office of the clerk of the township, if it is situated in such police village, and if not, then in some other public place in such police village, the names of the persons nominated at such meeting, and shall, if a poll is necessary, demand in writing from the clerk of the township, or clerks of the townships, a list of the names of the male freeholders and householders such as is required to be furnished under the next section. *Vide* 29-30 V., c. 51, s. 100, sub 4. 45
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486. The clerk of the township, or clerks of the townships, in which any police village is situated, shall, at latest, on the day previous to the day for opening the poll, deliver to the returning officer of such police village a list of the names, arranged alphabetically, of all male freeholders and householders rated upon the then last revised assessment roll for real property, lying in the police village, or the portion thereof in the municipality of such clerk, to the amount required to qualify them to vote at such election, and shall attest the said list by his solemn declaration in writing under his hand. *Vide* 29-30 V., c. 51, s. 100, sub 5.

487. The returning officer shall, previous to the opening of the poll, procure a poll-book, and he 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 in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name. *Vide* 29-30 V., c. 51, s. 100, sub 6.

488. The returning officer shall add up the votes set down for each candidate on the poll-book, and ascertain the aggregate number of votes, and shall, on the day following the election, put up in the same place as the nominations were posted, the state of the poll, with the number of votes received by each candidate, and a certificate annexed to the said statement, under his hand and seal, showing the successful candidates. *Vide* 29-30 V., c. 51, s. 100, sub-s 7 & 8. 31 V., c. 30, s. 14.

489. In case a casting vote is required to determine an election, the returning officer, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case the clerk shall not vote at any such election. *Vide* 29-30 V., c. 51, s. 100, sub 9.

490. The persons elected shall hold office until their successors are elected or appointed and sworn into office and hold their first meeting. 33 V., c. 26, s. 3.

491. Every returning officer shall, on the day after the close of the poll, return the poll-book to the clerk of the township in which the village is situated, or in case the village lies in several townships, then to the clerk of the county, verified under oath before such clerk, or before any justice of the peace for the county or union of counties in which the village may lie, as to the due and correct taking of the votes. *Vide* 29-30 V., c. 51, s. 100, sub. 7. 31 V., c. 30, s. 14.

492. The various sections of this Act relating to the proceedings at the nomination and election of township councillors, including those relating to the questions to be put and oaths to be administered to electors, and as to the appointment of a chairman or returning officer, in case the person appointed is absent, and also the provisions respecting controverted elections and for the prevention of corrupt practices shall apply and be acted on, unless where a different provision is herein made, in the election of police trustees. *New.*

493. The returning officer shall have the like powers for the preservation of the peace as are heretofore given to returning officers at municipal elections. *New.*

Filling vacancies.

494. In case of any vacancy in the office of a police trustee, by death or otherwise, the remaining trustee or trustees shall, by writing to be filed with such clerk as aforesaid, appoint a trustee or trustees to supply the vacancy. 29-30 V., c. 51, s. 309. 5

Appointing of inspecting trustees.

495. The trustees of every police village, or any two of such trustees shall, by a writing under their hands to be filed with the clerk of the township, or in case the village lies in several townships with the clerk of the county, appoint one of their number to be inspecting trustee. 29-30 V., c. 51, s. 308. 10

DIVISION III.—DUTIES OF POLICE TRUSTEES.

Oaths of Office, and qualification. Sec.

First Meeting of. Sec.

Expenses of, how provided for.

Health Officers, Trustees to be. Sec.

Regulations to be enforced by. Sec.

Penalties for breach, how recovered. Sec.

Neglect of Duty by Trustees, how punishable. Sec.

Limitation of Suits for Penalties. Sec.

496. Every police trustee shall take oaths of office and qualification in the same manner and within the time prescribed for township councillors, under like penalties in case of default. 29-30 V., c. 51, s. 178. 15

497. The trustees of every police village shall hold their first meeting at noon on the third Monday of the same January in which they are elected, or on some day thereafter at noon. 29-30 V., c. 51, s. 133. 20

498. The trustees at any time previous to the first day of June, may require the council of the township or townships in which the Police village is situated, to cause to be levied along with the other rates, upon the property liable to assessment in such village, such sums as they may estimate to be required to cover the expenditures for that year in respect of matters coming within their duties, and to cover any balance for expenditures incurred during the year then last past, such sum not to exceed————— *New.* 25

499. In case the village is situated in two or more townships, the trustees shall require a proportionate amount from each, according to the value of the property of the village in each township, as shown by the last equalized assessment rolls. *New.* 30

500. The township treasurer shall from time to time, if he has moneys of the municipality in his hands not otherwise appropriated pay any order given in favor of any person by the inspecting trustee, or by any two of the trustees, to the extent of the amount required to be levied as aforesaid, although the same may not have been then collected. *New.* 35 40

501. No trustee shall give any such order in favor of any person except for work previously actually performed, or in payment of some other executed contract. *New*

502. The trustees of every police village shall be health officers within the police village, under the Consolidated Statute for Upper Canada, respecting public health, and under any other Act that may be passed for the like purpose. 29-30 V., c. 51, s. 313. Trustees to be health officers.

503. The trustees of every police village shall execute and enforce therein the regulations following: 29-30 V., c. 51, s. 314. Regulations.

Prevention of Fire.

(1.) Every proprietor of a house more than one story high, shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of one dollar for every omission; and a further penalty of two dollars for every week such omission continues; Fires, ladders, &c.

(2.) Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of one dollar for each bucket deficient; Fire buckets.

(3.) No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding two dollars for non-compliance; Furnaces, &c.

(4.) No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood work nearest thereto: and the pipe of every stove shall be inserted into a chimney; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood work, under a penalty of two dollars; Stove pipes, &c.

(5.) No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp unless well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured, under a penalty of one dollar; Lights in stables, &c.

(6.) No person shall light or have a fire in a wooden house or outhouse, unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of one dollar; Chimneys.

(7.) No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden, or other place, without having such fire confined in some copper, iron, or tin vessel, under a penalty of one dollar for the first offence, and of two dollars for every subsequent offence; Securing fire carried through streets, &c.

(8.) No person shall light a fire in a street, lane or public place, under a penalty of one dollar; Fires in streets.

(9.) No person shall place hay, straw or fodder, or cause the same to be placed in a dwelling house, under a penalty of one dollar for the first offence, and of five dollars for every week the hay, straw or fodder is suffered to remain there; Hay, straw, &c.

(10.) No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders, in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of one dollar; Ashes, &c.

Lime. (11.) No person shall place or deposit any quick or unslaked lime in contact with any wood of a house, outhouse or other building, under a penalty of one dollar, and a further penalty of two dollars a day until the lime has been removed, or secured to the satisfaction of the inspecting trustee, so as to prevent any danger of fire; 5

Charcoal furnaces. (12.) No person shall erect a furnace for making charcoal of wood, under a penalty of five dollars;

Gunpowder.

Gunpowder. (13.) No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a penalty of five dollars for the first offence, and ten dollars for every subsequent offence; 10

Gunpowder. (14.) No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building at night, under a penalty of ten dollars for the first offence, and of twenty dollars for every subsequent offence; 15

Nuisances.

Certain nuisances prohibited. (15.) No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a penalty of one dollar, and a further penalty of two dollars for every week he neglects or refuses to remove the same after being notified to do so by the inspecting trustee, or some other person authorized by him. 29-30 V., c. 51, s. 314, sub-s. 1-15. 20

Who to sue for penalties. **504.** The inspecting trustee, or in his absence, or when he is the party complained of, one of the other trustees, shall sue for all penalties incurred under the regulations of police herein established, before a justice of the peace having jurisdiction in the village and residing therein, or within five miles thereof; or if there be none such, then before any justice of the peace having jurisdiction in the village; and the justice shall hear and determine such complaint in a summary manner, and may convict the offender, upon the oath or affirmation of a credible witness, and cause the penalty with or without costs as he may see fitting to be levied by distress and sale of the goods of the offender, to be paid over to the path-master or path-masters of the division or divisions to which the village belongs, or to such of the said path-masters as the trustees may direct; and such path-master or path-masters shall apply the penalty to the repair and improvement of the streets and lanes of the village, under the direction of the trustees. 29-30 V., c. 51, s. 312. 25 30 35

Penalty for breach of duty. **505.** Any police trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the village offering to adduce proof of an offence against the regulations of police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of five dollars. 29-30 V., c. 51, s. 310. 40 45

Limitation of prosecutions for. **506.** The penalties prescribed by the preceding section, or by that for the establishment of regulations of police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently. 29-30 V., c. 51, s. 311. 50

CONFIRMING AND SAVING CLAUSES.

5 **507.** Nothing herein contained shall be taken or construed to affect or repeal the four hundred and twenty-third section of an Act passed in the Session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of her present Majesty, chaptered fifty-one, which enacts, that "so much of the schedules in either of the Municipal Corporation Acts of 1849 and 1850, as define the limits or boundaries of any cities or towns, being Schedule B of the Act of 1849, numbers two, three, four, six, seven, eight, 10 nine, ten and eleven, and Schedule C of the same Act, numbers one, two and three, and Schedule B of the Act of 1850, numbers one, five, twelve, thirteen, fourteen and fifteen; and also so much of Schedule D of the said Acts of 1849 and 1850, as relates to Amherstburg, and also so much of the two 15 hundred and third section of the said Act of 1849, and so much of any other sections of either of the said Acts relating to any of the Schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations, and special statutes by or 20 under which cities and other municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall continue in force." 29-30 V., c. 51, s. 423.

Exception
from appeal.

Further ex-
ception.

25 **508.** Nothing herein contained shall affect the Acts of this Province passed respectively in the thirty-third and thirty-fifth years of the reign of her present Majesty for establishing Municipal Institutions in the Districts of Algoma, Parry Sound, Muskoka, Nipissing and Thunder Bay, but the same shall be construed as if the provisions of the Acts herein referred to remained unrepealed, and as if this Act had not been passed. 30 New.

35 **509.** The Acts and parts of Acts set in the Schedule A hereto, and all Acts or parts of Acts inconsistent with the provisions of this Act, relating to the Municipal Institutions of Ontario, excepting special Acts which have been enacted to confer specific powers on certain municipalities, are hereby repealed; but the repeal thereof shall not revive any Act or provision 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 40 any transaction, matter or thing anterior to the said repeal to which they would otherwise apply. New.

Inconsistent
enactments re-
pealed.

510. This Act shall take effect on the _____ day of _____ one thousand eight hundred and seventy _____
New

Commence-
ment of this
Act, and of
certain pro-
visions thereof.

SCHEDULE OF STATUTES CONSOLIDATED IN MUNICIPAL BILL OF 1873.

29-30 Vic. Cap. 51, as amended by Cap. 52.

MEMO.—References in this table show where sections corresponding to clauses in Acts of 1866 are found, although such clauses may have been amended by subsequent Acts.

29-30 Vic. c. 51, 52.		Where in Bill of 1873.		29-30 Vic. c. 51, 52.		Where in Bill of 1873.		29-30 Vic. c. 51, 52.		Where in Bill of 1873.	
Sec.	Sub.Sec	Sec.	Sub.Sec	Sec.	Sub.Sec	Sec.	Sub.Sec	Sec.	Sub.Sec	Sec.	Sub.Sec
1		2		60	7	9		100	5	107	
2		471				52		"	6	108	
3		473		61		58		"	7	110	
4		3				59		"	8	111	
5		4		62		60		"	9	112	
6		5		63		54		101	1	102	
7		7		64		55		"	2	103	
8		503		"		56		"	3	104	
9		6		"	1	9		"	4	104	
10	1-4	472		65		183		"	5	105	
"	5	8	1-4	66	1	61		"	6	107	
11		13		"	2	65		"	7	108	
12		10		"	3	66		"	8	97	
13		11		"	4	67		"	9	98	
14		12		"	5	68		"	10	99	
15		14		67		62		"		97	
16		15		68		474		"		98	
17		16		69		69		"		99	
18		17		70		70		"		111	
19		18		71		475		"		112	
20		Effete.		72		72		102		110	
21		50		73		73		103		113	
22		51		74		476		104		114	
23		52		75		74		105		84	
24		53		76		75		106		118	
25		57		77		76		107		70	
26		20		78		477		108		100	
27		21		79		77		109		101	
28		22		80		477		110			
29		23		81		78		111		104	
30		25		82		477		112			
31		26		83		79		113		108	
32		27		84		80		114		110	
33		29		85		81		115		115	
34		28		86		82		116		112	
35		30		87		Parlia ment'ry		117		211	
36		31		88		Elec tions.		118		174	
37		32		89		91		119		115	
38		33		90		480		120		119	
39		34		91		85		121		116	
40		35		92		90		122		117	
41		36		93		86		123		184	
42		37		94		478		124		123	
43		38		95		Repealed by		125		125	
44		39		96		33 V. c. 26.		126		126	
45		40		97		secs. 1 and 3.		127		127	
46		41		98		Vide		128		128	
47		42		99		secs.		129		129	
48		43		100		84 and		130		131	
49		44		"	1	478.		131	1	132	
50		45	Regis. Act.	"	2			"	2	134	
51		46		"	3			"	3	135	
52		47		"	4			"	4	136	
53		48		96		478		"	5	137	
54		49		97		479		"	6	138	
55		50		98		94		"	7	139	
56		51		99		95		"	8	140	
57		52		100		96		"	9	141	
58		53		"	1	102		"	10	142	
59		54		"	2	103		"	11	143	
60	1-6	24	1-6	"	3	104		"	12	144	
				"	4	106		"	13	145	
								"	14	148	

Left out.

SCHEDULE OF STATUTES—Continued.

29-30 Vic. c. 51, 52.		Where in Bill of 1873.		29-30 Vic. c. 51, 52.		Where in Bill of 1873.		29-30 Vic. c. 51, 52.		Where in Bill of 1873.	
Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec
131	15	119		194		225		264	1	375	2
"	16	156		195		226		"	2	"	3
"	17	116		196	1-6	227		"	3	"	4
"	18	147		"	7	228		265 } to } 267 }		Repealed by 32 Vic. c. 32. Vide sec. 385 sub-sec. 6.	
"	19	158		"	8	229					
132		152		"		230		268		376	
		131		197		231		269	1	375	23
		167				224		"	2	"	5
133		497		198		236		"	3	"	6
134		168				237		"	4	"	7
135		123		199		238		"	5	"	8
136		121		200				"	6	"	9
137		122		201		233		"	7	"	10
138		169		202				"	8	"	11
139		170		203		234		"	9	"	12
140		173		204		235		"	10	"	13
141		171		205		242		"	11	"	14
142		175		206		243		"	12	"	15
143		176		207		251		"	13	"	16
144		182		208		306		"	14	"	17
145		177		209		314		"	15	"	18
146		178		210		315		"	16	"	19
147		179		211		316		"		"	20
148		180		212		304		"		"	21
149		181		213		292		"		"	22
150		130		214			Left out.	270		172	
151		124		215			Vide	271		266	
152		185		216			35 V. c. 12.	272		273	
153		187		217			Effete.	273		Effete	
154		188		218			299	274		School	Law.
155		188		219			Criminal	275		267	
156		189					Law.	276		School	Law.
157		190		220		220		277		268	
158		191		221		221		278		375	1
		189		222		325		279		368	7
159		193		223		324		280		391f	
		270		224	1-5	322		281 } 282 }		Repealed by 32 V. c. 43. sec. 1.	
160		192		"	6	323					
161		194		225		254		283		375	24-27
162		195		226	1-6	244		284		"	28-37
		269		"	7	246		285		Effete.	
163		196		227		247		286	1-4	379	1-4
		197		223		248		287		"	4
164		198		229	1	252		288	1-5	"	5-9
165		Assessment Act.		"	2	253		289		Effete.	
		83		230	3	261	Effete.	290		391a	
166		199		231		262		291		391b	
167		200				263		292		391c	
168		201		232		264		293		391d	
169		202				265		294		391e	
170		203		233		249		295		Effete.	
171		205		234		250		296	1-4	374	1-4
172		204		236		256		"	5-16	380	1-12
173		206		237		257		"	17	"	14
174		207		238		258		"	18	"	13
175		216		239		259		"	19	375	37
176		217		240		260		"	20-21	380	16-17
177		208		241				"	22	"	21
178		496		242		270		"	23-25	"	18 20
179		209		243		271		"	26	368	22
180		210		244		272		"	27 30	380	23 26
181		211		245		Edete.		"	31	386	
182		212		246	1-4	368	1-4	"	32-47	380	27-42
183		213		"	5	"	8	"	43-49	"	45-46
184		214		"	6	"	11	"	50-56	"	48-54
185		215		"	7	"	12	"		Effete	
186		216		"	8	"	13	297		300	
187		Criminal		247		Effete.		298		381	1-10
188		Law		248		378		299	1-10	"	11
189		Effete.		249		Repealed by 32 Vic. c. 32.		"	11	368	7
190		218				Vide		300	1-3	"	12-14
191		219				to		"	4	"	17
192		222		263		sec.	385	"	5	382	
193		223				sub-sec.	6.	"			

SCHEDULE OF STATUTES—Continued.

29-30 Vic. c. 51, 52.		Where in Bill of 1873.		29-30 Vic. c. 51, 52.		Where in Bill of 1873.		29-30 Vic. c. 51, 52.		Where in Bill of 1873.	
Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub Sec	Sec.	Sub-Sec
300	6	383		341	5	424		364		305	
"	7	384		"	6	425		365		367	
"	8	381	15	"	7	403		366		214	
"	9	"	16	"	8	426		367		326	
301		458		"	9	427		368		Repealed by	
302		459		"	10	428		370		32 V	c. 6.
303		244		"	11	399		371		s. 10	
		245		"	12	401		372		328	
304		295		342		400		373		330	
305		247		343		407		374		303	
306		481		344	1	4-9	1	375		327	
307		Eff. t.		"	2	368	9	376		Repealed by	
308		495		"	3	429	2	377		32 V	c. 6.
309		494		"	4	387	1	378		s. 10	
310		505		"	5	429	3	379		Eff. t.	
311		506		"	6	463		378		Repealed by	
312		504		"	7	464		379		32 V	c. 6.
313		502		"	8	429	4	380		s. 10	
314		513		345	1-4	430	1-3	381		266	
315		392		"	5-8	368	15-18	386		Repealed by	
316		393		316		432		387		32 V	c. 6.
317		394		347		433		388		s. 10	
318		408		348		434		389		318	
319		409		349	1-3	465	1-3	390		336	
320		410		"	4	"	5	391		342	
321		411		350		293		392		343	
322		412		351		469		393		344	
323		413		352		470		394		345	
324		445		353	1	275		395		331	
325		269		"		276		396		332	
326		370		"	2	277		397		337	
327		371		"		288		398		338	
328		372		"	3	"		399		339	
329		404		"	4	279		400		340	
330		405		"	5	280		401		311	
331		406		"	6	283		402		343	
332		385		"	7	282		403		347	
333	1	368	10	"	8	273		404		360	
"	2	414	1	"	9	274		405		361	
"	3	"	2	"	10	281		406		348	
"	4	168	9	"	11	185		407		359	
"	5	414	3	"	12	290		408		349	
"	6	"	4	"	13	289		409		350	
"	7	"	8	"	14	291		410		363	
"	8	368	6	351		377		411		364	
"	9-10	414	6-7	355	1-22	Not Muni- cipal Law.		412		362	
334		415		"	23	312		413		352	
335		416		"	24	317		414		253	
336		417		"	25	313		415		365	
337		419		"	26	391		416		354	
338		395		"	27	Criminal Law		417		355	
339		397		"	28	Not Muni- cipal Law.		418		356	
340	1	Eff. t.		"		Left out.		419		357	
"	2	452		354		309		420		358	
"	3	380	43	357		310		421		Criminal Law	
"	4	"	44	358		308		422		I	
"	5	"	47	359		308		423		507	
341		398		"		Repealed by		424		Vide	
"	1	402		360		32 V	c. 6.	425		Inter- pretation Act,	
"	2	420		"		s. 10		426		31 V	c. 1.
"	3	421		361		307				s. 7.	
"	4	4-2		362		321				33rdly	35thly.
		423		363		319					

SCHEDULE OF STATUTES—*Continued.*

31 Vic., Cap. 30.

31 Vic. c. 30.		Where in Bill of 1873.		31 Vic. c. 30.		Where in Bill of 1873.		31 Vic. c. 30.		Where in Bill of 1873.	
Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub ^b Sec
2	}	20		19		108		34		380	42
3							84				458
4		23		20	}	118		35	}	461	
5		40		21			104			36	
6		66		22		123		37		431	
7		60		23		189		38		309	
8		74		24	}	Assess- ment Act		39		328	
9		76						40		303	
10	}	77		25		368	2	41		338	
11			477		26		172		42		353
12	}	Parliamentary Elections.		27		266		43		374	
13					101		28		368	7	}
14		110		29		391g		44		33 V. s. 15.	
15		111		30		375	15	45		390	
16		102		31	}	Repealed by 32 V. c. 13, s. 19.		46		228	
17		103		32					380	8	
18	}	104		33	}	334		47	}	230	
			105				386				231

32 Vic., Cap. 6.

32 Vic. c. 6.		Where in Bill of 1873.		32 Vic. c. 6.		Where in Bill of 1873.		32 Vic. c. 6.		Where in Bill of 1873.	
Sec.		Sec.		Sec.		Sec.		Sec.		Sec.	
11		303		13		13		15		331	
12		366									

32 Vic., Cap. 32—*Vide* Sec. 385, Sub-Sec 6 of Bill of 1873.

32 Vic., Cap. 43.

32 Vic. c. 43.		Where in Bill of 1873.		32 Vic. c. 43.		Where in Bill of 1873.		32 Vic. c. 43.		Where in Bill of 1873.	
Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec
1	}	Repealed by 35 V. c. 26.		18	}	42		20		418	
16						44		21		266	
17						379	3	22		333	

33 Vic., Cap. 8, Secs. 2 and 3—*Vide* Sec. 389 of Bill of 1873.

SCHEDULE OF STATUTES—*Continued.*

33 Vic, Cap. 26.

33 Vic. c. 26.		Where in Bill of 1873.		33 Vic. c. 26.		Where in Bill of 1873.		33 Vic. c. 26.		Where in Bill of 1873.	
Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.
2		63		8		404		14		Repealed by 35 V. c. 26.	
3		84		9		405		15			
4		375	30	10		406		16			
5		380	4	11		430	4	17			
6		"	6	12		470					
7		"	54	13		277					

34 Vic., Cap. 21, Secs. 1-4—*Vide* Sec. 379, Sub-Sec. 10 of Bill of 1873.

34 Vic., Cap. 30.

34 Vic. c. 30.		Where in Bill of 1873.		34 Vic. c. 30.		Where in Bill of 1873.		34 Vic. c. 30.		Where in Bill of 1873.	
Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.
1		66		7		398		14		391g	
2		380	8	8		400		15		271	
3		386	11	9		429	2	16		2'2	
4	}	414	1	10	}	458		17		21	
5		368	10	11		461		18		187	
6	}	396		12		460	2				
		465	4	13		401					

34 Vic., Cap. 31, Secs. 3 and 5—*Vide* Sec. 368, Sub-Sec. 19 of Bill of 1873.

35 Vic., Cap. 26.

35 Vic. c. 26.		Where in Bill of 1873.		35 Vic. c. 26.		Where in Bill of 1873.		35 Vic. c. 26.		Where in Bill of 1873.		
Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.	
1	}	436		9		442		19		450		
2				10		443		20		451		
3		437		11	}	444		21		452		
4		235		to		445		22		294		
5		438		15		447		23		453		
6		439		16		447		24	}	454		
7		440		17		448		t.				
8		441		18		449		457				

SCHEDULE OF STATUTES—*Continued.*

35 Vic., Cap. 36.

35 Vic. c. 36.		Where in Bill of 1873.		35 Vic. c. 36.		Where in Bill of 1873.		35 Vic. c. 36.		Where in Bill of 1873.	
Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.	Sec.	Sub-Sec.
1		153		7		158		14		240	
2		154		8		159		15		241	
3		155		9		160		16		163	
4		157		10		161		17		164	
5		156		11		162		18		165	
		133		13		239		19		166	

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TITLE I.	INCORPORATION.	SEC. 2.
II.	NEW CORPORATIONS.	
	DIVISION I.	Villages. Sec. 8.
	“ II.	Towns and Cities. 14
	“ III.	Townships. 21
	“ IV.	Counties. 30
	“ V.	Provisional. 33
	“ VI.	Matters Consequent. 50

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	DIVISION I.	In Counties. 61
	“ II.	Cities. 65
	“ III.	Towns. 66
	“ IV.	Incorporated Villages. 67
	“ V.	Townships. 68
	“ VI.	Provisional. 69
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	DIVISION I.	Qualification. 70
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2nd Session, 2nd Parliament, 36 Victoria 1873.

BILL.

An Act respecting the Municipal Institutions in the Province of Ontario.

1st Reading, 14th January, 1873.

Hon. Mr. Crooks.

TORONTO:

PRINTED BY HENNER, ROSE, & Co.

An Act to amend the Law of Evidence.

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

1. On the trial of any issue joined, or of any matter or ques-
 5 tion, or on any inquiry arising in any suit, action, or other
 proceedings in any court of law or equity in this Province, or
 before any person having, by law or by consent of parties,
 authority to hear, receive, and examine evidence, the husbands
 and wives of the parties thereto, and of the persons in whose
 10 behalf any such suit, action, or other proceeding, may be brought
 or instituted, or opposed, or defended, shall, except as hereinafter
 vcepted, be competent and compellable to give evidence, either
eiva voce or by deposition, according to the practice of the court,
 on behalf of either or any of the parties to the said suit, action,
 15 or proceeding.
2. No husband shall be compellable to disclose any communi-
 cation made by his wife during the marriage, and no wife shall
 be compellable to disclose any communication made to her by
 her husband during the marriage.
- 20 3. The parties to any action for breach of promise of marriage
 shall be competent to give evidence in such action; Provided
 always, that no plaintiff in any action for breach of promise of
 marriage shall recover a verdict, unless his or her testimony
 shall be corroborated by some other material evidence in support
 25 of such promise.
4. On the trial of any proceeding, matter or question, under
 any of the Acts of the Province of Ontario, relating to Tavern
 and Shop Licences, or under the Municipal Institutions Act of
 Ontario, or under the Assessment Act of Ontario, or under any
 30 other Act of the Legislative Assembly of the Province of
 Ontario, the party opposing or defending, or the wife or hus-
 band of such person opposing or defending, shall be competent
 and compellable to give evidence in such proceeding, matter or
 question.

Evidence of
 husband and
 wife.

Communica-
 tions made
 during marri-
 age.

Actions for
 breach of pro-
 mise of mar-
 riage.

Evidence
 in trials under
 Acts of the
 Province of
 Ontario.

No. 20.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Law of Evidence.

1st Reading, 15th January, 1873.

MR. BYRNE.

An Act to amend the Assessment Act of Ontario.

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

1. Section four, sub-sections fifteen, sixteen, eighteen and
5 twenty-three of section nine, sections thirty-one, thirty-two and
forty-five of the Act passed in the thirty-second year of the
reign of Her Majesty Queen Victoria, chaptered thirty-six, are
hereby repealed. 32 V., c. 36, ss.
4, 31, 32 & 45.
and sub-ss. 15,
16, 18 & 23 of
s. 9 repealed.
2. The terms "personal estate" and "personal property" Interpretation
of certain
terms.
10 include all goods, chattels, shares in incorporated companies,
mortgages, bank stock at its actual value, municipal debentures,
money, securities for money of every description, notes, accounts
and debts at their actual value, income, and all other property,
except land and real estate, and real property as above defined.
15 and except property herein expressly exempted.
3. In lieu of sub-section fifteen of section nine of said Act, 32 V., c. 36,
sub-s. 15 of s. 9
amended.
insert the following:—
"So much of the unpaid purchase money of land secured by
mortgage on the said land."
- 20 4. In lieu of sub-section eighteen of section nine of said Act, Sub-s. 18 of s.
9 amended.
insert the following:—
"All property, real or personal, which is owned out of this
Province, not including foreign securities owned by persons in
this Province, and which, by the laws of those countries, are
25 exempt from taxation.
5. It shall be the duty of the assessor or assessors, as the Persons assess-
ed to give
sworn declara-
tion of prop-
erty assess-
able.
30 case may be, to deliver to each person liable to assessment
under this Act, a printed declaration, which shall be filled up by
such person (or by his agent, if the person be absent) with full
particulars respecting the real or personal property assessable
against such person, which are required on the assessment roll;
and the said declaration shall be sworn to before a justice of the
peace of the municipality; and if any person shall wilfully make
a false statement, he shall be guilty of a misdemeanor, and
5 shall be liable to be punishable as for perjury.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Assessment Act of
Ontario.

First Reading, 15th January, 1873.

MR. BYKERT.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

No. 22.]

BILL.

[1873.

An Act to enable Married Women to convey their Estates.

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

1. Any married woman shall have full power to convey her ^{Conveyances by married women.} 5 real estate or chattels real by any form of conveyance by which, if she were a feme sole, she could convey the same, without the consent of her husband, and without any examination before any court, or any judge, justice of the peace, notary public, or other officer, in the same way as if she were sole and unmarried.
2. No husband shall hereafter be entitled to any estate as ^{Tenancy by curtesy abolished.} 10 tenant by the curtesy on the lands of which his wife was seized during her coverture.

No. 22.

2nd Session, 2nd Parliament, 36 Victoria, 1873

BILL.

An Act to enable Married Women to convey
their Estates.

First Reading, 15th January, 1873.

MR. BETHUNE.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Act respecting Partition of Real Estate.

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

1. It shall not be necessary to publish the petition and notice mentioned in the fourteenth section of the Statute of the Legislature of the Province of Ontario, passed in the thirty-second year of the Reign of Her said Majesty, chaptered thirty-three, but, in lieu thereof to publish a notice which shall set forth the names of the plaintiffs and defendants, and shall be directed to the defendants and to all unknown persons having or claiming any interest in the land, and describing it as it is described in the petition, and stating the Court to which, and the time and place when and where the said petition will be presented, and calling upon all persons then and there to appear and state what claims, if any, they have to the said land, and that in default of their so appearing the said matter will be proceeded with in their absence.
2. The said notice shall be published in the Official Gazette for four weeks before the presentation of the said petition, and a paper published in the county within which the said lands lie, and if there be no such paper, then in a newspaper published in the City of Toronto once in each week for four weeks before the time when the petition is to be presented.
3. A copy of the said notice shall be put up at the door of the Court House of the county wherein the said lands lie more than four weeks before such time, and shall at the same time be put up at the nearest School House to the said land.
4. The Court or Judge may, if it shall seem expedient to the said Court or Judge, in the first instance order a sale of the said lands without reference to the real representative.
5. The reference mentioned in the twenty-seventh section of the said Act may be embodied in the order directing a sale, and the said order may direct payment out of the proceeds of the sale of said lands of any such liens or charges.
6. A solicitor or attorney may be appointed guardian for any infant defendant, and in such case it shall not be necessary to file any bond or other security, but it shall be necessary that everything should be proved against the said infant, and it shall not be competent for any such guardian to give any consent

Publication of notice when parties interested are unknown or reside abroad.

Publication of notice in Gazette and newspapers.

Notice to be posted on Court House and School House.

Judge may order a sale without a reference.

Reference as to liens or charges.

Attorneys or solicitors may be appointed guardians.

on behalf of the said infant, but the Court or Judge may, on his or her behalf, where it shall be deemed advisable in the interest of such infant so to do, consent to such proceeding.

Orders binding
absent or un-
known persons.

7. Before making any order for sale where the plaintiff desires to bind absent or unknown persons the Court or Judge is to be satisfied that all persons who are known have been served with notice of the said proceedings, and that the proper publication has taken place as directed by this Act. And the party prosecuting the said proceedings is, in addition to all title deeds, to produce to the Court or Judge an abstract of the title of the lot, certified by the registrar of the county in which the lands lie, and in case it shall appear that any person not already a party to the suit has any interest in the said land the Judge is to order such person to be named as a party and served with notice of the proceedings, and that on a certain day and place subsequent to the said day, an order will be made for the sale of the said lands unless cause be shown to the contrary.

Registration of
partitions.

8. Immediately after the allowance of the said petition, upon the application of the party prosecuting the same, the registrar, deputy registrar, or clerk of the court, is to sign a certificate which is to set forth that the petition was allowed for partition of the lands and tenements, describing them, which may be registered in the registry office for the county in which the lands lie.

Abatement of
proceedings.

9. Proceedings under the said Act shall not abate or be suspended by any death, or transmission, or change of interest, but in any such event, if known, the Court or Judge may require notices to be given to persons becoming interested, or may make any order for carrying on the proceedings, or otherwise, in relation thereto, as may be just.

Order for sale.

10. When the said notice of the said petition has been published as required by this Act, the order for sale is to state that the said notice has been so published, and that the said sale shall bind absent persons, whether known or unknown, and the deed to be executed by the real representative is to set forth the said order; and the said deed shall vest in the purchaser an absolute and indefeasible title, and shall be conclusive evidence that every application, notice, publication, proceeding, and act whatsoever, which ought to have been given and done previously to the execution of the same, has been given and done by the proper parties.

Deed.

Effect of deed.

An Act to amend the Act respecting Partition of Real Estate.

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

1. It shall not be necessary to publish the petition and notice mentioned in the fourteenth section of the Statute of the Legislature of the Province of Ontario, passed in the thirty-second year of the Reign of Her said Majesty, chaptered thirty-three, but, in lieu thereof to publish a notice which shall set forth the names of the plaintiffs and defendants, and shall be directed to the defendants and to all unknown persons having or claiming any interest in the land, and describing it as it is described in the petition, and stating the Court to which, and the time and place when and where the said petition will be presented, and calling upon all persons then and there to appear and state what claims, if any, they have to the said land, and that in default of their so appearing the said matter will be proceeded with in their absence, the form of which said notice shall be settled in each case by the Judge before publication thereof.
2. The said notice shall be published in the Official Gazette for four weeks before the presentation of the said petition, and a paper published in the county within which the said lands lie, and if there be no such paper, then in a newspaper published in the City of Toronto once in each week for four weeks before the time when the petition is to be presented.
3. A copy of the said notice shall be put up at or near the door of the Court House of the county wherein the said lands lie more than four weeks before such time, and shall at the same time be put up at the School House of the section or school division within which the said land is situate.
4. The Court or Judge may, if it shall seem expedient to the said Court or Judge, in the first instance order a sale of the said lands without reference to the real representative.
5. The reference mentioned in the twenty-seventh section of the said Act may be embodied in the order directing a sale, and the said order may direct payment out of the proceeds of the sale of said lands of any such liens or charges.
6. A solicitor or attorney may be appointed guardian for any infant defendant, and in such case it shall not be necessary to file any bond or other security, but it shall be necessary that everything should be proved against the said infant, and it shall

Publication of notice when parties interested are unknown or reside abroad.

Publication of notice in Gazette and newspapers.

Notice to be posted on Court House and School House.

Judge may order a sale without a reference.

Reference as to liens or charges.

Attorneys or solicitors may be appointed guardians.

not be competent for any such guardian to give any consent on behalf of the said infant, but the Court or Judge may, on his or her behalf, where it shall be deemed advisable in the interest of such infant so to do, consent to such proceeding.

Orders binding absent or unknown persons. **7.** Before making any order for sale where the plaintiff desires to bind absent or unknown persons the Court or Judge is to be satisfied that all persons who are known have been served with notice of the said proceedings, and that the proper publication has taken place as directed by this Act. And the party prosecuting the said proceedings is, in addition to all title deeds, to produce to the Court or Judge an abstract of the title of the lot, certified by the registrar of the county in which the lands lie. **5**
10

Adding parties. **8.** In case it shall at any time during the course of the proceedings appear that any person not already a party to the suit has any interest in the said land the Judge may, upon such terms as shall to him seem just, order such person to be named as a party and served with notice of the proceedings, and from the time of the service of such order, the said party shall be bound by the said proceedings in the same manner as if he had actually been made a party to the act. **15**
20

Registration of partitions. **9.** Immediately after the allowance of the said petition, upon the application of the party prosecuting the same, the registrar, deputy registrar, or clerk of the court, is to sign a certificate which is to set forth that the petition was allowed for partition of the lands and tenements, describing them, which may be registered in the registry office for the county in which the lands lie. **25**

Abatement of proceedings. **10.** Proceedings under the said Act shall not abate or be suspended by any death, or transmission, or change of interest, but in any such event, if known, the Court or Judge may require notices to be given to persons becoming interested, or may make any order for carrying on the proceedings, or otherwise, in relation thereto, as may be just. **30**

Order for sale. **11.** When the said notice of the said petition has been published as required by this Act, the order for sale is to state that the said notice has been so published, and that the said sale shall bind absent persons, whether known or unknown, and the deed to be executed by the real representative is to set forth the said order; and the said deed shall vest in the purchaser an absolute and indefeasible title, and shall be conclusive evidence that every application, notice, publication, proceeding, and act whatsoever, which ought to have been given and done previously to the execution of the same, has been given and done by the proper parties. **35**
Dead.
Effect of deed. **40**

Appointment of guardian to the estate of one unheard of for seven years. **12.** If any party interested in the estate, respecting which proceedings are, or are proposed to be taken under the said Act has not been heard of for three years or upwards, and it is a matter of uncertainty whether such party be living or dead, it shall be competent for a Judge of any of the courts in the said Act mentioned, to appoint a suitable and disinterested person to be a guardian, for the special purpose of taking charge of the interest of the said party, and of those who, in the event of his being dead, are entitled to his share or interest in the said estate. **45**
50

13. Such application may be made by any one interested in the said estate, and the Judge making such appointment may give such directions as shall be necessary, for the execution of sufficient bonds which shall be entered into by the said guardian so appointed, with sureties in the manner provided by the tenth section of the said Act.

Application
to appoint
guardian.

14. After the execution and filing of such bond such guardian shall, in the said proceedings, represent the said party, and those who, should he be dead, are entitled to his share or interest in the said estate, and whether they or any of them be minors or otherwise under disability; and his acts in relation to such share or interest shall be binding on such party, and all others claiming or entitled to claim under or through him, and shall be as valid as if done by him or them.

Powers of
guardian.

15. It shall be competent for the court in which such proceedings shall have been taken upon proof of such long continued absence of the said party as shall afford reasonable ground for believing him dead, upon the application of such guardian or any one interested in the estate represented by such guardian, to deal with the estate or interest of such party, or the proceeds thereof, and order the payment of such proceeds, or the income or produce thereof, to the person or persons who, in the event of the said party being regarded as dead, shall appear entitled to the same.

Power of the
Court to deal
with the estate.

16. Any guardian appointed under the said Act shall be at liberty to apply to such court from time to time, for direction and guidance in the management of the said estate, and for compensation for his services in connection therewith, and the said court, or a Judge thereof, may make all such orders, and give such directions in reference thereto, as shall to the said court or Judge appear just.

Guardian may
apply to the
Court for
guidance.

17. The Court, or a Judge, shall have the same powers of amendment of all or any of the proceedings under the said Act, as are possessed by the Court or a Judge in ordinary suits, and proceedings pending in the said Court.

Amendments
to proceedings.

No. 23.

2nd Session, 2nd Parliament, 36 Victoria, 1873

BILL.

An Act to amend the Act respecting
Partition of Real Estate.

Reprinted as amended by Select Committee.

1st Reading, 15th January, 1873.

2nd Reading, 23rd January, 1873.

MR. BETHUNE.

TORONTO:

PRINTED BY HUNTER, ROSS, & CO.

An Act to provide for taking votes by Ballot at elections of Members of the Legislative Assembly of Ontario.

WHEREAS it is expedient to amend the law relating to Preamble.
the proceedings at elections of members of the Legislative Assembly of the Province of Ontario, and to provide for voting and taking the poll at such elections by ballot :

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

1. When at any election of a member of the Legislative Ballot papers to be provided.
Assembly of the Province of Ontario a poll shall have been de-
10 manded, it shall be the duty of the returning officer to cause to be forthwith prepared ballot papers containing a list of the duly nominated candidates, with their occupations and residences, and arranged alphabetically in the order of their surnames, according to the form and directions set forth in
15 Schedule A to this Act annexed, and to furnish each of his deputy returning officers before the day fixed for such poll, with the poll-book and list of voters, as many of such ballot papers as there are electors in the polling sub-division for which such
20 deputy returning officer is appointed, and every such deputy returning officer shall after such poll give back to the returning officer the whole of such ballot papers, with the poll book and list of voters, as in this Act hereafter directed.

2. Immediately after the passing of this Act, the head of Ballot boxes to be provided.
each city, town, village, or township municipality in the Pro-
25 vince of Ontario shall procure, at the expense of the municipality of which he is head, as many ballot boxes as there are polling subdivisions within such municipality, and each of such ballot boxes shall be of some durable material, with lock and key thereto, and be made with a narrow cleft or opening in the
30 top thereof sufficiently large to admit a ballot paper, but so constructed that the ballot paper can be introduced therein, but cannot be withdrawn therefrom without the box being unlocked ; and it shall be the duty of the head of each municipality to have ready for use at all times as many ballot boxes as there
35 are polling subdivisions in the municipality : and such ballot boxes shall be placed for safe keeping in the charge of the clerk of such municipality, who shall deliver one of them to each of the deputy returning officers appointed from time to time in such municipality, upon the production of their written authority to
40 act in such capacity, and each deputy returning officer shall return such ballot box so delivered to him to such clerk, within one week after the close of the election : Provided that if
through any cause the head of any municipality fails to fur- Proviso in case of neglect.

nish ballot boxes as herein provided, he shall be guilty of a misdemeanor, and may be indicted and convicted thereof; and it shall be the duty of the deputy returning officer in each polling subdivision so unsupplied with a ballot box to forthwith procure one to be made, and he shall issue his order 5 upon the treasurer of the municipality in which such polling subdivision is situate for the cost of the same, and it shall be the duty of the said treasurer to pay to such deputy returning officer the amount of such order.

3. Each polling place shall, under the direction of the deputy 10 returning officer, and before the hour for opening the poll, be provided with two balloting compartments, so constructed that each voter can mark his vote on the ballot paper furnished to him, screened from observation and without interference or interruption; and such compartments shall contain the necessary 15 materials wherewith a voter can mark his ballot paper; and before any vote is taken at any election, the deputy returning officer shall open the ballot box hereinbefore described and show to the persons legally authorized to be present in the polling place, and then present, that the box is empty; and he shall 20 lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in view of himself and others authorized to be present, for the receipt of ballot papers, and keep it so locked and sealed until duly opened, as is hereinafter directed. From and after 25 the opening of the poll in any polling place, and until the close of all proceedings relating thereto, no person shall be entitled or permitted to be present in such polling place other than the returning officer, deputy returning officer, poll clerk, constable, one agent representing each candidate, and such voters as shall 30 for the time being be actually voting; and the deputy returning officer shall regulate the number of electors to be admitted to the polling place at one time, and direct that no person or persons shall remain in any position where he or they can observe in what manner a voter shall mark his ballot paper; and 55 if any person misconducts himself in the polling place, or fails to obey the lawful orders of the deputy returning officer, he may immediately, by order of the deputy returning officer, be removed from the polling place by any constable attending thereat, provided that no elector who is otherwise entitled to 40 vote shall thereby be deprived of opportunity to vote at such Election when obeying the lawful orders of such deputy returning officer.

4. When an elector entitled to vote in any polling place 45 presents himself for the purpose of voting, the deputy returning officer, after ascertaining that his name is on the list of voters, shall direct his poll clerk to enter in the poll book the name, surname, legal addition and residence of such voter and show by the insertion of the word "Owner," "Tenant," or "Occupant" in the said book, whether it is as a proprietor, tenant, 50 or occupant that such elector claims the right of voting, and when the elector takes the oath required of him by an Act passed in the thirty-second year of the reign of Her Majesty Queen Victoria, and chaptered twenty-one, the deputy returning officer shall state in said book that such oath was 55 taken by the elector by causing to be entered opposite the name of such elector, in the proper column in said book, the word "Sworn," and nothing more; and if the vote of any

Balloting compartments to be provided.

Ballot box to be exposed.

Who may be present at polling place.

Preservation of order.

Entries on poll book preliminary to voting.

Oath 32 Vic. cap. 21.

elector is objected to by any candidate or his agent, the deputy returning officer shall further direct his poll-clerk to enter the objection in the poll-book by writing opposite the name of the voter in the column of objections, the words "Objected to by," adding thereto the name of the candidate on whose behalf such objection is made; and if any voter so objected to or required to be sworn refuses to vote or to swear, the deputy returning officer shall cause to be added the words "Refused to vote," or "Refused to be sworn," as the case may be.

- 10 **5.** When the name of the voter has been entered in the poll-book by the poll clerk under the direction of the deputy returning officer, it shall be the duty of the deputy returning officer to legibly mark the back of the ballot paper with his own initials, and with a running number which shall represent
 15 the number of ballot papers then issued at such poll, and which number shall also be placed opposite to the name of the voter in the voters' list used by such deputy returning officer, and to deliver such marked ballot paper to the person voting, who shall immediately proceed with such ballot paper to one of the
 20 compartments provided in the polling place, and there, with the pencil provided in the compartment, place a cross on the right hand side opposite the name of the candidate for whom he desires to vote, thus X; and he shall then fold the ballot paper across so as to conceal the names of the candidates and mark
 25 upon the face of such paper, and to expose the initials of the deputy returning officer and number on the back, and leaving the compartment will, without delay and without shewing the front of the paper to any one, or so displaying it as to make known to any person the name of the candidate for or against
 30 whom he has marked his vote, deliver such ballot paper so folded to the deputy returning officer, who shall without unfolding the same, or in any way disclosing the names of the candidates, or the mark made by such elector, verify his own initials and the number on the back of the paper, and at once
 35 deposit the same in the ballot box in the presence of all persons entitled to be present and then present in such polling place: and the voter shall forthwith leave the polling place.

Mode of voting, ballot papers to be initialed and numbered previous to voting.

- 6.** The deputy returning officer, on the application of any voter incapacitated by blindness or other physical cause from
 40 marking his ballot paper, or who makes the declaration in Schedule B appended to this Act that he is unable to read, shall, before such of the agents of the candidates as may be then present, mark the vote of such voter on a ballot paper, in the manner directed by such voter, and forthwith deposit such ballot
 45 paper in the ballot box; and the deputy returning officer shall, after the name of such voter on the poll-book, enter the words "Blind," "Physically incapacitated," or "Unable to read," as the case may be.

Provisions in case of voters blind or physically incapacitated from marking the ballot card.

- 7.** If a person representing himself to be a particular elector
 50 named on the voters' list applies for a ballot paper after another person has voted as such elector, he shall, after taking the oath permitted to be asked of and administered to electors at the time of voting, be entitled to mark a ballot paper in the same manner as any other voter; but the deputy returning
 55 officer shall not put it in the ballot box, but place it in an envelope, which shall be securely sealed and have inscribed thereon the name of the voter and his number on the voters' list,

Persons tendering votes in respect of qualification already voted upon.

Tendered vote to be received. and marked "Tendered Vote;" and such envelope shall not be opened by the deputy returning officer, but returned by him to the returning officer, and such vote shall not be counted by the deputy returning officer or returning officer.

Cancelled ballot papers. **8.** A voter who has dealt with his ballot in such manner that it cannot properly be used as a ballot paper, may, on delivering it to the deputy returning officer, obtain another ballot paper in place of it, and the deputy returning officer shall immediately write the word "Cancelled" upon such ballot paper, and preserve it to be returned to the Returning Officer. 5 10

Certain ballot papers to be rejected. **9.** Every ballot paper which shall contain a greater number of ballot marks than the voter is entitled to make, or which is so marked as to render it uncertain for which candidate the voter intended to vote, or marked otherwise than in the manner described in this Act, or so marked, otherwise than by the number thereon, that the voter can be identified, or which is not duly initialed and numbered as before provided, shall be rejected at the examination of ballot papers made at the close of the poll. 15

Examination and counting of ballot papers in polling place at close of poll. **10.** Immediately after the close of the poll in every polling place, the deputy returning officer shall, in the presence of the poll clerk, and such of the agents of the candidates as may then be present, open the ballot box and examine the ballot papers therein deposited, keeping them with their faces upwards, and taking all proper precautions for preventing any person from seeing the number written on the backs of such papers, and after rejecting such of them as are not in accordance with the provisions of this Act, count up the votes given for each candidate, and make up a written statement in words as well as in figures, of the number of votes given for each candidate, and of the ballot papers which have been rejected, spoiled or unused; which statement shall be forthwith signed by the deputy returning officer, the poll clerk, and such agents of the candidates as may be present; and the deputy returning officer shall forthwith make up the used, the rejected, the spoiled, and the unused ballot papers, and the "Tendered Votes" into several packages, which shall be marked upon the outside with the date of the day of the election, and the name of the deputy returning officer and that of the polling subdivision, and sealed with his seal and those of any of the agents of the candidates who may so desire; and the deputy returning officer shall, with the least possible delay, cause the whole of such ballot papers, the list of voters, the written statement aforesaid, and the poll book, as well as all books and papers officially kept by him or his poll clerk, to be delivered to the returning officer: Provided that if the deputy returning officer and one or more of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by such deputy returning officer, such packages of ballot papers shall be broken open by the returning officer in the presence of the deputy returning officer, and such of the agents of the candidates as may be present, on the day succeeding the polling day, at an hour and place to be appointed, and of which they have been notified by the deputy returning officer, unless such day happen to fall on a Sunday or a public holiday, when such examination shall be made on the day 20 25 30 35 40 45 50 55

Written statement to be made. 30

Ballot papers to be sealed up 40

Proviso; if the deputy returning officer and agent or agents do not agree. 45

following such Sunday or public holiday; or unless the distance necessary to be travelled is such that the appointed place cannot be reached on the day following the poll, in which case a reasonable time shall be allowed and no more, for the purpose of coming before the returning officer; and the returning officer, after examining the ballot papers, shall finally determine the matter in dispute, and sign the written statement hereinbefore mentioned; and the returning officer shall forthwith, in the presence of the deputy returning officer and such of the agents of the candidates as may be then present, securely seal up the ballot papers which have been examined by him into their several packages as before.

11. The returning officer, after he shall have received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall cast up the number of votes for each candidate, from such statements and without opening any of the sealed packets of ballot papers, and with as little delay as possible, make, and transmit by mail, his return to the Clerk of the Crown in Chancery, and a copy of such return to each of the candidates, as provided by the statutes now in force; and shall also forward to the Clerk of the Crown in Chancery all the packets of ballot papers in his possession, marked list of voters, poll book, declarations of inability to read, the statement hereinbefore mentioned, and all papers in his possession returned to him by the deputy returning officers, appointed by him, and shall endorse on each packet a description of its contents, the date of the election, and the name of the constituency for which such election was held; and where an equality of votes is found by such returning officer to exist between any candidates, upon the casting up the number of votes as aforesaid, and the addition of a vote would entitle any such candidate to be declared elected, the returning officer, if a legally qualified elector of the constituency for which he is acting as returning officer, may give such additional vote, but shall not in any other case be entitled to vote at an election for which he is returning officer.

Returning officer's return of election.

Returning officer may give casting vote.

12. No person shall be allowed to inspect any ballot papers in the custody of the Clerk of the Crown in Chancery except under the order of one of Her Majesty's Superior Courts, to be granted by such court on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the Clerk of the Crown in Chancery: Provided that the Clerk of the Crown in Chancery shall retain for a year all ballot papers forwarded to him in pursuance of this Act by a returning officer, and then, unless otherwise directed by an order of one of Her Majesty's Superior Courts, shall cause them to be destroyed.

Safe custody of ballot papers.

When and by whom ballot papers are to be destroyed.

13. Every returning officer, deputy returning officer, poll clerk, constable, and agent of any candidate in attendance at a polling place, shall maintain and aid in maintaining the secrecy of the voting in such polling place, and shall not communicate, except for any purpose authorized by law, to any person, any information as to the manner in which any elector

Maintenance of secrecy.

has voted; and every returning officer, deputy returning officer, poll clerk, constable, and agent of any candidate shall, after his appointment and before the opening of the poll at any election, make and subscribe before some justice of the peace acting within the district, county, or place for which such election is held, a solemn declaration in the form of Schedule C. to this Act annexed; and such solemn declaration shall be in addition to the declaration or oath now required to be taken by any returning officer, deputy returning officer, poll clerk, or constable, and any such returning officer, deputy returning officer, poll clerk, constable, agent, or other person contravening the provisions of this section shall be guilty of misdemeanor: Provided that nothing herein contained shall prevent the publication by an agent of a candidate, or by any other person after the close of the poll, of a statement of the number of votes polled for each candidate.

Statement of
Poll may be
published at
close.

Attempt to ob-
tain certain
information a
misdemeanor.

14. Any person attempting, before the close of the poll, to obtain information from any voter as to the name of the candidate for whom he has voted, shall be guilty of misdemeanor.

Certain
offences to be
misdemeanor.

15. Every person who before, during or after any election held under the provisions of this Act, shall forge or counterfeit, or fraudulently alter, deface or destroy any ballot paper, or the official mark on any ballot paper: or, without due authority, supply any ballot paper to any person; or fraudulently put into any ballot box any papers other than the ballot paper which he is authorised by law to put in; or abstract, purloin, or fraudulently take and carry away out of any polling place any ballot paper; or make any mark, sign or distinction on the back of the ballot paper of any vote by which such ballot paper may or can be afterwards recognized or identified (except as hereinbefore provided); or without due authority destroy, take, open or otherwise interfere with any ballot box or package of ballot papers then in use for the purpose of the election; or (being a voter) shall wilfully display the marks made by him upon his ballot paper, shall be guilty of a misdemeanor; and any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

Repeal of laws,
statutes, &c.,
inconsistent
with this Act.

16. All laws, statutes, customs and usages now in force relating to elections of Members of the Legislative Assembly of Ontario shall be and the same are hereby repealed, in so far only as they may be inconsistent with the provisions of this Act, but in all other respects they shall remain in full force and effect, and this Act shall be read and construed along with the tenor thereof.

SCHEDULES TO WHICH THIS ACT REFERS.

SCHEDULE A.

(Section 1.)

FORM OF FRONT OF BALLOT PAPER.

For Member of Legislative Assembly,
 County (or City, Town or Riding) of
 Township (or Town, Village or Ward) of
 Polling Subdivision No.

day of

18

1	ALLAN.	
	Charles Allan, Township of King, County of York, Yeoman.	
2	BROWN.	
	William Brown, City of Toronto, Merchant.	
3	COWAN.	
	James Cowan, Township of Vaughan, County of York, Yeoman.	
4	DUNCAN.	
	Robert Duncan, City of Toronto, Barrister.	

16.

SCHEDULE B.

(Section 7.)

FORM OF DECLARATION OF INABILITY TO READ.

I, *A. B.* of _____, being numbered _____, on the Voters' List for sub-division No. _____, Township, (City, Town or Village,) of _____, and County of _____, being a legally qualified Elector for the County, (City, Town or Riding,) of _____, do hereby declare that I am unable to read.

A. B. his mark.
A. D. 18

day of _____

I the undersigned, being the Deputy Returning Officer for the polling sub-division above mentioned, do hereby certify that the

above declaration, having been first read to the above named
A. B., was signed by him in my presence with his mark.

(Signed) *C. D.*,
 Deputy Returning Officer
 for sub-division No. , Township, (City or Town) of
 day of A. D. 18

17.

SCHEDULE C.

(Section 14.)

I, *A. B.*, being duly appointed to act at the polling place in
 sub-division, No. , in the Township, (City or Town) of
 as , at the election of a member to serve in the
 Legislative Assembly of Ontario, for the to be held
 on the day of , A. D., do hereby solemnly, sincerely
 and truly declare and affirm, that I will, well and truly assist in
 such my office at such election, and that I will not disclose to
 any person the names or numbers upon the Voters' List of the
 persons who have voted, and that I will not in any way what-
 soever, unlawfully attempt to ascertain for whom any elector
 shall vote or has voted, and will not by word or action or other-
 wise, however, directly or indirectly aid in or be party or privy
 to the unlawful discovery of the same; and that I will keep
 secret all knowledge of the person for whom any elector has
 voted which may come to me in the exercise of my office.

Made and declared before me at this *A. B.* day
 of A. D.

C. D.,
 A Justice of the Peace, acting in and for

An Act further to amend the Act intituled "An Act to secure to wives and children the benefit of assurance on the lives of their husbands and parents."

WHEREAS, by the Act passed in the twenty-ninth year Preamble.
of the reign of Her present Majesty, intituled "An Act to secure to wives and children the benefit of assurance on the lives of their husbands and parents," it is provided that
5 premiums on such policies of insurance may be payable during the whole period of the life of the insured, or during any lesser period, by annual, half-yearly, quarterly or monthly payments; and whereas doubts exist whether the said Act, and the Act of the Legislature of the Province of Ontario, amending the same,
10 passed in the thirty-third year of Her Majesty's reign, intituled "An Act to amend the Act of the late Province of Canada, passed in the twenty-ninth year of Her Majesty's reign, intituled An Act to secure to wives and children the benefit of assurances on the lives of their husbands and parents," apply to
15 policies of insurance effected by the payment of one sum as such premium, and to policies effected for a limited term of years, and it is expedient to remove the said doubts.

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

1. The said Acts recited in the preamble of this Act shall apply to policies of Insurance effected for the purposes of the said Acts by the payment of one sum as the premium for such insurance, and to policies of insurance effected in like manner
25 for a limited term of years, and the said Acts shall be read and construed as if this Act formed part of the said Acts at the time of the passing of the said Acts.

29 V., c. 17, and 33 V., c. 21, to apply in cases of payment of one premium for whole term.

2. All such policies of insurance as have heretofore been effected in the manner set forth in the first section of this Act,
30 and in pursuance of the said Acts in the preamble recited, are hereby made valid and effectual as if made in pursuance of and under this Act.

Certain policies made valid.

3. In the event of some of the persons for whose benefit an insurance under the said Acts have been effected, dying in the
35 lifetime of the insured, it shall be lawful for the said insured within one year after the death of such person, by any instrument in writing attached to or endorsed upon the policy of insurance, to declare that the share formerly allotted to such person or persons, shall be for the benefit of such other person or
40 persons as the said insured may determine; and it shall be further lawful for the said insured from time to time, by any further or other instrument in writing attached to or endorsed on such policy, to alter the shares and allotments of such insurance money among the parties entitled as he may deem
45 proper.

Insured may on death of any beneficiary reallocate the share of deceased.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act further to amend the Act intituled
“ An Act to secure to wives and children
the benefit of assurance on the lives of
their husbands and parents.”

First Reading, 17th January, 1873.

MR. HODGINS.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act further to amend the Act intituled "An Act to secure to wives and children the benefit of assurance on the lives of their husbands and parents."

WHEREAS, by the Act passed in the twenty-ninth year of Preamble.
the reign of Her present Majesty, intituled "An Act to secure to wives and children the benefit of assurance on the lives of their husbands and parents," it is provided that premiums
5 on such policies of insurance may be payable during the whole period of the life of the insured, or during any lesser period, by annual, half-yearly, quarterly or monthly payments; and whereas doubts exist whether the said Act, and the Act of the Legislature of the Province of Ontario, amending the same, passed in the
10 thirty-third year of Her Majesty's reign, intituled "An Act to amend the Act of the late Province of Canada, passed in the twenty-ninth year of Her Majesty's reign, intituled an Act to secure to wives and children the benefit of assurances on the lives of their husbands and parents," apply to policies of insur-
15 ance effected by the payment of one sum as such premium, and to policies effected for a limited term of years, and it is expedient to remove the said doubts:

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

1. The said Acts recited in the preamble of this Act shall apply to policies of insurance effected for the purposes of the said Acts by the payment of one sum as the premium for such insurance, and to policies of insurance effected in like manner
25 for a limited term of years, and the said Acts shall be read and construed as if this Act formed part of the said Acts at the time of the passing of the said Acts.

29 V. c. 17, and 33 V. c. 21 to apply in cases of payment of one premium for whole term:

2. All such policies of insurance as have heretofore been effected in the manner set forth in the first section of this Act, and
30 in pursuance of the said Acts in the preamble recited, are hereby made valid and effectual as if made in pursuance of and under this Act.

Certain policies made valid.

3. In the event of some of the persons for whose benefit an insurance under the said Acts has been effected, dying in the
35 lifetime of the insured, it shall be lawful for the said insured after the death of such person, by any instrument in writing attached to or endorsed upon the policy of insurance, to declare that the share formerly allotted to such person or persons, shall be for the benefit of such other person or persons as the said insured may determine; and it shall be further lawful for the said
40 insured from time to time, by any further or other instrument in writing attached to or endorsed on such policy, to alter the

Insured may on death of any beneficiary re-allot the share of deceased.

shares and allotments of such insurance money among the parties entitled to be benefited as he may deem proper.

Insured may direct application of bonuses and profits.

4. Any party who has effected, or who may hereafter effect any such policy of insurance under the said Act or this Act may in writing require the assurance company issuing such policy to apply the bonuses or profits accruing thereunder, or portions of the same in reduction of the annual premiums payable by such insured in such way as he may direct; or he may require the said bonuses or profits to be added to the policy; and the said insurance company shall apply such bonuses or profits as such insured shall direct, and according to the rates established by such company. 5 10

35 V., c. 16,
s. 4, amended.

5. Section four of the Act passed in the thirty-fifth year of the reign of Her Majesty, chaptered sixteen, and intituled "An Act to extend the rights of property of Married Women," is hereby amended by striking out the words "may at any time after effecting such insurance, notwithstanding a year may have elapsed" in the fourth and fifth lines of the said section and inserting in lieu thereof the words "has heretofore or may hereafter" 15

No. 25.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL

An Act further to amend the Act intituled "An Act to secure to wives and children the benefit of assurance on the lives of their husbands and parents."

(Reprinted as amended in Committee.)

1st Reading, 17th January, 1873.

2nd Reading, 22nd January, 1873.

Mr. HODGINS.

TORONTO

PRINTED BY HUNTER, ROSE & Co.

An Act to amend Chapter Eighty-five of the Consolidated Statutes for Upper Canada, intituled "An Act Respecting the Conveyance of Real Estate by Married Women."

WHEREAS it is expedient to amend the law enabling Preamble.
 Married Women to convey their real estate within the Province of Ontario, by further providing for cases in which the grantee, or those claiming by, through, or under him, have had the actual possession or enjoyment of the real estate, intended to be conveyed by deeds executed by Married Women jointly with their husbands, but in the execution of which the requirements of the laws in force at the time of the execution thereof have not been strictly complied with, and to extend the provisions of the said Act, chapter eighty-five, to deeds executed since the fourth day of May, one thousand eight hundred and fifty-nine :

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

1. Section thirteen of chapter eighty-five, of the Consolidated Statutes for Upper Canada, is hereby amended by adding at the end of the said thirteenth section the words following: "And where the actual possession or enjoyment of the real estate so intended to have been conveyed shall have been had at any time subsequent to such conveyance by the grantee claiming under such conveyance, or those claiming by, through, or under him, and he or they shall have been in such actual possession, or enjoyment for a period of years prior to the commencement of any action at law, or suit in equity, for the recovery of such real estate by the said Married Woman, or any one claiming by, through, or under her, such conveyance shall not be deemed invalid by reason of any defect in, or absence of the examination, or certificate required by any law in force at the time of the execution of the said conveyance."

C. S. U. C.,
cap. 85, s. 13,
amended.

2. The said thirteenth section, together with the words added thereto by this Act, shall be read and construed as one section.

Sec. 13 as amended to be read as one section.

3. Sections ten, eleven, twelve, and thirteen (as hereby amended), and section fifteen of the said Act, chapter eighty-five, shall apply to all such deeds as are therein referred to, executed prior to the passing of this Act, and the said sections shall be read and construed as applicable to the date of the passing of this Act.

C. S. U. C.,
cap. 85, secs.
10, 11, 12, 13.

Act not to pre-
judice titles
subsequently
acquired.

4. The application of the said sections ten, eleven, twelve, thirteen and fifteen of the said Act to deeds executed before the passing of this Act, shall not render valid any conveyance to the prejudice of any title *bona fide* acquired subsequent to the said fourth day of May, one thousand eight hundred and fifty-nine, from the Married Woman by deed duly executed and certified as by law required, nor any conveyance from the Married Woman which was not executed in good faith, nor any conveyance of land since the said fourth day of May, one thousand eight hundred and fifty-nine, of which the Married Woman, or those claiming under her, was, or were, in the actual possession or enjoyment at the time of the passing of this Act notwithstanding such conveyance. 5 10

No. 26.
2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend Chapter 85 of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the Conveyance of Real Estate by Married Women."

1st Reading, 17th January, 1873.

Mr. DEACON.

TORONTO:

PRINTED BY HUNTRE, ROSE & CO.

BILL.**An Act for the protection of persons improving Lands under a mistake of Title.**

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 any person has made improvements Persons im-
proving lands
to have a lien
on the lands.
5 on any land under the belief that the land was his own, he shall be entitled to a lien upon the same to the extent of the amount by which the value of such land is enhanced by such improvement.
- 2.** Whenever any action of ejectment is brought to recover In ejectment
if defendant
has improved
under belief of
title, he may
give notice,
10 the possession of land on which the defendant has made improvements under the belief that the land was his own, the defendant may at or before the time of appearing give the plaintiff or his attorney a notice in writing, stating :
- (1) The amount which he claims as the enhancement of the (1) of amount
he claims,
15 value of the land by such improvements, and also (if he so chooses),
- (2) That on payment thereof he will surrender the possession (2) that on
payment he
will surrender.
to the plaintiff, and that he does not intend at the trial to contest the title of the property.
- 3.** Whenever the plaintiff desires to claim the option of re- Plaintiff may
give notice,
20 leasing the land to the defendant on being paid its value apart from such improvements, he shall within ten days after the giving of a notice containing the first statement in the first clause detailed, give the defendant or his attorney a notice in writing
- 25 stating :
- (1) The amount which he claims as the value of the land of what he
claims,
apart from such improvements, and also (if he so chooses),
- (2) That on payment thereof he will release the land to the that he will
release.
defendant.
- 4.** Whenever a notice containing the second statement in the Defendant's
notice will ad-
mit plaintiff's
title.
30 second clause detailed has been given, it shall not be necessary for the plaintiff at the trial to prove his title, which shall be taken as admitted.
- 5.** In case it appears at the trial of any such action that a Damages.
35 notice containing the first statement in the second clause detailed has been given, and that the defendant has made improvements on the land under the belief that the land was his own, the judge shall cause damages to be assessed to the defendant for the amount, if any, by which the value of the land is enhanced by
40 such improvements, and shall also, whenever it appears at the trial that a notice containing the statement in the third clause

Assessment for improvements. detailed, has been given, cause the value of the land apart from such improvements to be assessed.

When *hab. fac.* poss. may issue. **6.** If a verdict be found for the plaintiff, no writ of possession shall issue unless,

(1) It appear at the trial that a notice containing the statements in the third clause detailed has been given, and that the amount claimed by the plaintiff was no greater than the assessed value of the land, or, 5

(2) The plaintiff before the fourth day of the ensuing term pay or tender the assessed damages to the defendant, or, 10

(3) The plaintiff offer to release the land to the defendant, on payment of the assessed value of the land and the defendant does not before the fourth day of the said term pay or tender such value to the plaintiff.

When plaintiff liable for costs of enquiry as to damages. **7.** In case it appears at the trial that the amount of damages assessed to the defendant is as great as, or greater than the amount claimed by the defendant, and that the action has been prosecuted by reason of a difference as to the amount claimable by the defendant, the plaintiff shall be liable to pay the costs of the enquiry as to damages. 15 20

When plaintiff liable for costs of enquiry as to value. **8.** In case it appears at the trial that the assessed value of the land is less than the amount claimed by the plaintiff, and that the action has been prosecuted by reason of a difference as to the amount claimable by the plaintiff, the plaintiff shall be liable to pay the costs of the enquiry as to the value. 22

BILL.

An Act for the protection of persons improving Land under a Mistake of Title.

First Reading, 17th January, 1873.

Mr. BETHUNE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to authorize the investment of certain moneys in debentures to be issued for the construction of Drainage Works by Municipalities.

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 thirty-fifth year of the reign of Her Majesty, chaptered twenty-six, intituled "An Act to provide for the construction of Drainage Works, and to authorize the investment of certain moneys in debentures to be issued for the construction of such works," is hereby repealed, and the following substituted therefor.
2. In case the majority in number of the owners as shewn by the last revised assessment roll to be resident on the property to be benefited in any part of any municipality, do petition the council for the deepening of any stream, creek, or water-course, or for draining of the property (describing it), the council may procure an examination to be made by an engineer, or other competent person, of the stream, creek, or water-course proposed to be deepened, or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or other competent person, and an assessment to be made by such engineer or person of the real property to be benefited by such deepening or drainage, stating as nearly as may be in the opinion of such engineer or person, the proportion of benefit to be derived by such deepening or drainage by every road and lot, or portion of lot: and if the council be of opinion that the deepening of such stream, creek, or water-course, or the draining of the locality described, or a portion thereof, would be desirable, the council may pass by-laws—
- (1.) For providing for the deepening of the stream, creek, or water-course, or the draining of the locality :
- (2.) For borrowing, on the credit of the municipality, the funds necessary for the work, and for issuing the debentures of the municipality to the requisite amount, in sums of not less than one hundred dollars each and payable within fifteen years from date, with interest at a rate of not less than five per centum per annum :
- (3.) For assessing and levying in the same manner as taxes are levied, upon the real property to be benefited by the deep-

35 Vic. c. 26
repealed.

Municipal
Councils may
pass by-laws.

for deepening
streams and
drainage.

for borrowing
requisite
funds.

for levying
rate for pay-
ment.

ening or draining, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing and levying the same, as other taxes are levied, by an assessment and rate on the real property so benefited, (including roads held by joint stock companies or private individuals,) as nearly as may be to the benefit derived by each lot or portion of lot and road in the locality: Provided always, that any person whose property has been assessed for such deepening or drainage may pay the amount of such assessment, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionally reduced: And provided further, that any agreement on the part of any tenant, to pay the rates or taxes of the demised property, shall not apply to, or include the charges or assessments for draining under this Act, unless such agreement shall in express terms mention or refer to such charges or assessments, and as payable in respect of drainage works; but in cases of contracts of purchase or of leases giving the lessee a right of purchase, the said charges or assessments shall be added to the price, and shall be paid (as the case may be) by the purchaser, or by the lessee in case he exercises such right of purchase:

for providing how assessment be paid,

(4.) For regulating the times and manner in which the assessment shall be paid:

for ascertaining the property liable to the rate.

(5.) For determining what real property will be benefited by the deepening or draining, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case of complaint, by the owner or person interested in any property assessed, whether of overcharge, or of undercharge of any other property assessed, or that property that should be assessed has been wrongfully omitted to be assessed, to proceedings for trial of such complaint, and appeal therefrom, in like manner as nearly as may be as on proceedings for the trial of complaints, as set forth in the sixtieth, sixty-first, sixty-third, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth and seventieth sections of "The Assessment Act of 1869."

Court of Appeal.

3. Trial of such complaints shall be had in the first instance by and before a Court of Revision, which the council shall, from time to time as occasion may require, hold, on some day not earlier than twenty nor later than thirty days from the day on which the by-law shall be first published, notice of which shall be published with the by-law during the four weeks of its publication; and such court shall be constituted and have the powers referred to in sections numbered from fifty-one to fifty-eight, both inclusive, of the said Act; and in case of appeal to the judge, junior or acting judge of the County Court, he shall have the same powers and duties, and the clerks of the municipality and Division Court respectively, shall have the same powers and duties, as nearly as may be, as contained in sections numbered from sixty-three to seventy, both inclusive, of the said Act.

Appeal to County Judge.

Notice before passing of by-law.

4. Before the final passing of the by-law, it shall be published once or oftener in every week for four weeks, in some newspaper in the municipality, or if no newspaper be published

lished therein, then in some newspaper published in the nearest municipality in which a newspaper is published, together with a notice that any one intending to apply to have such by-law, or any part thereof, quashed, must, within ten days after the passing thereof, serve a notice in writing upon the Reeve or other head officer, and upon the Clerk of the Municipality, of his intention to make application for that purpose to one of Her Majesty's Superior Courts of Law at Toronto, during the term next ensuing the final passing of the by-law.

5 **5.** In case no such notice of intention to make application to quash a by-law be served within the time limited for that purpose in the fourth section of this Act, the by-law shall, notwithstanding any want of substance or form either in the by-law itself, or
15 in the time or manner of passing the same, be a valid by-law.

By-law to be valid though informal, if not quashed.

6. Whenever it is necessary to continue the deepening or drainage aforesaid beyond the limits of any municipality, the engineer or other person employed by the council of such municipality, may continue the survey and levels into the adjoining municipality, until he finds fall enough to carry the water beyond the limits of the municipality in which the deepening or drainage was commenced.

When work may be extended into other municipalities.

7. When the deepening and drainage do not extend beyond the limits of the municipality in which they are commenced, but in the opinion of the engineer or other person aforesaid, benefit lands in an adjoining municipality, or greatly improve any road lying within any municipality, or between two or more municipalities, then the engineer or other person aforesaid, shall charge the lands to be so benefited, and the corporation or corporations or company whose road or roads are improved, with such proportion of the costs of the works as he may deem just; and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such municipality or company.

When lands in an adjoining municipality may be charged, though works not carried into such municipality.

8. The engineer or other person aforesaid, shall determine and report to the Council by which he was employed, whether the deepening or drainage shall be constructed and maintained solely at the expense of such municipality, or whether it shall be constructed and maintained at the expense of both municipalities, and in what proportion.

Report as to which municipality shall p.y.

9. The engineer or other person aforesaid, when necessary, shall make plans and specifications of the deepening or drainage to be constructed, and charge the lands to be benefited by the work as provided herein.

Plans, &c.

10. The Council of the municipality in which the deepening or drainage is to be commenced, shall serve the head of the Council of the municipality into which the same is to be continued, or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the report, plans and specifications of the engineer or other competent person aforesaid, when necessary, so far as they affect such last mentioned municipality; and unless the same is appealed from as hereinafter provided, it shall be binding on the Council of such municipality.

Council of municipality wherein work begun to notify municipality to be benefited.

Council of municipality wherein work not begun to pass by-law.

11. The Council of such last mentioned municipality shall, within four months from the delivery to the head of the corporation of the report of the engineer or other competent person, as provided in the next preceding section, pass a by-law in the same manner as if a majority of the owners resident on the lands to be taxed had petitioned as provided in the first section of this Act, to raise such sum as may be named in the report, or in case of an appeal, for such sum as may be determined by the arbitrators. 5

Council of municipality wherein work not begun may appeal: arbitration thereon.

12. The Council of the municipality into which the deepening or drainage is to be continued, or whose lands, road, or roads are to be benefited without the deepening or drainage being carried within its limits, may, within ten days from the day in which the report was served on the head of the municipality, appeal therefrom; in which case they shall serve the head of the corporation from which they received the report, with a written notice of appeal: such notice shall state the ground of appeal, the name of an engineer or other person as their arbitrator, and calling upon such corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice; and in default thereof it shall be lawful for the council of the municipality appealing therefrom to appoint such second arbitrator, and the two arbitrators so appointed shall forthwith appoint a third arbitrator in the matter: Provided always, that in no case shall the engineer or other competent person aforesaid, employed to make surveys, plans and specifications, or a member or officer of any council concerned, be appointed or act as arbitrator. 10 15 20 25

Appointment of third arbitrator by County Judge.

13. If, after the arbitrators have been appointed as aforesaid, they fail or neglect for the space of six days to appoint a third arbitrator, the judge of the county court of the county in which the municipality appealing is situated, shall within four days after a request in writing made upon him by either of the two arbitrators appointed as above, appoint a third arbitrator. 30

Oath by arbitrators.

14. The arbitrators, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who affirm, make and subscribe the following affirmation) before any justice of the peace; which oath or affirmation shall be filed with the award. 35

I, *A. B.*, do swear (or affirm) that I will well and truly try the matter referred to me by the parties, and a true and impartial award make in the premises according to the evidence and my skill and knowledge. So help me God. 40

Award.

15. The arbitrators shall, within ten days after the appointment of the third arbitrator, meet at such place as they may agree upon, and shall then hear and determine the matter in dispute and make their award in triplicate, which shall be binding on all parties: and one copy thereof shall be filed with the clerk of each of the municipalities interested, and one shall be filed with the registrar of deeds for the county in which either of the municipalities is situate. 45 55

Decision of majority arbitrators.

16. In case of difference between the arbitrators, the decision of any two of them shall be conclusive.

17. After such deepening or drainage is fully made and completed, it shall be the duty of each municipality, in the proportion determined by the engineer or arbitrators, (*as the case may be*) or until otherwise determined by the engineer or arbitrators, under the same formalities, as near as may be, as provided in the preceding sections, to preserve, maintain and keep in repair the same within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and the municipality, as to the council, upon the report of the engineer or other competent person may seem just; and any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be compelled by *mandamus* to be sued from any court of competent jurisdiction to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who or whose property shall be injuriously affected by reason of such neglect or refusal; and in any case wherein after such deepening or drainage is fully made and completed, the same has not been continued into any other municipality than that in which the same was commenced, or wherein the lands or roads of any such other municipality are not benefited by such deepening or drainage, it shall be the duty of the municipality making such deepening and drainage, to preserve, maintain and keep in repair the same at the expense of the lots, parts of lots and roads, as the case may be, as agreed upon and shewn in the award or by-law as finally passed; Provided always, that the council may from time to time change such assessment on the report of an engineer, appointed them by to examine and report on such drain deepening and repairs.

Repairs and maintenance of work after completion.

18. Should a drain already constructed, or hereafter constructed, by a municipality, be used as an outlet, or otherwise, by another municipality, company, or individual, such municipality, company, or individual using the same as an outlet or otherwise, may be assessed for the construction and maintenance thereof in such proportion and amount as shall be ascertained by the engineer or arbitrators, under the formalities provided in the preceding sections.

Case of a drain being used by another municipality.

19. Any Township Municipality proposing to undertake works under the provisions of this Act may, after the expiration of the time limited for serving notice of intention to make application to quash the by-law, deposit with the Commissioner of Public Works authenticated copies of the plans (if deemed necessary by the Commissioner), specifications and estimates of the works and of the by-law; and may apply for the purchase of the debentures authorized thereby, such application to be in writing, sealed with the seal of the Municipality, and signed by the Reeve or other head officer thereof, and to be accompanied by two affidavits, one to be made by the said Reeve or other head officer, in form or to the effect set forth in schedule A to this Act, and the other to be made by the Clerk of the Municipality, in form or to the effect set forth in schedule B to this Act; said affidavits to be sworn before any justice of the peace.

Deposit with Commissioner of Public Works of copies of plans, &c.

20. The Commissioner of Public Works shall investigate and

- Commissioner of Public Works to report as to investment. report to the Lieutenant-Governor in Council, as to the propriety of the investments proposed in such applications, in the order of time in which they are deposited; and such reports shall be disposed of by the Lieutenant-Governor in Council in the order of time in which the same are made. 5
- Purchase out of Cons. Rev. Fund of debentures. **21.** *The Lieutenant-Governor in Council may from time to time in his discretion invest any surplus of the Consolidated Revenue Fund, not exceeding in the whole at any one time the sum of _____, in the purchase of any debentures issued under any by-law so deposited as aforesaid, in respect of which the Commissioner of Public Works shall certify to the propriety of the investment.* 10
- Per centage to be advanced on debentures. **22.** On any such investment not more than eighty-five per centum of the par value of the debentures shall be advanced until after the Commissioner of Public Works has reported that the works have been inspected and are completed; and any expenses in connection with the investigation and inspection made under this Act shall be deducted from the amount retained. 15
- When Debentures unquestionable. **23.** After any such investment has been made, the debentures shall not be questioned, and shall be deemed to be valid to all intents and purposes. 20
- When the Commissioner shall not report propriety of investment. **24.** The Commissioner of Public Works shall not certify to the propriety of the investment in any case in which the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality and the interest and principal of the debts contracted by the municipality shall exceed the aggregate value of three cents in the dollar on the whole value of the ratable property within its jurisdiction, or in any case in which the debentures to be issued under the by-law shall exceed twenty thousand dollars. 25
- Amount payable under By-law to be remitted to Treasurer of Ontario. **25.** The amount payable in any year under any such by-law or debentures, for principal, interest and sinking fund, shall be remitted by the treasurer to the Treasurer of Ontario, within the space of one month after the same shall have become exigible, together with interest at the rate of seven per centum per annum, during the time of default in payment; and in case of the continuance of such default, the council of the municipality shall in the next ensuing year, assess and levy on the whole ratable property within its jurisdiction, in the same manner in which taxes are levied for the general purposes of the municipality, a sufficient sum to enable the treasurer, over and above the other valid debts of the corporation falling due within the year, to pay over to the Treasurer of Ontario the amount in arrear, together with the interest thereon at the rate of seven per centum per annum, during the time of default in payment, whether the same may have been previously recovered from the parties or lands chargeable, under the by-law, with the same or not; and the amount so in arrear and interest shall be the first charge upon all the funds of the municipality, for whatever purpose, or under whatever by-law they may have been raised; and no treasurer or other officer of the municipality shall, after such default, pay any sum whatsoever, except for the ordinary current disbursements, and salaries of clerks and other employees of such municipality, out of any funds of the municipality in his hands, until the amount so in arrear and 30 35 40 45 50
- Consequences of neglect.
- Duty and liability of Municipal Treasurer after default.

interest shall have been paid to the Treasurer of Ontario; and if any such treasurer or municipal officer shall pay any sum out of the funds of his municipality, except as aforesaid, contrary to the provision hereinbefore made, he shall be deemed guilty of
 5 a misdemeanour, and shall, moreover, be liable to the Treasurer of Ontario for every sum so paid, as for money received by him for the Crown; and any reeve or councillor wilfully or negligently omitting to see the foregoing provisions carried into effect shall also be personally and individually liable to the Treasurer
 10 of Ontario for the full amount so in arrear and interest, to be recovered with costs by the said Treasurer of Ontario, in any suit as for money had and received for Her Majesty's behoof: Provided always, that no assessment, levy or payment, made under this section, shall in anywise exonerate the persons or
 15 lands chargeable under the by-law from liability to the municipality.

Liability of
Reeves and
Councillors.

26. Any by-law in regard to Drainage passed between the second day of March, in the year of our Lord one thousand eight hundred and seventy-two and the date of the passing of this
 20 Act, under the Act passed in the thirty-second year of the reign of Her Majesty, and chaptered forty-three, intituled "An Act to amend the Municipal Institutions Act of Upper Canada," shall, so far as regards the investment of any surplus of the Consolidated Revenue Fund in the purchase of Debentures
 25 issued under such by-law, stand upon the same footing as if such by-law had been passed and such Debentures had been issued under the Act hereby repealed.

Act to apply to
former by-
laws.

27. This Act may be cited as the "Municipal Drainage Aid
 Act." Short title.

SCHEDULE A.

(See Section 19.)

(AFFIDAVIT OF REEVE OR OTHER HEAD OFFICER.)

County of _____ } I,
 To Wit. } of the _____ of
 _____ in the County of
 and Province of Ontario, (*Reeve*) of the
 Township of _____ make oath and say:

1. On the _____ day of _____
 in the year of our Lord _____ the Municipal Council
 of the said Township of _____ passed a
 By-law in regard to the Drainage of a certain portion of the
 said Township, a true copy of which is now shewn to me
 marked A.

2. Before the said _____ day of _____
 the said By-law, together with a
 notice that any one intending to apply to have such By-law, or
 any part thereof, quashed, must, within ten days after the
 passing thereof, serve a notice in writing upon the Reeve or
 other head officer, and upon the Clerk of the Municipality, of

his intention to make application for that purpose to one of Her Majesty's Superior Courts of law at Toronto, during the term next ensuing the final passing of the By-law, and together with a notice of the time of holding the Court of Revision of the said Township, was published on (*insert dates of publication*) in the (*insert name of newspaper*) a newspaper published at _____ in the Township of _____

(*if published in another municipality add: being the nearest municipality to the said Township of _____ in which a newspaper is published, there being no newspaper published in the said Township of _____*) a copy of which newspaper containing the said By-law and notice is now shewn to me marked B.

3. I have not been served with any notice of intention to make application to quash said By-law, nor with any notice of intention to make application to quash any part thereof, nor with any notices to that or the like effect.

4. To the best of my knowledge, information and belief, no person assessed by the said By-law paid the amount of his assessment less the interest, or any part thereof, at any time before the actual issue of the Debentures thereunder, which were issued on the _____ day of _____ in the year of our Lord _____

5. The amount of the rates assessed as set forth in said By-law have not been altered by the Court of Revision for the said Township of _____ nor by the County Judge, nor has the said By-law been repealed or amended by the said Council of the said Township of _____ but the said By-law is to all intents and purposes the same, and as valid and subsisting as it was when finally passed on the said _____ day of _____ in the year of our Lord _____

6. The copies of the specifications, and estimates for the said Drainage now shewn to me and marked _____ are true and authentic copies of the specifications, and estimates made by _____ for the said Drainage, as mentioned in the said By-law

Sworn, &c.

SCHEDULE B.

(See Section 19.)

(AFFIDAVIT OF CLERK OF MUNICIPALITY.)

County of _____
 To Wit. } I,
 } of the _____ of
 in the County of _____
 and Province of Ontario, Clerk of the Township of _____
 make oath and say :

1. That I have not been served with any notice of intention to make application to quash a certain By-law passed on the _____ day of _____ in the year of our Lord _____ by the Municipal Council of the said Township of _____ in regard to the Drainage of a certain portion of the said Township, nor have I been served with any notice of intention to make application to quash any part of said By-law, nor with any notice to that or the like effect.

Sworn, &c.

No. 28.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to authorize the investment of certain moneys in debentures to be issued for the construction of Drainage Works, by Municipalities.

1st Reading, 17th January, 1873.

Hon. Mr. McKELLAR.

TORONTO:

PRINTED BY HURTER, ROSE & CO.

An Act to authorize the investment of certain moneys in debentures to be issued for the construction of Drainage Works by Municipalities.

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 thirty-fifth year of the reign of Her Majesty, chaptered twenty-six, intituled "An Act to provide for the construction of Drainage Works, and to authorize the investment of certain moneys in debentures to be issued for the construction of such works," is hereby repealed, and the following substituted therefor. 35 Vic. c. 26 repealed.

- 10 2. In case the majority in number of the owners as shewn by the last revised assessment roll to be resident on the property to be benefited in any part of any municipality, do petition the council for the deepening of any stream, creek, or water-course, or for draining of the property (describing it). Municipal Councils may pass by-laws.
- 15 the council may procure an examination to be made by an engineer, or other competent person, of the stream, creek, or water-course proposed to be deepened, or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or provincial land surveyor,
- 20 and an assessment to be made by such engineer or surveyor of the real property to be benefited by such deepening or drainage, stating as nearly as may be in the opinion of such engineer or person, the proportion of benefit to be derived by such deepening or drainage by every road and lot, or portion of lot: and
- 25 if the council be of opinion that the deepening of such stream, creek, or water-course, or the draining of the locality described, or a portion thereof, would be desirable, the council may pass by-laws, in form or to the effect set forth in schedule A to this Act.—

- 30 (1.) For providing for the deepening of the stream, creek, or water-course, or the draining of the locality ; for deepening streams and drainage,

- (2.) For borrowing, on the credit of the municipality, the funds necessary for the work, and for issuing the debentures of the municipality to the requisite amount, in sums of not less for borrowing requisite funds,
- 35 than one hundred dollars each and payable within fifteen years from date, with interest at a rate of not less than five per centum per annum ;

- (3.) For assessing and levying in the same manner as taxes for levying rate for payment,

are levied, upon the real property to be benefited by the deepening or draining, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing and levying the same, as other taxes are levied, by an assessment and rate on the real property so benefited, (including 5 roads held by joint stock companies or private individuals,) as nearly as may be to the benefit derived by each lot or portion of lot and road in the locality: Provided always, that any person whose property has been assessed for such deepening or drainage may pay the amount of such assessment, less the in- 10 terest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionally reduced; And provided further, that any agreement on the part of any tenant, to pay the rates or taxes of the demised property, shall not apply to, or include the charges or assessments for draining 15 under this Act, unless such agreement shall in express terms mention or refer to such charges or assessments, and as payable in respect of drainage works; but in cases of contracts of purchase or of leases giving the lessee a right of purchase, the said charges or assessments shall be added to the price, and shall be 20 paid (as the case may be) by the purchaser, or by the lessee in case he exercises such right of purchase;

for providing
how assess-
ment be paid,

(4.) For regulating the times and manner in which the assessment shall be paid;

for ascertain-
ing the pro-
perty liable to
the rate.

(5.) For determining what real property will be benefited by 25 the deepening or draining, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case of complaint, by the owner or person interested in any property assessed, whether of over-charge, or of undercharge of any other property assessed, or that property that should be assessed has been wrongfully 30 omitted to be assessed, to proceedings for trial of such complaint, and appeal therefrom, in like manner as nearly as may be as on proceedings for the trial of complaints, as set forth in the sixtieth, sixty-first, sixty-third, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth and seventieth sections of 35 "The Assessment Act of 1869."

Court of
Appeal.

3. Trial of such complaints shall be had in the first instance by and before a Court of Revision, which the council shall, from time to time as occasion may require, hold, on some day not earlier than twenty nor later than thirty days from the 40 day on which the by-law shall be first published, notice of which shall be published with the by-law during the four weeks of its publication; and such court shall be constituted and have the powers referred to in sections numbered from fifty-one to fifty-eight, both inclusive, of the said Act; and in 45 case of appeal to the judge, junior or acting judge of the County Court, he shall have the same powers and duties, and the clerks of the municipality and Division Court respectively, shall have the same powers and duties, as nearly as may be, as contained in sections numbered from sixty-three to seventy, both inclusive, 50 of the said Act.

Appeal to
County Judge.

Notice before
passing of
by-law.

4. Before the final passing of the by-law, it shall be published once or oftener in every week for four weeks, in some newspaper in the municipality, or if no newspaper be pub- 54

lished therein, then in some newspaper published in the nearest municipality in which a newspaper is published, and also notices in at least four public places within such municipality, together with a notice that any one intending to apply to
 5 have such by-law, or any part thereof, quashed, must, within ten days after the passing thereof, serve a notice in writing upon the Reeve or other head officer, and upon the Clerk of the Municipality, of his intention to make application for that purpose to one of Her Majesty's Superior Courts of Law at
 10 Toronto, during the term next ensuing the final passing of the by-law.

5. In case no such notice of intention to make application to quash a by-law be served within the time limited for that purpose in the fourth section of this Act, the by-law shall, notwithstanding any want of substance or form either in the by-law itself, or in the time or manner of passing the same, be a valid by-law.

By-law to be valid though informal, if not quashed.

6. Whenever it is necessary to continue the deepening or drainage aforesaid beyond the limits of any municipality, the engineer or surveyor employed by the council of such municipality, may continue the survey and levels into the adjoining municipality, until he finds fall enough to carry the water beyond the limits of the municipality in which the deepening or drainage was commenced.

When work may be extended into other municipalities.

7. When the deepening and drainage do not extend beyond the limits of the municipality in which they are commenced, but in the opinion of the engineer or surveyor aforesaid, benefit lands in an adjoining municipality, or greatly improve any road 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 or corporations or company whose road or roads are improved, with such proportion of the costs of the works as he may deem just; and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such municipality or company.

When lands in an adjoining municipality may be charged, though works not carried into such municipality.

8. The engineer or surveyor aforesaid, shall determine and report to the Council by which he was employed, whether the deepening or drainage shall be constructed and maintained solely at the expense of such municipality, or whether it shall be constructed and maintained at the expense of both municipalities, and in what proportion.

Report as to which municipality shall pay.

9. The engineer or surveyor aforesaid, when necessary, shall make plans and specifications of the deepening or drainage to be constructed, and charge the lands to be benefited by the work as provided herein.

Plans, &c.

10. The Council of the municipality in which the deepening or drainage is to be commenced, shall serve the head of the Council of the municipality into which the same is to be continued, or whose lands or roads are to be benefited without deepening or drainage being continued, with a copy of the report, plans and specifications of the engineer or surveyor aforesaid, when necessary, so far as they affect such last mentioned municipality; and unless the same is appealed from as hereinafter provided, it shall be binding on the Council of such municipality.

Council of municipality wherein work begun to notify municipality to be benefited.

Council of
municipality
wherein work
not begun to
pass by-law.

11. The Council of such last mentioned municipality shall, within four months from the delivery to the head of the corporation of the report of the engineer or surveyor, as provided in the next preceding section, pass a by-law in the same manner as if a majority of the owners resident on the lands to be taxed had petitioned as provided in the first section of this Act, to raise such sum as may be named in the report, or in case of an appeal, for such sum as may be determined by the arbitrators. 5

Council of
municipality
wherein work
not begun may
appeal:
arbitration
thereon.

12. The Council of the municipality into which the deepening or drainage is to be continued, or whose lands, road, or roads are to be benefited without the deepening or drainage being carried within its limits, may, within twenty days from the day in which the report was served on the head of the municipality, appeal therefrom; in which case they shall serve the head of the corporation from which they received the report, with a written notice of appeal; such notice shall state the ground of appeal, the name of an engineer or other person as their arbitrator, and calling upon such corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice; and in default thereof it shall be lawful for the council of the municipality appealing therefrom to appoint such second arbitrator, and the two arbitrators so appointed shall forthwith appoint a third arbitrator in the matter: Provided always, that in no case shall the engineer or surveyor aforesaid, employed to make surveys, plans and specifications, or a member or officer of any council concerned, be appointed or act as arbitrator. 10 15 20 25

Appointment
of third arbi-
trator by
County Judge

13. If, after the arbitrators have been appointed as aforesaid, they fail or neglect for the space of six days to appoint a third arbitrator, the judge of the county court of the county in which the municipality appealing is situated, shall within four days after a request in writing made upon him by either of the two arbitrators appointed as above, appoint a third arbitrator. 30

Oath by arbi-
trators.

14. Each arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who affirm, make and subscribe the following affirmation) before any justice of the peace; which oath or affirmation shall be filed with the award. 35

I, *A. B.*, do swear (or affirm) that I will well and truly try the matter referred to me by the parties, and a true and impartial award make in the premises according to the evidence and my skill and knowledge. So help me God. 40

Award.

15. The arbitrators shall, within ten days after the appointment of the third arbitrator, meet at such place as they may agree upon, and shall then hear and determine the matter in dispute and make their award in triplicate, which shall be binding on all parties; and one copy thereof shall be filed with the clerk of each of the municipalities interested, and one shall be filed with the registrar of deeds for the county in which either of the municipalities is situate. 45 55

Decision of
majority
arbitrators.

16. In case of difference between the arbitrators, the decision of any two of them shall be conclusive.

17. After such deepening or drainage is fully made and completed, it shall be the duty of each municipality, in the proportion determined by the engineer or arbitrators, (*as the case may be*) or until otherwise determined by the engineer or arbitrators, under the same formalities, as near as may be, as provided in the preceding sections, to preserve, maintain and keep in repair the same within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and the municipality, as to the council, upon the report of the engineer or surveyor may seem just; and any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be compelled by *mandamus* to be issued from any court of competent jurisdiction to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who or whose property shall be injuriously affected by reason of such neglect or refusal; and in any case wherein after such deepening or drainage is fully made and completed, the same has not been continued into any other municipality than that in which the same was commenced, or wherein the lands or roads of any such other municipality are not benefited by such deepening or drainage, it shall be the duty of the municipality making such deepening and drainage, to preserve, maintain and keep in repair the same at the expense of the lots, parts of lots and roads, as the case may be, as agreed upon and shewn in the award or by-law as finally passed; Provided always, that the council may from time to time change such assessment on the report of an engineer or surveyor, appointed by them to examine and report on such drain deepening and repairs.

Repairs and maintenance of work after completion.

18. Should a drain already constructed, or hereafter constructed, by a municipality, be used as an outlet, or otherwise, by another municipality, company, or individual, such municipality, company, or individual using the same as an outlet or otherwise, may be assessed for the construction and maintenance thereof in such proportion and amount as shall be ascertained by the engineer, surveyor, or arbitrators, under the formalities provided in the preceding sections.

Case of a drain being used by another municipality.

19. Any Township Municipality proposing to undertake works under the provisions of this Act may, after the expiration of the time limited for serving notice of intention to make application to quash the by-law, deposit with the Commissioner of Public Works authenticated copies of the plans (if deemed necessary by the Commissioner), specifications and estimates of the works and of the by-law; and may apply for the sale of the debentures authorized thereby, such application to be in writing, sealed with the seal of the Municipality, and signed by the Reeve or other head officer thereof, and to be accompanied by two affidavits, one to be made by the said Reeve or other head officer, in form or to the effect set forth in schedule B to this Act, and the other to be made by the Clerk of the Municipality, in form or to the effect set forth in schedule C to this Act; said affidavits to be sworn before any justice of the peace.

Deposit with Commissioner of Public Works of copies of plans, &c.

20. The Commissioner of Public Works shall investigate and

- Commissioner of Public Works to report as to investment. report to the Lieutenant-Governor in Council, as to the propriety of the investments proposed in such applications, in the order of time in which they are deposited; and such reports shall be disposed of by the Lieutenant-Governor in Council in the order of time in which the same are made. 5
- Purchase out of Cons. Rev. Fund of debentures. **21.** *The Lieutenant-Governor in Council may from time to time in his discretion invest any surplus of the Consolidated Revenue Fund, not exceeding in the whole at any one time the sum of two hundred thousand dollars, in the purchase of any debentures issued under any by-law so deposited as aforesaid, in respect of which the Commissioner of Public Works shall certify to the propriety of the investment.* 10
- Percentage to be advanced on debentures. **22.** On any such investment not more than eighty-five per centum of the par value of the debentures shall be advanced until after the Commissioner of Public Works has reported that the works have been inspected and are completed; and any expenses in connection with the investigation and inspection made under this Act shall be deducted from the amount retained. 15
- When Debentures unquestionable. **23.** After any such investment has been made, the debentures shall not be questioned, and shall be deemed to be valid to all intents and purposes. 20
- When the Commissioner shall not report propriety of investment. **24.** The Commissioner of Public Works shall not certify to the propriety of the investment in any case in which the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality and the interest and principal of the debts contracted by the municipality shall exceed the aggregate value of three cents in the dollar on the whole value of the ratable property within its jurisdiction, or in any case in which the debentures to be issued under the by-law shall exceed twenty thousand dollars. 25 30
- Amount payable under By-law to be remitted to Treasurer of Ontario. **25.** The amount payable in any year under any such by-law or debentures, for principal and interest, shall be remitted by the treasurer to the Treasurer of Ontario, within the space of one month after the same shall have become exigible, together with interest at the rate of seven per centum per annum, during the time of default in payment; and in case of the continuance of such default, the council of the municipality shall in the next ensuing year, assess and levy on the whole ratable property within its jurisdiction, in the same manner in which taxes are levied for the general purposes of the municipality, a sufficient sum to enable the treasurer, over and above the other valid debts of the corporation falling due within the year, to pay over to the Treasurer of Ontario the amount in arrear, together with the interest thereon at the rate of seven per centum per annum, during the time of default in payment, whether the same may have been previously recovered from the parties or lands chargeable, under the by-law, with the same or not; and the amount so in arrear and interest shall be the first charge upon all the funds of the municipality, for whatever purpose, or under whatever by-law they may have been raised; and no treasurer or other officer of the municipality shall, after such default, pay any sum whatsoever, except for the ordinary current disbursements, and salaries of clerks and other employees of such municipality, out of any funds of the municipality in his hands, until the amount so in arrear and 35 40 45 50 55
- Consequences of neglect.
- Duty and liability of Municipal Treasurer after default.

interest shall have been paid to the Treasurer of Ontario; and if any such treasurer or municipal officer shall pay any sum out of the funds of his municipality, except as aforesaid, contrary to the provision hereinbefore made, he shall be deemed guilty of a misdemeanour, and shall, moreover, be liable to the Treasurer of Ontario for every sum so paid, as for money received by him for the Crown; and any reeve or councillor wilfully or negligently omitting to see the foregoing provisions carried into effect shall also be personally and individually liable to the Treasurer of Ontario for the full amount so in arrear and interest, to be recovered with costs by the said Treasurer of Ontario, in any suit as for money had and received for Her Majesty's behoof: Provided always, that no assessment, levy or payment, made under this section, shall in anywise exonerate the persons or lands chargeable under the by-law from liability to the municipality.

Liability of
Reeves and
Councillors

26. Any valid by-law in regard to Drainage passed between the second day of March, in the year of our Lord one thousand eight hundred and seventy-two and the date of the passing of this Act, under the Act passed in the thirty-second year of the reign of Her Majesty, and chaptered forty-three, intituled "An Act to amend the Municipal Institutions Act of Upper Canada," shall, so far as regards the investment of any surplus of the Consolidated Revenue Fund in the purchase of Debentures issued under such by-law, stand upon the same footing as if such by-law had been passed and such Debentures had been issued under the Act hereby repealed.

Act to apply to
former by-
laws.

27. Should any dispute arise between individuals, or between individuals and a municipality, or company, or between a company and municipality, or between municipalities, as to damages alleged to have been done to the property of any municipality, individual, or company, in the construction of drainage works, or consequent thereon; then the municipality, company, or individual complaining may refer the matter to arbitration, as provided in this Act; and the award so made shall be binding on all parties.

Disputes as to
damages to be
referred to
arbitration.

28. In case any person should find it necessary to continue an under-drain 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, refuse 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 such adjoining lot, or municipality, the same shall be determined by the fence viewers in the same manner as disputes within the Fence Viewers Act, and their award shall be final.

Continuing
under-drains
across adjoining
lots or
highways.

29. This Act may be cited as the "Municipal Drainage Aid Act."

Short title

SCHEDULE "A."

(See Section 2.)

Form of By-Law.

A By-Law to provide for draining parts of (or for the deepening of _____ in, *as the case may be*) the Township of _____, and for borrowing, on the credit of the municipality, the sum of _____ for completing the same.

Provisionally adopted, the _____ day of _____, A.D.

Whereas a majority in number of the owners as shewn by the last revised assessment roll to be resident on the property hereinafter set forth, to be benefited by the drainage (or, deepening, *as the case may be*), have petitioned the council of the said Township of _____, praying that (*here set out the purport of the petition, describing generally the property to be benefited.*)

And whereas, thereupon the said council procured an examination to be made by _____, being a person competent for such purpose, of the said locality proposed to be drained (or, the said stream, creek or watercourse proposed to be deepened, *as the case may be*), and has also procured plans and estimates of the work to be made by the said _____, and an assessment to be made by him of the real property to be benefited by such drainage (or deepening, *as the case may be*), stating, as nearly as he can, the proportion of benefit which, in his opinion, will be derived in consequence of such drainage (or deepening, *as the case may be*), by every road and lot or portion of lot, the said assessment so made, and the report of the said _____ in respect thereof, and of the said drainage (or deepening, *as the case may be*) being as follows: (*here set out the report and assessment of the engineer or other person employed.*)

And whereas the said council are of opinion that the draining of the locality described (or, the deepening of such stream, creek, or watercourse, *as the case may be*) is desirable.

Be it therefore enacted by the said municipal council, of the said Township of _____, pursuant to the provisions of an Act of the Legislature of Ontario, passed in the thirty-sixth year of Her Majesty's reign, chaptered _____.

1st. That the said report, plans and estimates be adopted, and the said drain, (or deepening, *as the case may be*) and the works connected therewith, be made and constructed in accordance therewith.

2nd. That the Reeve of the said Township may borrow on the credit of the Corporation of the said Township of _____ the sum of _____, being the funds necessary for the work, and may issue debentures of the corporation to that amount, in sums of not less than one hundred dollars each, and payable within _____ years from the date thereof, with interest at the rate of _____ per centum per annum, that is to say in (*insert the manner of payment, whether in equal annual payments or otherwise*), such debentures to be payable at _____, and to have attached to them coupons for the payment of interest.

3rd. That the following special rates, over and above all other rates, shall be assessed and levied (in the same manner and at the same time as taxes are levied) upon the undermentioned lands, being the lands so to be benefited as aforesaid, and shall be paid at the times and in the manner also undermentioned, (*here set out the lots and portions of lots, and roads, with the amounts assessed*), in manner following, or to that effect:—

Concession.	Lot.	Aeres.	\$	cts.
9	5	200	75	00
9	S. $\frac{1}{2}$,	6	100	50 00
9	N. $\frac{1}{4}$,	6	50	30 00
10	S.-W. $\frac{1}{2}$,	8	100	80 00
10		9	200	150 00
10	S. $\frac{1}{4}$ and N. $\frac{1}{4}$,	10	150	90 00
Chargeable to municipality for roads—				120 00
				<hr/>
				\$595 00

4th.—For the purpose of paying the sum of _____, being the total amount assessed as aforesaid against the said roads (or lands, *as the case may be,*) of the said corporation, a special rate of _____ in the dollar shall, over and above all other rates, be levied (in the same manner and at the same time as taxes are levied,) upon the whole ratable property in the said Township of _____, in each year, for the period of _____ years, after the date of the final passing of this by-law.
 Finally passed on the _____ day of _____, A.D.

SCHEDULE B.

(See Section 19.)

(AFFIDAVIT OF REEVE OR OTHER HEAD OFFICER.)

County of _____ } I,
 To Wit. } of the _____ of
 _____ in the County of _____
 and Province of Ontario, (*Reeve*) of the
 Township of _____ make oath and say :

1. On the _____ day of _____
 in the year of our Lord _____
 the Municipal Council
 of the said Township of _____ passed a
 By-law in regard to the Drainage of a certain portion of the
 said Township, a true copy of which is now shewn to me
 marked A.

2. Before the said _____ day of _____
 the said By-law, together with a
 notice that any one intending to apply to have such By-law, or
 any part thereof, quashed, must, within ten days after the
 passing thereof, serve a notice in writing upon the Reeve or
 other head officer, and upon the Clerk of the Municipality, of
 his intention to make application for that purpose to one of
 Her Majesty's Superior Courts of law at Toronto, during the
 term next ensuing the final passing of the By-law, and together
 with a notice of the time of holding the Court of Revision of
 the said Township, was published on (*insert dates of publication*)
 in the (*insert name of newspaper*) a newspaper published at
 _____ in the Township of _____
 (*if published in another municipality add: being the nearest*
municipality to the said Township of _____
in which a newspaper is published, there being no newspaper
published in the said Township of _____)
 a copy of which newspaper containing the said By-law and
 notice is now shewn to me marked B.

3. I have not been served with any notice of intention to make application to quash said By-law, nor with any notice of intention to make application to quash any part thereof, nor with any notice to that or the like effect.

4. To the best of my knowledge, information and belief, no person assessed by the said By-law paid the amount of his assessment less the interest, or any part thereof, at any time before the actual issue of the Debentures thereunder, which were issued on the _____ day of _____ in the year of our Lord _____

5. The amount of the rates assessed as set forth in said By-law have not been altered by the Court of Revision for the said Township of _____ nor by the County Judge, nor has the said By-law been repealed or amended by the said Council of the said Township of _____ but the said By-law is to all intents and purposes the same, and as valid and subsisting as it was when finally passed on the said _____ day of _____ in the year of our Lord _____

6. The copies of the specifications, and estimates for the said Drainage now shewn to me and marked _____ are true and authentic copies of the specifications, and estimates made by _____ for the said Drainage, as mentioned in the said By-law.

Sworn, &c.

SCHEDULE C.

(See Section 19.)

(AFFIDAVIT OF CLERK OF MUNICIPALITY.)

County of _____ To Wit. } I, _____ of _____ of _____ in the County of _____ and Province of Ontario, Clerk of the Township of _____ make oath and say :

1. That I have not been served with any notice of intention to make application to quash a certain By-law passed on the _____ day of _____ in the year of our Lord _____ by the Municipal Council of the said Township of _____ in regard to the Drainage of a certain portion of the said Township, nor have I been served with any notice of intention to make application to quash any part of said By-law, nor with any notice to that or the like effect.

Sworn, &c.

BILL.

An Act to authorize the investment of certain moneys in debentures to be issued for the construction of Drainage Works, by Municipalities.

(Reprinted as amended.)

1st Reading, 27th January, 1873.

2nd Reading, 28th January, 1873.

Hon. Mr. McKELLAR.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to extend the Franchise for elections of
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. In addition to the classes now entitled to vote for mem- Income fran-
chise.
5 bers to serve in the Legislative Assembly of this Province, the
following persons shall henceforward be so entitled to vote ;
that is to say, every man being actually and *bona fide*, in
receipt of an annual income from any calling or profession,
in any city or town, of not less than three hundred dollars, and
10 in any incorporated village or township of not less than
two hundred dollars, whose name shall be duly entered on
the then last revised Assessment Roll in any such city, town, in-
corporated village or township.
2. Every man being actually in possession of personal pro- Personal pro-
perty fran-
chise.
15 perty for his own use, in any city or town, of not less than
three hundred dollars, and in any incorporated village or town-
ship, of not less than two hundred dollars, whose name was
duly entered on the then last revised assessment roll for any
such city, town, incorporated village or township.
- 20 3. All persons having an assessed income in any city or town
of not less than three hundred dollars, and in any incorporated
village or township of not less than two hundred dollars, for
the year in which the assessment is made, may require the as-
sessor or assessors to enter his name on the assessment roll for
25 such amount, notwithstanding any exemption in the assess-
ment laws as to class or amount ; and it shall be the duty of
the assessor or assessors to make such entry on the assess-
ment roll when required to do so, by any resident having such
income.
- 30 4. The clerk of each municipality shall, when making the
alphabetical list of voters required by the seventh section of
the Act, passed in the thirty-second year of the reign of Her
Majesty, Queen Victoria, and chaptered twenty-one, include
the names of all male persons assessed for income and personal
35 property according to the preceding sections. and voters'
list.
5. A county judge shall have all the powers given under the County judge
to have juris-
diction.
Act passed in the thirty-second year of the reign of Her Majesty
Queen Victoria, and chaptered twenty-one, with reference to
voters on real estate, where all complaints are in compliance
40 with the provisions of this Act, and secure a proper registra-
tion of all such voters.

Penalties recoverable from municipal officers for non-compliance with this Act. **6.** The penalties imposed on all municipal officers under the Assessment Acts, for omitting or refusing to comply with the law, shall be imposed on all such officers, and recoverable in like manner, as may refuse or neglect to observe the terms of this Act.

5

BILL.

An Act to extend the Franchise for the Election of Members of the Legislative Assembly.

1st Reading, 13th January, 1873.

HON. MR. MCKELLAR.

TORONTO.

PRINTED BY HUNTER, ROSE & CO.

An Act to provide for the establishment of an
Hospital for the reclamation and cure of Habitual
Drunkards.

WHILEAS the prevalence, and, in many communities of this Province, the increase of drunkenness is directly causing the ruin of many persons addicted to the vice, and of their families, as well as inflicting grievous injury upon their relations and society at large; and whereas it is clearly shown that drunkenness, directly and indirectly, is the cause of much of the disease, insanity and idiocy, as well as of the crime and pauperism in the Province, and which evils it is most desirable to remedy or ameliorate; and whereas experience has shown that the plan of treating drunkenness as a disease in Hospitals especially established for that purpose has produced very beneficial results:

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 may purchase and acquire for the public use of the Province, a suitable site within the Province, with all such lands as may be necessary for the purposes of this Act, and may cause to be erected thereon proper and suitable buildings with all the necessary appurtenances for an Hospital for the treatment of habitual drunkards.

2. Such Hospital shall be called and known as the "Ontario Hospital for Inebriates."

3. The said Hospital shall be furnished and provided with all the requisite means and appliances both internal and external, for the proper treatment of such habitual drunkards as are hereinafter mentioned, and who shall have been admitted or committed to such Hospital in the manner hereinafter provided.

4. The Lieutenant-Governor may appoint a Superintendent, a Bursar, a House-keeper, and such other officers and servants as may be necessary for the conduct of the affairs of such Hospital, to hold office respectively during pleasure, and may also fix and determine the salary of every such officer and servant so appointed.

5. The Inspector appointed or to be appointed under the first clause of "the Prison and Asylum Inspection Act, 1868," shall, by virtue of his office, be the Inspector of the Hospital to be erected under the authority of this Act, and shall have the same powers in respect of such Hospital as are conferred upon him in respect of Asylums for the Insane, and the Institutions

Preamble

Lieutenant-Governor may acquire property for purposes of Hospital.

Designation of Hospital.

Hospital to be provided with proper means for treatment, &c.

Appointment of Superintendent and officers.

Inspector, who shall be.

for the Deaf and Dumb and the Blind, by the said "Prison and Asylum Inspection Act, 1868."

Power and duties of Inspector.

6. The Inspector shall have power, and it shall be his duty to make rules and regulations for the proper administration of the affairs of the said Hospital, and for fixing and prescribing the duties of the Superintendent, Bursar, House-keeper, and every other officer and servant employed therein, and for the general good government and the moral and sanitary discipline of such Hospital, as well as all other provision for such proper treatment and care of the inmates of such Hospital as will be effectual for, and tend to, the curing of such inmates of their habits of inebriety and diseases induced thereby, and to annul, alter and amend the same from time to time; Provided always that no such rule or regulation shall have any effect until, and unless it first be approved by the Lieutenant-Governor in Council. 5 10 15

Powers of Inspector.

7. The Inspector shall have power at all times to enter into such Hospital, and have access to every part thereof and to examine all papers, documents, records and books belonging thereto, and to investigate the conduct of any officer or servant employed in or about such Hospital, or any patient or person within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath touching any breach of the rules or any matter affecting the interest of such Hospital, and any person who shall neglect or refuse to appear at the time and place specified in such order, having been duly served with a copy thereof, or shall refuse to give evidence or produce papers, books or writings demanded of him, may be taken into custody by virtue of a warrant under the hand of the Inspector in that behalf, and imprisoned in the common gaol of the locality as for contempt of court, for a period not exceeding fourteen days. 20 25 30

Inspector to audit accounts.

8. It shall be the duty of the Inspector to audit the accounts of the Bursar of such Hospital, and to enquire into all money transactions when requisite, and to obtain from such Bursar a statement of all expenditures, receipts and cash transactions of such Hospital every month, or at any time he may demand such statement. 35

Superintendent to report.

9. The Superintendent of such Hospital shall make a report every three months, or oftener if required, to the Inspector, of the movements of such Hospital in respect of patients admitted and discharged, and of its operations and results, and the general management of its affairs, and shall also make an annual report of the same to the Inspector for the information of the Legislature. 40 35

Report of Inspector.

10. The Inspector shall keep an exact record of his proceedings in respect of such Hospital, and shall send a copy thereof to the Lieutenant-Governor, and shall, with his annual report, transmit the report made to him by the Superintendent and Bursar with his observations thereon, together with such suggestions and recommendations for the improvement of such Hospital as he may deem necessary and expedient. 50

Superintendent to reside within hospital.

11. The Superintendent shall reside within such Hospital, and shall be the chief executive officer of the same, under the

direction of the Inspector, and shall have the entire execution, control and management of all its affairs, subject to the rules, regulations and written instructions, from time to time, duly made by the Inspector, and approved by the Lieutenant-Governor in Council; and he shall be held responsible for the faithful and efficient administration of the offices of every department of the Hospital.

12. Such Hospital shall be for the reception and treatment of males only.

Hospital for treatment of males only.

13. Admission to the said Hospital shall be awarded to *bona fide* residents of the Province upon the voluntary application, in writing of the person so desiring to be admitted; provided it is certified to the satisfaction of the Superintendent that the person so applying is an inebriate, and, further, that he is a reasonably hopeful subject for treatment with a view to the cure of his inebriety.

Who to be admitted

14. Such inebriate shall not be detained in the Hospital for a longer period than two years, but it shall be a condition of his admission to such Hospital that he shall remain therein such length of time, not exceeding two years, as, in the opinion of the Superintendent, is required to effect a permanent cure of his inebriety, and before admission is awarded to him to the said Hospital he shall sign a pledge agreeing and consenting to such specified condition, and to faithfully conform himself to all the rules and regulations of such Hospital while an inmate of the same.

Time of detention in hospital

Terms of admission.

15. The Superintendent, with the consent and authority of the Inspector, shall have full authority to discharge at any time from such Hospital any person who has been awarded admission to it by his own voluntary application for the following causes, viz:—

Authority of superintendent to discharge patients.

1st. That such person is cured.

2nd. That such person is incurable and incapable of being benefited by the treatment and discipline of the said Hospital.

3rd. That such person, who being able to pay for his maintenance and support therein, or that any other person named in and within the meaning of the sixteenth section of this Act, being able to pay for the maintenance and support of such inebriate, has failed to pay for the same.

4th. Such person who has been guilty of vicious conduct prejudicial to the good order and discipline of the Hospital.

16. If any inebriate, having made application to be admitted to the Hospital under the provisions of the fourteenth section of this Act, is possessed of sufficient real or personal property to enable him to pay for his maintenance and support while an inmate of such Hospital, or, if being under twenty-one years of age, he has a father or mother able to pay for such support and maintenance, or in case his relations or friends are able and willing to pay for such support and maintenance, before admission is awarded to such inebriate a bond, to be approved by the Inspector, shall be signed by one or more responsible persons for the due payment of the charges of such support and maintenance.

Maintenance and support of voluntary patients in hospital.

17. The charges for the support and maintenance of such

Charges for maintenance.

person so admitted to the Hospital shall be determined by the Inspector, with the approval of the Lieutenant-Governor in Council, according to the character of the accommodation furnished in such Hospital.

Commitment
of habitual
drunkards.

18. On petition under oath, sworn before a Commissioner 5
of the Court of Queen's Bench or Common Pleas, which oath
the said Commissioner is hereby empowered to take, presented
to the Judge of the County in which the alleged habitual drunkard
resides, by any relations whether by blood or affinity, or in
default of such relations by any friend of such alleged habitual 10
drunkard, setting forth that such alleged habitual drunkard being
a *bona-fide* resident of the Province is so given over to drunkenness
as to render him unable to control himself and is incapable
of managing his affairs, or that by reason of such drunkenness
he either squanders or mismanages his property or places his 15
family in danger or distress, or transacts his business prejudicially
to the interest of his family or his creditors, or that he uses
intoxicating liquors to such an extent as to render him dangerous
to himself or others, or incurs the danger of ruining his
health and shortening his life thereby, and praying that a hear- 20
ing and examination of the matters and allegations set forth in
the said petition may be had, such Judge shall cause and direct
that a copy of such petition shall forthwith be served upon such
alleged habitual drunkard, and with such copy there shall be
served an appointment, signed by the said Judge, appointing a 15
time and place for the hearing of the matters and allegations
contained in the said petition, and such service shall be at least
eight clear days before the time fixed for such hearing.

Hearing the
petition.

19. The said Judge shall attend at the time and place named
in the said appointment and then and there, proceed to enquire 30
into the matters and allegations set forth in the said petition:
Provided always that the said Judge may in his discretion adjourn
the said enquiry from time to time.

Examination
of witnesses.

20. The said Judge shall have power to summon such rela-
tions, or such other persons as are acquainted with the said 35
alleged habitual drunkard before him by order under his hand,
and examine such persons under oath touching the truth or
falsity of the matters and allegations set forth in the said peti-
tion respecting the alleged habitual drunkard; and any person
who shall neglect or refuse to appear before the said Judge at 40
the time and place named in such order, having been duly served
with a copy thereof, or shall refuse to give evidence before the
said Judge may be taken into custody by virtue of a warrant
under the hand of the said Judge and imprisoned in the Common
Gaal of the County in which such enquiry is held as for contempt 45
of Court, for a period not exceeding fourteen days.

Examination
of the habitual
drunkard.

21. In proceeding to the examination of the matters and
charges contained in the said petition it shall not be necessary
that the person charged with such habitual drunkenness be in-
terrogated before the said Judge, nevertheless the said Judge 50
shall have power so to do, but it shall be sufficient that he be
satisfied with the evidence given before him by the relations or
such other persons as are acquainted with the said alleged habi-
tual drunkard.

Habitual
drunkard may

22. It shall be lawful for such alleged habitual drunkard to 55

produce before such Judge witnesses to contradict the matters and allegations of the petition, and the witnesses in support of the same, and each party may retain counsel to conduct the proceedings before such Judge and to examine the witnesses.

5 **23.** If the Judge upon such examination find the person petitioned against to be an habitual drunkard, and so given over to drunkenness as to render him unable to control himself and incapable of managing his affairs, or for the like reason squanders or mismanages his property, or places his family in
10 danger or distress, or transacts his business prejudicially to the interest of his family or his creditors, or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health or shortening his life, the said Judge shall forthwith report the
15 fact to the Provincial Secretary, and with such report shall transmit the evidence taken.

24. Upon the receipt of such report and evidence, the Provincial Secretary may, by order directed to the Sheriff of the County where such habitual drunkard resides, direct the said
20 Sheriff to forthwith remove the said habitual drunkard to the said Hospital, to be placed under treatment and detained therein for a period not exceeding two years. Nevertheless, the Provincial Secretary may, upon the report of the Superintendent, at any time order the discharge of such person so committed to
25 such Hospital for any of the causes specified in sub-sections one, two, and four of section fifteen of this Act.

25. If any habitual drunkard upon or at any time after being so removed to the said hospital under the next preceding section, shall possess or become possessed of or entitled to any
30 real or personal property whereby the expenses of his maintenance in the Hospital or any part thereof can be paid; then if any sum be due for the maintenance of the habitual drunkard in the Hospital be not paid on demand made upon such habitual drunkard, and such property shall in the opinion of the Inspector
35 be more than sufficient or be not required to maintain the family (if any) of such habitual drunkard, it shall be lawful for such Inspector to take possession of such property, or as much thereof as he may think necessary to pay or to secure the payment of the sum due or to become due for the support and
40 maintenance of the habitual drunkard in the Hospital, and he shall have full power over and be competent to manage and appropriate, take, or receive possession of, lease, mortgage, sell and convey all or any part of such property in the name of such habitual drunkard, as fully and effectually to all intents
45 and purposes as such habitual drunkard could or might do if of full age and not addicted to habitual drunkenness.

26. If such Inspector considers it necessary, in order to secure the payment of the maintenance of such habitual drunkard, or for the interest of the estate of the said habitual
50 drunkard so to do, he may exercise the powers in the next preceding section given, or any of them, although no sum is overdue for such maintenance.

27. Before any sale and conveyance of any real property of such habitual drunkard, the Inspector shall report the case,
55 with the terms of the proposed sale, to the County Judge of the

County within which the property is situate, for his approval, and such sale and conveyance so approved shall be valid and binding upon the habitual drunkard and his heirs.

Inspector to render accounts.

28. The Inspector shall be liable to render an account as to the manner in which he shall have managed the property and effects of such habitual drunkard, in the same way and subject to the same responsibilities as any Trustee, Guardian, or Committee duly appointed for a similar purpose may be called upon to account, but he shall only be liable for wilful misconduct. 5

Disputes as to property how settled.

29. In all cases mentioned in the next preceding sections, if doubt or opposition arise as to the right of property, it shall be lawful for the Inspector or the person claiming the property to apply to the County Judge of the County in which such property shall be, to cause an inquisition to be held before such County Judge, and to try and determine either by himself or by a jury when required by either party, but not otherwise, the right of property, which such Judge shall accordingly do. 10 15

Expenses of conveying habitual drunkard to Hospital.

30. The expenses of conveying the said habitual drunkard to the said Hospital under the provisions of the twenty-fourth section of this Act shall be paid by the county in which he resides: Provided always that it shall be the duty of the Inspector to add such expenses upon receipt of a statement thereof from the clerk of the said county, to the costs of maintenance and support mentioned in the twenty-fifth and twenty-sixth sections of this Act, and when received (if ever), the Treasurer of the Province shall pay the same to the Treasurer of the said County. 20 25

Interpretation.

31. The word "county," wherever it occurs in this Act, shall include any union of counties for judicial purposes, the District of Algoma, the territorial District of Muskoka, the temporary District of Nipissing, and any other judicial or territorial division or district that may be formed out of any portion of the unorganized territory in this Province. 30

An Act to provide for the establishment of a Training School for Idiotic and Imbecile Children.

WHEREAS there are a large number of idiotic and imbecile children in the Province, growing up without any instruction or training; and who are contracting such vicious and dangerous habits, as will render it necessary, as they advance in years, to place a large portion of them under custodial restraint in public asylums, where they will require to be supported at the public expense, during their natural lives: And whereas experience has shown that a considerable number of this class of children are capable of being trained and instructed so as to enable them to live in the family relation and support themselves, while nearly all, under a proper system of training at an early age are susceptible of great improvement, which, both in the interests of humanity and public economy, it is most desirable to effect:

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

1. A training school shall be established in the Province, for the education, instruction and training of such idiotic and imbecile children of both sexes, as are the children of *bona fide* residents of the Province of Ontario, and who shall have been admitted or committed to such training school in the manner hereinafter provided.

Training school to be established.

2. The Lieutenant-Governor may purchase and acquire a suitable lot or parcel of land within the Province, and may cause to be erected thereon proper and suitable buildings, for the purposes of this Act, or the Lieutenant-Governor may take possession of, reconstruct and add to, any buildings or real estate now belonging to the Province, and all such land, buildings or real estate so purchased, acquired or taken possession of, shall be for the public use of the Province, and for the purposes of such training school.

The Lieutenant-Governor may acquire land in the Province.

3. The said training school shall be known and designated as "The Ontario Institution for the education and training of Idiotic and Imbecile Children."

Name of training school.

4. The Lieutenant-Governor may appoint for said institution a superintendent, who shall be the chief executive officer of the same, and who shall reside within the building; a bursar, a matron and such other officers, instructors and servants, as may be necessary, who shall hold office respectively during pleasure, and may also fix and determine the salary of every such officer and servant.

Lieutenant-Governor may appoint superintendent and other officers.

Inspector of
prisons and
asylums to be
inspector or
for this Act

5. The Inspector appointed or to be appointed, under the first clause of "the Prison and Asylum Inspection Act, 1868," shall be the inspector of the said institution for the education and training of idiotic and imbecile children, and shall have the same powers in respect of such institution as are conferred upon him in respect of asylums for the insane. 5

Inspector to
make rules
for the man-
agement of in-
stitution.

6. The Inspector shall have power, and it shall be his duty to make rules and regulations for the management, discipline and general administration of the affairs of the said institution, and for fixing and prescribing the duties of the superintendent, matron and such other officers, instructors or servants, as may be employed in or about the said institution, and for the education and instruction of the idiotic and imbecile children admitted or committed to the same, and may alter, amend and annul such rules and regulations from time to time: Provided always, that no such rules or regulations shall have any effect until and unless they are first approved of by the Lieutenant-Governor in Council. 10 15

Admission to
be on certi-
ficate of two
medical prac-
titioners.

7. No child shall be received into the said institution, except under the order of the Provincial Secretary as hereinafter provided, without a certificate from two legally qualified medical practitioners, setting forth that after a proper examination of the child for whom application for admission is made, and after due enquiries into all the facts relating to his, or her, case they find him or her to be an idiot and incapable of being instructed in the ordinary schools of the Province. 20 25

Inspector to
make rules fix-
ing terms of
admission to
and discharge
from institu-
tion

8. The Inspector is hereby directed and empowered to make and establish such rules and regulations as he may deem necessary and expedient for fixing and determining the terms and conditions of admission to the said institution of children certified in the manner provided for in the next preceding section, and for the support and maintenance of such children so admitted to such institution while inmates therein, and for the discharge of such children therefrom: Provided always, that no such rules or regulations shall have any effect until and unless they are first approved by the Lieutenant-Governor in Council. 30 35

Application
for admission
to be signed by
parents, &c.

9. The application for admission to the said institution of such idiot shall be signed by the parents, guardians, relation or friend of such idiot, or by the Clerk of the Council of the Municipality in which he or she resides. 40

Idiotic child-
ren in gaols or
asylums may
be removed
to institution.

10. Any idiotic or imbecile child who may have been or may hereafter be committed to any common gaol in the Province as being dangerous to be at large, and who upon examination and after due enquiry into all the facts relating to his or her case shall be certified by two medical practitioners "to be an idiot;" or any idiot child who has been committed to any asylum for the insane or idiots under the provision of any existing statute may be removed and transferred by order of the Provincial Secretary from such common gaol or from such insane or idiot asylum to the said institution. 45 50

Idiots may be
re-transferred
to gaols or
asylum.

11. If any idiot so transferred to the institution by order of the Provincial Secretary, is found by the superintendent of such institution not to be susceptible of improvement through the training and instruction of the same, the Provincial Secretary may order such idiot to be re-transferred and sent back to such common gaol, or such insane or idiot asylum from which such idiot was received. 55

No. 31.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to provide for the establishment of
a Training School for Idiotic and Imbecile
Children.

First Reading, 17th January, 1873.

HON. MR. PARDEW.

An Act to establish a School of Practical Science.

WHEREAS the establishment of a school for practical education in such arts as mining, engineering, mechanics and manufactures, would greatly promote the development of the mineral and economic resources of the Province, and its industrial progress :

Preamble.

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

1. A school of practical science is instituted in this Province for instruction in mining, engineering, and the mechanical and manufacturing arts.

Establishment of school.

2. In connection with such school there shall also be established a museum of geology and mineralogy, with other branches, in order to afford aids for practical instruction, and illustrations of the mineral and economic products of the Province.

Museum of geology and mineralogy.

3. The site of such school and museum shall be in the city of Toronto, and the said school and museum may be continued in the building already acquired, or such buildings may be sold and new premises erected or obtained therefor.

Site of school.

4. It shall be lawful for the Lieutenant-Governor in Council on behalf of this Province, to accept, hold and enjoy any gifts, bequests, or devises of personal or real property or effects which any person may think fit to make for the purposes of the said school and museum.

Gifts, bequests, &c., to school.

5. Specimens of the ores, minerals and other products of any mine now being worked in this Province, shall, on request, be furnished by the respective owners of such mines for said school and museum, and who, in case of refusal to furnish such specimens, shall be liable to a fine not exceeding fifty dollars in each case of refusal, to be recovered according to the provisions of the law respecting "Summary Convictions."

Owners of mines to furnish specimens.

6. The government of the school and museum shall be under and according to such rules and regulations as the Lieutenant-Governor in Council may from time to time prescribe ; and such rules and regulations shall contain provisions for the subjects and course of study in each branch of practical science in which instruction is to be given, and may authorize certificates of proficiency, scholarships or other rewards to be given after examination in any of such subjects, and may also impose reasonable fees for attendance upon classes and lectures.

Rules, &c., of the school.

Nature of instruction.

7. The said school shall be furnished with all such appliances and apparatus as may be necessary for practical education in the hereinbefore mentioned arts, and the course of instruction therein shall be with reference to the following subjects:—

- (1.) The construction and working of machinery, manufactures, and mechanical powers in general; 5
- (2.) The construction of roads, bridges, railways, water and drainage system, and other public works;
- (3.) Mining, and the analysis of ores and minerals;
- (4.) The chemistry applicable to arts and manufactures; 10
- (5.) And such further subjects as will promote a knowledge of the physical sciences.

Who may attend the school.

8. Besides training students in regular classes at such school, instruction shall also be given to artisans, mechanics, and workmen, by evening classes, in such subjects as may further their improvement in their different callings. 15

Appointment of lecturers, &c.

9. The Lieutenant-Governor in Council may, from time to time, appoint such lecturers, instructors and assistants, as the Lieutenant-Governor in Council may think necessary, for the efficient working of said school, and the promotion of its usefulness, and may entrust the internal management and discipline of said school to a Board or Council, composed of the lecturers and instructors therein. 20

Arrangements with Toronto University and University College.

10. The Lieutenant-Governor in Council may make arrangements with University College for the attendance of students of the said school at such lectures in said College, as may come within the course or subject of instruction, prescribed by the rules and regulations of said school; and may agree with the University of Toronto for the use of its library and museum for the purposes of the said school, and for the acquisition of such specimens as have relation to geology and mineralogy, and may also affiliate the said school with the said University, but only to the extent of enabling students of the said school to obtain, at the examinations of the said University, such rewards, honours, standing, scholarships and degrees in Science, as the said University, under its Statutes, and the Acts of the Legislature in that behalf, may be authorized to confer. 25 30 35

Annual reports to be submitted to the Legislature.

11. Full reports of the progress of the said school shall be annually returned and submitted to the Legislative Assembly, which report shall, amongst other things, contain: 40

- (1.) A tabular statement, with the name, place of birth, age, residence and occupation, or intended occupation of each student, attending in each term of said year, and the number of classes that such student attended, and his progress or proficiency; 45
- (2.) A similar statement with respect to the persons attending evening classes or lectures;
- (3.) A return of the lecturers, teachers and assistants, and the lectures delivered or classes instituted in each term, and the number of persons attending each lecture or class. 50

Fees.

12. All fees and moneys received on account of said school, are to be returned to the Treasurer of the Province, by whom all accounts relating to said school are to be kept.



No. 32.

2nd Session, 2nd Parliament, 36th Victoria, 1873.

BILL.

An Act to establish a School of Practical
Science.

First Reading, 21st January, 1873.

Hon. ADAM CROOKS.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to establish Liens in favour of Mechanics,
Machinists and others.

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

1. Every mechanic, machinist, builder, contractor, and other
5 person doing work upon, or furnishing materials to be used in
the construction, alteration or repair of any building or erec-
tion, or erecting, furnishing or placing machinery of any
kind, in, upon, or in connection with any building or erection,
at the instance or request of the owner thereof, and upon
10 credit given to him, shall have a lien or charge, unless there is
an express agreement to the contrary, for the price or value of
such work, materials or machinery upon such building or erec-
tion, and the land occupied thereby, and usually enjoyed there-
with, subject to the provisions of this Act, and limited to the
15 estate or interest in such land of the person at whose request,
and upon whose credit such work is done, materials furnished,
or machinery erected, and limited to such amount as shall be
justly due to the person entitled to such lien; and provided also
20 under the sum of fifty dollars.

Liens of me-
chanics and
others upon
buildings and
land.

2. No lien under this Act shall exist unless and until a state-
ment of claim, in the form, or to the effect in Schedule A, to
this Act, is filed in the registry office in the city, county or rid-
ing in which such land is situate, before or during the progress
25 of the work aforesaid, or within one month from the completion
thereof, or from the supplying or placing of the machinery
aforesaid; such statement of claim shall be verified by the af-
fidavit of the person entitled thereto, and shall state :

Statement of
claim to be
registered.

(1.) The name and residence of the claimant and of the reputed
30 owner of the property to be charged, and of the person for whom
the work is done or materials or machinery furnished, and the
time or period within which the same was, or was to be done or
furnished;

Affidavit of
verification of
claim.

(2.) The work done or materials or machinery furnished;

35 (3.) The sum claimed as due, or to become due;

(4.) The description of the land to be charged;

And when so registered the person entitled to said lien shall
be deemed a purchaser *pro tanto*, and within the provisions of
the Registry Act.

40 3. The registrar shall register such claim so that the same may
appear as an incumbrance against the land therein described,
upon payment of the fee of one dollar; and such lien may be
discharged by the registrar on receiving a certificate to that

How lien shall
be registered
and discharged

effect from the person entitled to said lien, and verified as required in cases of certificate of discharge of mortgage.

Cesser of lien 4. Such lien shall absolutely cease to exist within sixty days after such work shall have been completed, or materials or machinery furnished, unless in the meantime proceedings shall have been instituted to realize such a claim under the provisions hereinafter contained, and a certificate of *lis pendens* thereof, be registered in the proper registry office. 5

When Lien may be enforced in county court. 5. When the amount of such lien is within the sum of two hundred dollars, proceedings may be taken in the county court of the county in which the land charged is situate, for the sale of the estate and interest therein affected by said lien; and the judge of the said court may proceed in a summary manner by summons and order, and may take accounts and make requisite enquiries, and in default of payment may direct the sale of the estate and interest charged, and such further proceedings may be taken for the purpose aforesaid, as the said judge may think proper in his discretion; and the fees and costs in all proceedings, taken under this section, shall be such as are payable in respect of the like or similar matters, according to the ordinary procedure of the county court. 10 15 20

When Court of Chancery may enforce lien. 6. In other cases the lien may be realized in the Court of Chancery, according to the ordinary procedure of that court.

The courts may order sale. 7. The said courts, in their discretion, may respectively order the sale of the interest affected at such time in each case, as such court may think proper, and may also direct the sale of any machinery and authorize its removal. 25

The subject matter of the lien not to be removed. 8. After the registration, and during the continuance of any claim, no portion of the property affected thereby, or the machinery therein, shall be removed to the prejudice of such lien, and any attempt at such removal may be restrained by application to the county court or the judge thereof, or the Court of Chancery, respecting and according as the amount of claim is under or over the sum of two hundred dollars. 30

The courts may accept security or payment in lieu of amount of claim, or hear and vacate the lien. 9. Upon application to the county court or the judge thereof, in claims under two hundred dollars, and to the Court of Chancery in other cases, such court may receive security or payment into court in lieu of the amount of such claim, and may thereupon vacate the registry of such lien, or upon any other ground, if the said court shall think fit, annul said registry, and, in any of said cases, may, nevertheless, proceed to hear and determine the matter of the said lien, and to make such order as the court may think fit, and in case the person claiming to be entitled to such lien, shall have wrongfully refused to sign a certificate of discharge thereof, or shall, without just cause, claim a larger sum to be due than is found by such court, the court may order and adjudge him to pay to the other party such costs and any further sum not exceeding one-fifth of the amount of the original claim as the court may think fit to award. 35 40 45

When the lien is on a leasehold, the fee may be charged in certain cases. 10. In cases where the estate or interest charged by said lien is leasehold, the fee simple may also, with the consent of the owner thereof, be subject to said charge provided such consent is testified by the signature of such owner upon the statement of claim at the time of the registering thereof, and duly verified. 50

11. Any person furnishing material to, or doing labour for the person claiming a lien under this Act, in respect of the subject of such lien, who shall notify the owner of the premises sought to be affected thereby, within thirty days after such material is furnished or labour performed, of an unpaid account or demand against such lien holder, for such material or labour, shall be entitled to a charge therefor, upon any amount payable by such owner under said lien, who shall thereupon pay the amount of such charge to such person furnishing material and doing labour as aforesaid, and such payment shall be deemed a satisfaction *pro tanto* of such lien; and in case of any dispute as to the validity or amount of such unpaid account or demand, the same shall be first determined by suit in the proper division court in their behalf, and during the pendency of such proceedings so much of the amount of the lien as is in question therein, may be withheld from the person registering his lien.

Persons
having claims
against the
lien holders.

12. In cases where there are several liens registered under this Act against the same property, and the proceeds at any sale shall be insufficient to pay all lien holders in full, the said proceeds shall be distributed amongst them, and they shall respectively be entitled to execution for any balance due to them respectively after said distribution.

Several liens.

13. Whenever any mechanic, artisan, machinist, builder, contractor, or other person, shall have furnished or procured any materials for use in the construction, alteration or repair of any building or erection, such materials shall not be subject to execution, or other process, to enforce any debt, other than for the purchase thereof, due by the person furnishing or procuring such materials, and whether the same be or not, in whole or in part, worked into, or made part of, such building or erection.

When materials used in the construction of buildings are to be subject to execution.

No. 53.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to establish Liens in favour of Mechanics, Machinists and others.

First Reading, 21st January, 1873.

HON. MR. ROOKS.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to establish Liens in favour of Mechanics,
Machinists and others.

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

1. Every mechanic, machinist, builder, contractor, and other
person doing work upon, or furnishing materials to be used in
5 the construction, alteration or repair of any building or erec-
tion, or erecting, furnishing or placing machinery of any
kind, in, upon, or in connection with any building or erection,
at the instance or request of the owner thereof, and upon
credit given to him, shall have a lien or charge, unless there is
10 an express agreement to the contrary, for the price or value of
such work, materials or machinery upon such building or erec-
tion, and the land occupied thereby, and usually enjoyed there-
with, subject to the provisions of this Act, and limited to the
estate or interest in such land of the person at whose request,
15 and upon whose credit such work is done, materials furnished,
or machinery erected, and limited to such amount as shall be
justly due to the person entitled to such lien; and provided also
that no lien under this Act shall exist in respect of any debt
under the sum of fifty dollars.

2. No lien under this Act shall exist unless and until a state-
ment of claim, in the form, or to the effect in Schedule A, to
this Act, is filed in the registry office in the city, county or rid-
ing in which such land is situate, before or during the progress
25 of the work aforesaid, or within one month from the completion
thereof, or from the supplying or placing of the machinery
aforesaid; such statement of claim shall be verified by the af-
fidavit of the person entitled thereto, [which may be sworn
before any Commissioner for taking affidavits in the county],
and shall state:

30 (1.) The name and residence of the claimant and of the
owner of the property to be charged, and of the person for whom
[and upon whose credit] the work is done or materials or ma-
chinery furnished, and the time or period within which the same
was, or was to be done or furnished;

35 (2.) The work done or materials or machinery furnished;

(3.) The sum claimed as due, or to become due;

(4.) The description of the land to be charged;

And when so registered the person entitled to said lien shall
be deemed a purchaser *pro tanto* and within the provisions of
40 the Registry Act.

3. The registrar shall register such claim so that the same may
appear as an incumbrance against the land therein described,
How lien shall be registered and discharged

upon payment of the fee of one dollar: and such lien [shall] be discharged by the registrar on receiving a certificate to that effect from the person entitled to said lien, and verified as required in cases of certificate of discharge of mortgage.

Ceaser of lien.

4. Such lien shall absolutely cease to exist within [ninety] 5 days after such work shall have been completed, or materials or machinery furnished [on the expiry of the period of credit], unless in the meantime proceedings shall have been instituted to realize such a claim under the provisions hereinafter contained, and a certificate of *lis pendens* thereof, be registered in 10 the proper registry office, [which certificate may be granted by the Judge or Court before whom the proceedings are instituted.]

When lien may be enforced in county court.

5. When the amount of such lien is within the sum of two hundred dollars, proceedings may be taken in the county court 15 of the county in which the land charged is situate, for the sale of the estate and interest therein affected by said lien; and the judge of the said court may proceed in a summary manner by summons and order, and may take accounts and make requisite enquiries, and in default of payment may direct the sale of the estate and interest charged, and such further proceedings may be 20 taken for the purpose aforesaid, as the said judge may think proper in his discretion: and the fees and costs in all proceedings, taken under this section, shall be such as are payable in respect of the like or similar matters, according to the ordinary procedure of the county court. 25

When Court of Chancery may enforce lien.

6. In other cases the lien may be realized in the Court of Chancery, according to the ordinary procedure of that court.

The courts may order sale.

7. The said [Judge or] courts, in their discretion, may respectively order the sale of the interest affected at such time in each case, as such court may think proper, and may also direct the 30 sale of any machinery and authorize its removal.

The subject matter of the lien not to be removed.

8. After the registration, and during the continuance of any claim, no portion of the property affected thereby, or the machinery therein, shall be removed to the prejudice of such lien, and any attempt at such removal may be restrained by appli- 35 cation to the county court or the judge thereof, or the Court of Chancery, respectively and according as the amount of claim is under or over the sum of two hundred dollars.

The courts may accept security or payment in lieu of amount of claim, or hear and vacate the lien.

9. Upon application to the county court or the judge thereof, in claims under two hundred dollars, and to the Court of Chan- 40 cery in other cases, such [Judge or] court may receive security or payment into court in lieu of the amount of such claim, and may thereupon vacate the registry of such lien, or upon any other ground, if the said [Judge or] court shall think fit, annul said registry, and, in any of said cases, may, nevertheless, pro- 45 ceed to hear and determine the matter of the said lien, and to make such order as the [Judge or] court may think fit, and in case the person claiming to be entitled to such lien, shall have wrongfully refused to sign a certificate of discharge thereof, or shall, without just cause, claim a larger sum to be due than is 50 found by such [Judge or] court, the [Judge or] court may order and adjudge him to pay to the other party such costs and any further sum not exceeding one-fifth of the amount of the original claim as the [Judge or] court may think fit to award.

10. In cases where the estate or interest charged by said lien is leasehold, the fee simple may also, with the consent of the owner thereof, be subject to said charge provided such consent is testified by the signature of such owner upon the statement of claim at the time of the registering thereof and duly verified.

When the lien is on a leasehold, the fee may be charged in certain cases.

11. Any person furnishing material to, or doing labour for the person claiming a lien under this Act, in respect of the subject of such lien, who shall notify the owner of the premises sought to be affected thereby, within thirty days after such material is furnished or labour performed, of an unpaid account or demand against such lien holder, for such material or labour, shall be entitled to a charge therefor [subject to the provisions in the next following sections contained] upon any amount payable by such owner under said lien, who shall thereupon pay the amount of such charge to such person furnishing material and doing labour as aforesaid, and such payment shall be deemed a satisfaction *pro tanto* of such lien; and in case of any dispute as to the validity or amount of such unpaid account or demand, the same shall be first determined by suit in the proper division court in [that] behalf, and during the pendency of such proceedings so much of the amount of the lien as is in question therein, may be withheld from the person registering his lien.

Persons having claims against the lien holders.

12. In [all] cases where there are several liens registered under this Act against the same property, [they shall rank *pari passu* for their several amounts], and the proceeds at any sale shall be distributed amongst them [*pro rata*], and they shall respectively be entitled to execution for any balance due to them respectively after said distribution.

Several liens.

13. Whenever any mechanic, artisan, machinist, builder, contractor, or other person, shall have furnished or procured any materials for use in the construction, alteration or repair of any building or erection [at the request of and for some other person], such materials shall not be subject to execution, or other process, to enforce any debt, other than for the purchase thereof, due by the person furnishing or procuring such materials, and whether the same be or not, in whole or in part, worked into, or made part of, such building or erection.

When materials used in the construction of buildings are to be subject to execution.

[**14.** This Act may be cited as "The Mechanics' Lien Act of 1873."]

Short title.

SCHEDULE A.

(Section 2.)

[A. B., of _____ under "The Mechanics' Lien Act of 1873." claims a lien upon the estate or interest of C. D., of _____ in respect of the following work, (or materials), that is to say, _____ which work was (or is to be done) for the said C. D., on or before the _____ day of _____ (or materials furnished _____), the amount claimed as due or to become due, is the sum of \$ _____]

Schedule A.

The description of the land to be charged is the following:

Dated, at _____ this _____ day of _____]

2nd Session, 2nd Parliament, 36th Victoria, 1873.

BILL,

An Act to establish Liens in favour of Mechanics, Machinists and others.

*Reprinted as Amended by Committee of
the whole House.*

First Reading, 21st January, 1873.

Second Reading, 28th January, 1873.

HON. MR. CROOKS.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to facilitate the adjustment of disputes between Masters and Workmen.

WHEREAS it is expedient to facilitate the adjustment of disputes between Masters and Workmen in an equitable and conciliatory manner :

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

1. If any number of masters and workmen, in any particular trade occupation or employment, being inhabitant within any city, town, township or village in this Province, and who, being a master in such trade, is engaged in carrying on the same within any such place, at the time of filing the memorandum hereinafter mentioned, and being a workman, shall be working at his trade or calling, within any such place, at the time aforesaid, shall, at a meeting specially convened for that purpose, agree to form a Board for the friendly settlement of differences between such masters and workmen, and shall jointly sign a memorandum, according to the form in Schedule A. to this Act, or to a similar effect, whereby it is mutually agreed to establish such Board, and which shall hold, have and exercise all the powers granted to arbitrators under the provisions of the Common Law Procedure Act, and in such memorandum shall set forth the number of the Board and also the names, occupation and residence of the signers of such memorandum, and upon the filing of such memorandum, with affidavits verifying the signatures thereto, in the Registry Office of the County or Riding within which such masters and workmen reside, such Board shall be deemed to be lawfully established, and the said Registrar shall retain the said memorandum and enter a copy of the same in a book to be kept for that purpose, for which and the filing of the said memorandum he shall be entitled to receive the sum of two dollars and no more, and no defect in the form of said memorandum, or in the filing and registration thereof shall invalidate the efficiency of any of the proceedings to be taken thereunder under the provisions of this Act.

Board of Arbitration.

Registration of memorandum.

2. The said Board shall consist of not less than two masters and two workmen, nor more than ten masters and ten workmen and a chairman, the number to constitute the said Board other than the chairman being inserted in the memorandum; but no member of the Board shall adjudicate in any case in which he or any relation of his is one of the parties.

Board, how composed.

3. The persons who have signed the said memorandum are hereby authorized to proceed to the appointment of such Board within sixty days after the registry of said memorandum, the

Appointment of Board.

masters appointing their portion of the Board from among themselves, and the workmen their portion from among themselves, and the said Board shall remain in office until the appointment of a new Board in its stead.

Power: of the Board.

4. The Board shall have power to appoint their own chairman and two clerks, one for the masters and the other for the workmen's portion thereof, and shall have power to hear and determine all questions of dispute and differences between the masters and workmen, being signers of the said memorandum, or who may at any time become parties thereto, by a written notice to the chairman or clerks of such Board, which disputes and differences may be submitted to them by both parties in difference, and shall have, hold and exercise, all the power and authority granted to arbitrators by and under the hereinbefore mentioned enactment, and any award the said Board may make in any case of disputes or differences so submitted to them shall be final and conclusive between the parties thereto, without being subject to review or challenge by any court or authority whatsoever; such award may be enforced upon summary application to the Judge of the County Court of the county in which such Board is formed, which Judge is hereby authorized to enforce such award by the order or rule of said court and process of execution to be issued thereupon, and any award, in writing, under the hand of the chairman of the Board, shall be deemed sufficient evidence of the validity of such award to authorize such proceedings of said Judge, but nothing in this Act contained shall authorize the said Board to establish a rate of wages or price of labour or workmanship, at which the workmen shall in future be paid.

Quorum.

5. A quorum of not less than three (one being a master, and another a workman, and the third the chairman,) may constitute a board for the hearing and adjudication of cases of dispute, and may accordingly make their award; but a committee of the Board, to be denominated the Committee of Reconciliation, shall be appointed by the Board, consisting of one master and one workman, who shall sit at such times as shall be appointed, and be renewed from time to time as occasion may require; and all cases or questions of dispute which shall be submitted to the Board by both parties thereto shall in the first instance be referred to the said committee, who shall endeavour to reconcile the parties in difference; when such reconciliation shall not be effected, the matter in dispute shall be remitted to the Board to be disposed of as a contested matter.

Committee of Reconciliation

Chairman.

6. The chairman of the Board shall be some person unconnected with trade, and shall preside at the meetings of the Board, and shall be appointed at the first meeting. When the votes of the Board shall be equal, the chairman for the time being is to have the casting vote.

When parties may employ counsel.

7. No counsel, solicitor, or attorney is to be allowed to attend on any hearing before the Board, or the Committee of Reconciliation, unless consented to by both parties.

Duration of Board.

8. On the first Monday in November in the year after the appointment of the first Board, and on the first Monday in November in each succeeding year, a Board and chairman shall be appointed, who shall remain in office until the appointment of a

new Board, and in case of vacancies arising betwixt the fixed days of election in each year, caused by the death or removal of any member of the Board, or of the chairman, an election shall take place within fourteen days, and another member be elected to fill up the said vacancy from the class to which he may belong, or a chairman be appointed, as the case may be, and the member or chairman so elected shall serve the remainder of the year.

Vacancies.

9. For the purposes of this Act, each person being twenty-one years of age, belonging to the particular trade to which the registered memorandum applies, and being a master engaged in carrying on the said trade within the limits of the city, town, township, or village wherein such Board is formed, for three calendar months previous to the first day of November in any one year, and being a workman has been working at his said trade for a like period within the same limits, and is such workman, after the regular service of the apprenticeship required in such trade or calling, and who shall have signed said memorandum, or shall have given notice to the chairman or clerks of his assent thereto, shall be entitled to be registered as a voter for the election of the Board, and shall be qualified to be elected a member of such Board, but the masters shall appoint their own portion of the Board and the workmen their portion of the Board.

Qualification of Voters

10. The clerk of each division of the Board shall respectively keep a register of every person claiming to have his name inscribed on the register as a voter for the Board, as master or workman respectively and distinct from each other, the said register to contain the name and abode of each person engaged in the particular trade or occupation set forth in the said registered memorandum, and the said clerk shall, upon payment of a fee of ten cents made to him, register the same immediately, or be liable to be fined for neglect, the said fine to be applied to the funds of the said Board, and the Board is hereby empowered to fix and determine the amount of such, but not to exceed the sum of five dollars: Provided that in case it shall appear to the masters' or workmen's division of the Board respectively that any person ought not to be so registered as master or workman respectively, such division shall order the name of such person to be struck off such register.

Registration of Voters.

11. The clerk of each division of the Board shall be the returning officer, and for the election of the masters' and workmen's portion thereof respectively, he shall convene meetings of masters and meetings of workmen respectively by advertisement or circular notice fourteen clear days previous to the first day of November; and each class shall at such meetings proceed to nominate and elect members to the board for the year next ensuing; the votes to be taken by show of hands or division of members, and in such place as each division of the Board may respectively authorize, and such clerk shall declare to the said meeting the name of the candidates who are elected and the same shall be final and conclusive.

Returning Officers.

Elections.

12. Such clerk shall, within seven days after the day of nomination, declare the number of votes given to each candidate and those having received the largest number of votes shall be declared duly elected.

Declaration of elections.

Fees, by-laws,
 &c.

13 Every Board constituted under this Act shall from time to time make out a list of fees which shall be charged for any proceeding and other expenses under this Act, and shall appoint such officers as may be necessary, and make such by-laws, rules and regulations for their guidance, and for the taking and scrutiny of the votes given for the election of members of the Board, and also for the despatch of business, as they may deem necessary, such by-laws, rules, regulations and fees not being otherwise contrary to law. 5

Persons not
 effected by
 this Act.

14. This Act shall not be construed to extend to domestic 10
 servants, or servants in husbandry.

Short title.

15. In citing this Act for any purpose whatever, it shall be sufficient to use the expression, "The Trades Arbitration Act, 1873."

SCHEDULE A.

Memorandum of agreement between the undersigned masters and workmen engaged in the trade, employment or occupation of _____ at the _____ of _____

in the County of _____
 under "The Trades Arbitration Act, 1873," whereby the undersigned mutually agree to establish a Board for the settlement of differences between us under the said Act.

Such Board shall (besides the Chairman) consist of _____
 masters and the like number of workman.

The names, occupation and residence of the undersigned masters are as follows:—

NAMES.	OCCUPATION.	RESIDENCE.

The names, occupation and residence of the undersigned workmen are as follows:—

NAMES.	OCCUPATION.	RESIDENCE.

Dated the _____

day of _____

Witness:

(Signatures.)



No. 34.

2nd Session, 2nd Parliament, 36th Victoria, 1873.

BILL.

An Act to facilitate the adjustment of disputes between Masters and Workmen.

First Reading, 21st January, 1873.

Hon. ^rADAM CROOKS.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to amend an Act respecting the Conveyance of Real Estate by Married Women, and to facilitate the Conveyance of Real Estate by Married Women.

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

Section one of chapter eighty-five of the Consolidated Statutes for Upper Canada is hereby amended by adding thereto the following proviso :

C. S. U. C.
c. 85 s. 1
amended.

- “ Provided always that if a husband shall in consequence of
 “ being a lunatic, idiot, or of unsound mind, and whether he
 “ shall be found such by inquisition or not, or shall from any
 10 “ other cause be incapable of executing a deed, or if his residence
 “ shall not be known, or he shall be in prison, or shall be living
 “ apart from his wife by mutual consent, or in consequence of
 “ his being transported beyond the seas, or from any other
 “ cause whatsoever, it shall be lawful for the Judge of the
 15 “ County Court of the County in which the married woman
 “ resides, by an order to be made by him in a summary way,
 “ upon the application of the wife, and upon such evidence as to
 “ him shall seem meet, to dispense with the concurrence of the
 “ husband in any case in which his concurrence is required by
 20 “ this Act or otherwise, and all acts, deeds or surrenders to be
 “ done, executed or made by the wife in pursuance of such
 “ order in regard to lands of any tenure, or in regard to money
 “ subject to be invested in land, shall be done, executed or
 “ made by her in the same manner as if she were a *feme sole*,
 25 “ and when done, executed or made by her shall be as good
 “ and valid as they would have been if the husband had concurred
 “ and joined therein, and as if the other requirements of this
 “ Act had been complied with: Provided always that this pro-
 “ viso shall not extend to the case of a married woman where
 30 “ by law the Court of Chancery or any person or persons inter-
 “ ested with the care and commitment of the custody of the
 “ persons and estates of persons found lunatic, idiot, or of un-
 “ sound mind, shall be the protector of a settlement in lieu of
 “ her husband.”
- 35 And this proviso shall be read as if it had been added to the said first section, and incorporated in the said Act.

Concurrence of
husband un-
necessary in
certain cases.

2. Whenever a married woman hath heretofore executed, or shall hereafter execute, within the limits of a city, a conveyance of or affecting her real estate, or any interest therein, in
 40 the presence of two Justices of the Peace for the County within which such city is situate, or before one of such Justices and an alderman of such city, or before two aldermen of such city, and the examination of such married woman hath heretofore

Certain certifi-
cates of
execution by
married wo-
men sufficient.

taken place, or shall hereafter take place, before such justice or aldermen, and the certificate of acknowledgement required by law to be endorsed on such conveyance hath heretofore been or shall hereafter be signed by such justices or aldermen within the limits of such city, such conveyance shall be held and is hereby declared to be as valid and effectual for all the purposes contemplated by the said Act, or any Act relating to the conveyance of real estate by married women, now or heretofore in force in the Province of Ontario, as if such conveyance had been executed in the presence of, and such examination had been made and such certificate had been signed by the person or persons required by the said Acts, and at a place to which the jurisdiction of such person or persons extends.

Certificates of unqualified justices of the peace valid.

3. No conveyance by a married woman of or affecting her real estate or any interest therein, heretofore executed or which shall hereafter be executed in the presence of, acknowledged before, and certified by any Justice or Justices of the Peace, or *ex officio* Justice or Justices of the Peace, who shall not have had or shall not have the necessary property qualification required by law to entitle him to be or act as a Justice of the Peace, or who shall not have taken the necessary oath of qualification, shall be, or be held or adjudged to be invalid by reason only of such want of qualification, or of such oath of qualification not having been taken.

If dates in conveyance and certificate differ, the latter to be taken.

4. Whenever the date of any conveyance heretofore executed or which shall hereafter be executed by a married woman, of or affecting her real estate or any interest therein, shall differ from the date mentioned as the day of the execution thereof in the certificate required by the said Act, or any other Act relating to the conveyance of real estate by married women, now or heretofore in force in the Province of Ontario, to be endorsed on such conveyance, and whenever there shall be several of such certificates wherein different days shall be mentioned as the days of execution of such conveyances by different married women, such conveyance shall not be invalid or ineffectual by reason thereof, but the dates mentioned in the certificate or certificates endorsed on such conveyance shall be *prima facie* deemed and taken to be the days of the execution of such conveyance by the married woman or married women, to whose execution such certificate or certificates respectively relate.

Execution need not be in the same place or day as that of husband or in his presence.

5. It hath not heretofore been nor shall it hereafter be necessary that a conveyance by a married woman of or affecting her real estate or any interest therein, should or shall be executed by her in the presence of her husband, or on the same day on which, or at the same place where such conveyance shall have been or shall hereafter be executed by her husband.

Certificate if annexed, &c., to suffice.

6. The certificate required by the said Act, or by any other Act relating to the conveyance of real estate of married woman, now or heretofore in force in the Province of Ontario, hath heretofore been and shall hereafter be as valid and effectual if annexed to or written upon the conveyance to which the same relates, as if such certificate were endorsed on the back of such conveyance.

Conveyances informally executed or

7. Every conveyance by a married woman of or affecting her real estate or any interest therein, which hath been or which

- shall hereafter be executed, in which her husband shall have joined or shall join, and whereon there is or shall be endorsed a certificate in conformity with the provisions of the said Act or of any other Act at the time in force, respecting the conveyance of real estate by married women, shall be, and shall be held, taken and adjudged to be in favour of any subsequent bona fide purchaser for valuable consideration, of the same real estate or any part thereof, or interest therein claiming title under such conveyance, valid and effectual, notwithstanding that such conveyance may not have been in fact executed in manner required by law, and notwithstanding the want of or informality in the examination of such married woman, or the time or place of such examination, or in the time or place where such certificate shall have in fact been signed.
- 15 **8.** Every conveyance heretofore executed by a married woman of or affecting her real estate or any interest therein, in which her husband shall have joined, shall, unless the same shall be questioned by suit, action or other proceeding in some court of competent jurisdiction within three years from the passing of this Act, be, and be taken and adjudged to be valid and effectual to pass the estate which such conveyance professes to pass of such married woman, in the said real estate, notwithstanding the absence or want of a certificate of her consent to convey the same; and notwithstanding any irregularity, informality, or defect in the certificate (if any); and notwithstanding that such conveyance may not have been executed, acknowledged or certified as required by the said Act, or any other Act now or heretofore in force respecting the conveyance of real estate by married women.
- 30 **9.** The last preceding section of this Act shall not render valid any conveyance to the prejudice of any title before the passing of this Act acquired from the married woman by deed duly executed and certified as by law required, or any conveyance from the married woman which was not executed in good faith, or any conveyance of 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.

certified, valid
to bona fide
purchasers.

Defective con-
veyances un-
questioned for
three years
after the pass-
ing of this Act
to be valid.

Certain titles
not to be
prejudiced.

BILL.

An Act to amend the Act respecting the
Conveyance of Real Estate by Married
Women, and to facilitate the conveyance
of Real Estate by Married Women.

1st Reading, 21st January, 1873.

Mr. MEREDITH.

TORONTO,

PRINTED BY HUNTER, ROSE & CO.

A Act to facilitate the conveyance of Real Estate by
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. This Act may be cited as “The Married Women's Real Estate Act, 1873.” Short title.

2. In this Act the term “real estate” extends to lands, chattels real, rents and hereditaments, whether corporeal or incorporeal, and to any undivided share thereof; to any estate, right or interest therein, whether legal or equitable; to any charge, lien or encumbrance in, upon or affecting real estate, either at law or in equity; to money subject to be invested in real estate; and to any interest, charge, lien or encumbrance in, upon or affecting such money as aforesaid. Interpretation of certain terms in this Act. “Real Estate.”

The term “judge” means a judge of one of the superior courts, a judge of a county court, or a junior or deputy judge. “Judge.”

3. Every married woman, being of the full age of twenty-one years, may, by deed, convey her real estate and convey, release, surrender, disclaim or extinguish any interest therein, and may also, by deed, release or extinguish any power which may be vested in, or limited or reserved to her in regard to real estate; and may also, by deed, appoint an attorney or attorneys for the purposes aforesaid, and every of them as fully and effectually as she could do if she were a *feme sole*; save and except that, unless hereinafter otherwise provided, no such conveyance, release, surrender, disclaimer or extinguishment shall be valid or effectual unless the husband is a party to and executes the deed by which the same shall be effected, and save and except also that no such deed appointing an attorney shall be valid or effectual unless the husband is a party to, and executes the same, or the deed executed in pursuance thereof. A married woman, with her husband's concurrence, may convey real estate or any interest therein, and release and extinguish powers and appoint an attorney as a *feme sole*.

4. Except in the case of a married woman, where, by law, the Court of Chancery, or any person or persons intrusted with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot or of unsound mind is or are the protector of a settlement in lieu of her husband, if a husband be, in consequence of being a lunatic, idiot or of unsound mind, (and whether he be found such by inquisition or not) or be, from any other cause, incapable of executing a deed, or if his residence be not known, or he be in prison, or be living apart from his wife by mutual consent, or if there be, in the opinion of the judge, any other cause for so doing, a judge may, by an order to be made by him, in a summary way, upon the applica- Except where the Court of Chancery or other persons intrusted with lunatics are protector of the settlement in lieu of the husband, a judge may dispense with the concurrence of the husband in certain cases.

tion of the wife, upon such evidence as to him shall seem meet, and either *ex parte*, or upon such notice to the husband as he may deem requisite, dispense with the concurrence of the husband in any case in which his concurrence is required by this Act, or otherwise; and all acts, deeds, disclaimers, surrenders or powers of attorney done, executed or made by the wife, in pursuance of such order, in regard to her real estate shall be done, executed or made by her in the same manner as if she were a *feme sole*, and when so done, executed or made by her shall be as good and valid as they would have been if the husband had become a party to and executed the same.

Form of order. 5. Such order may be in the form following, or to the like effect.

"The Married Women's Real Estate Act, 1873," upon application of *A B* of the wife of *C D* of (or formerly of, etc.) I, one of the Judges of the Court of Queen's Bench for Ontario (*or as the case may be*) do, pursuant to "the Married Woman's Real Estate Act, 1873," order that the said *A B* may, in the same manner, and with the same effect as if she were a *feme sole*, bargain, sell and convey, (or appoint an attorney or attorneys to bargain, sell, and convey) all or any part of her estate, title and interest of, in, to or out of all and singular (*describe the premises*). Dated this day of A. D.

(*Signature of judge*). 25

Order may be registered.

6. Such order may be in duplicate or as many parts as may be necessary, and shall be signed by the judge, and may be registered in the registry office of the county wherein the lands to which the same relates are situate upon its production and deposit without any proof thereof, and such registration may take place either before or after the execution of the deed which shall be made in pursuance of such order.

Order may be endorsed or written upon the deed.

7. Such order may, if desired, be indorsed or written upon the deed to which the same relates, in which case it shall be registered as part of the deed.

The fee of registration of order.

8. For the registration of such order, including all necessary entries and certificates, the registrar shall be entitled to a fee of one dollar, unless the order be endorsed or written upon the deed, in which case no fee shall be payable in respect of the registration thereof.

Judge's fee for order.

No other fee or charge to be payable.

9. For every such order the judge shall be entitled to his own use to a fee of two dollars; but no other fee or charge of any kind shall be payable in respect thereof, either to the clerk, fee fund or otherwise.

If order indorsed or written on deed, how real estate may be described.

10. If such order be endorsed or written upon the deed to be made in pursuance thereof, the real-estate to which the same relates may be described in the order by reference to the description contained in the deed.

The powers of conveying given by this Act to a married woman not to inter-

11. The powers of conveying given by this Act to a married woman shall not impair or affect any powers which independently of this Act, may either by statute, contract or settlement be vested in or limited or reserved to her so as to prevent her from exercis-

ing such power in any case, except so far as by any conveyance made by her under this Act, she may be prevented from doing in consequence of such powers having been suspended or extinguished by such conveyance. here with any other power.

- 5 **12.** Every conveyance heretofore executed by a married woman of or affecting her real estate, in which her husband shall have joined, is and shall be taken and adjudged to be valid and effectual to have passed the estate which such conveyance professed to pass of such married woman, in the said real estate, notwithstanding
 10 the absence or want of a certificate of her consent to convey the same; and notwithstanding any irregularity, informality, or defect in the certificate (if any); and notwithstanding that such conveyance may not have been executed, acknowledged or certified as required by the said Act, or any other Act now or
 15 heretofore in force respecting the conveyance of real estate by married women, or shall not have been executed by the married woman in presence of her husband, or on the same day on which or at the same place where such conveyance shall have been executed by her husband. Defective conveyances to be valid.
- 20 **13.** Nothing in this Act contained shall render valid any conveyance to the prejudice of any title, subsequently to the execution of such conveyance and before the passing of this Act, acquired from the married woman by deed duly executed and certified as by law required unless the actual possession or
 25 enjoyment of the real estate conveyed or intended to be conveyed by the prior conveyance shall have been had at any time subsequent thereto by the grantee therein, or those claiming by, from or under him, and he or they shall have been in such actual possession or enjoyment continuously for the period of
 30 three years before the passing of this Act, and he or they is or are in the actual possession or enjoyment thereof, and nothing in this Act contained shall render valid any conveyance from the married woman which was not executed in good faith, or any conveyance of land of which the married woman or those
 35 claiming under her, is or are in the actual possession or enjoyment contrary to the terms of such conveyance. Certain titles not to be prejudiced.
- 14.** Sections one, five, six, seven, and eight of chapter eighty-five of the Consolidated Statutes for Upper Canada, and sections one, two, three, four and five of an Act passed in the
 40 thirty-fourth year of Her Majesty's reign, chaptered twenty-four are hereby repealed. Con. Stat. U.C., c. 85 s.s. 1, 5, 6, 7 and 8, and 34 Vic. c. 24 (Ontario) ss. 1, 2, 3, 4, and 5, repealed.

BILL.

An Act to facilitate the conveyance of Real Estate by Married Women.

Reprinted as amended by Select Committee.

1st Reading, 21st January, 1873.

2nd Reading, 28th January, 1873.

MR. MERIDITH.

TORONTO:

PRINTED BY HUNTER, ROSS, & CO.

An Act to amend the Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, and chaptered thirty-one, in reference to 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. Section fourteen of the Act of the Parliament of this Province, enacted in the thirty-first year of Her Majesty's reign, and chaptered thirty-one, is amended by adding thereto the following—that is to say: “Provided always, that unless such purchaser shall, within _____ months from and after the time when he shall have reimbursed and paid to the municipal council mentioned in the third section of the said statute the amount of said outlay as above provided, cause the said road or such portion or portions thereof as are out of repair within the meaning of this Act, to be put in a proper state of repair, and procure the certificate of the engineer that such has been done, such purchaser shall forfeit his property in such road or in the part or parts thereof so purchased by him as aforesaid, and the same shall again become vested in the municipality or municipalities in the same way as if this section and the next preceding one had not been enacted: Provided that all the enactments in reference to arbitration in this Act hereinbefore contained shall apply to this section.”

31-c V., c. 31, amended.

If purchaser do not repair the road, it is to revert to municipality.

Arbitration enactments to apply.

2. This Act shall apply to all roads or parts or portions of roads, the outlay upon which shall have been heretofore reimbursed and paid to the municipal council as provided in the above mentioned Act.

Roads affected by this act.

BILL.

An Act to amend the Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, and chaptered thirty-one, in reference to Joint Stock Companies.

1st Reading, 21st January, 1873.

Mr. McDONALD.

TORONTO.

PRINTED BY HUNTER, ROSE & CO.

No. 37.]

BILL.

[1873.

An Act to amend "The Tavern and Shop License Act of 1868."

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

1. Any person who feels aggrieved by the action or decision Appeals from inspectors.
5 of the Inspector or Inspectors of Licences may appeal to the Council of the Local Municipality, and such council shall have power to order and direct to be done in the matter, whatever any inspector or inspectors of licenses under "The Tavern and Shop License Act of 1868" have power to do; and shall have
10 power to grant or withhold any certificate or certificates which, under the said Act, the inspector or inspectors of licenses have power to grant or withhold.

No. 37.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend "The Tavern and Shop
License Act of 1868."

1st Reading, 21st January, 1873.

Mr. McDONALD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to further amend the "Registration of Titles (Ontario) Act."

WHEREAS it is expedient to further amend the "Registration of Titles (Ontario) Act:" Preamble.

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

1. Section forty-five of the said "Registration of Titles (Ontario) Act" is hereby amended by adding after the word "Province" in said section the words, "or have become or are insane, idiotic, imbecile, or of unsound mind or understanding." 31 Vic., c. 20, s. 45, amended.

2. No registration under the said Act of any deed or instrument within the meaning of the said Act shall be deemed or adjudged void, or defective by reason of the name, place of residence, addition, occupation or calling of the subscribing witness thereto not being set forth in full, or being improperly or insufficiently given or described in the affidavit, mentioned in and required by section thirty-eight of the said Act. Certain defects in affidavit not to invalidate registration of deeds.

3. Any deed or instrument within the meaning of said Act, and capable of being registered under the same, may be registered thereunder, notwithstanding that the Christian name or names of the subscribing witness making such affidavit is or are only set forth therein by initial letter or letters, and not in full. Deeds may be registered notwithstanding certain defects in affidavit.

2nd Session, 2nd Parliament, 36 Victoria 1873.

BILL.

An Act to further amend the "Registration
of Titles (Ontario) Act."

1st Reading, 22nd January, 1873.

M. FRASER.

TORONTO:

PRINTED BY HUNTER, ROSE, & CO.

An Act to further amend the "Registration of Titles (Ontario) Act."

WHEREAS it is expedient to further amend the "Registration of Titles (Ontario) Act:" Preamble.

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

1. Section forty-five of the said "Registration of Titles (Ontario) Act" is hereby amended by adding after the word "Province" in said section the words, "or have become or are insane, idiotic, imbecile, or of unsound mind or understanding" (and whether so found by inquisition or not), or whenever any instrument, not by law requiring an attesting or subscribing witness thereto, has been executed without any attesting or subscribing witness thereto, or in case it is proved to the satisfaction of the judge in this section mentioned that the place of abode or residence of such first above-mentioned witnesses is unknown. 31 Vic., c. 20,
s. 45, amended.

2. No registration under the said Act of any deed or instrument within the meaning of the said Act shall be deemed or adjudged void, or defective by reason of the name, place of residence, addition, occupation or calling of the subscribing witness thereto not being set forth in full, or being improperly or insufficiently given or described in the affidavit mentioned in and required by section thirty-eight of the said Act, nor by reason of any clerical error or omission of a merely formal or technical character in such affidavit. Certain defects in affidavit not to invalidate registration of deeds.

3. Any instrument may be registered under the said Act, notwithstanding that the Christian name or names of the subscribing witness making such affidavit is or are only set forth therein by initial letter or letters, or abbreviation or abbreviations, and not in full. Deeds may be registered notwithstanding Christian name of witness not set forth.

4. Section sixty-six of said Act is hereby amended by inserting therein after the word "equity" the words "or at law;" and said section sixty-six is also hereby amended by adding at the end thereof the words following:—"Notwithstanding any defect in the proof for registry; but, nevertheless, it shall continue to be the duty of every registrar not to register any instrument, except on such proof as required by the said Act and the last preceding section of this Act." s. 66 amended as to notice.

5. The last preceding section shall only apply retrospectively as to matters and facts within the meaning of section two of this Act. Last above section not retrospective except in certain cases.

Former defective registry not to be deemed void.

6. The registry of any instrument heretofore had under said Act shall not be deemed void by reason of any defect in the proof for registry: but this section shall not apply to any matter or fact heretofore adjudged or decided upon by any court of competent jurisdiction in that behalf.

5

Sec. 64 amended as to notice.

7. Section sixty-four of the said Act is hereby amended by inserting therein, after the word "consideration," the words "without actual notice."

Residence, &c., of witness to discharge of mortgage need not be given in attesting clause.

8. It shall not be necessary that the residence or occupation of the attesting witness to any certificate of discharge of mortgage shall be stated in the attestation clause thereof; nor shall any such certificate heretofore registered be invalid or inoperative by reason of the omission to state in such attestation clause the residence or occupation of any such attesting witness.

10

Registries, &c., not to be deemed void by absence of certificates, &c., in margin of books.

9. No registration or entry heretofore made shall be adjudged or held to be void by reason of the registrar having failed or omitted to make or sign the certificate of entry, discharge, or registry required to be made in the margin of or elsewhere in the registry books or other books of entries: And in case of such failure or omission, such certificate may be made or signed by any subsequent registrar, and shall have the same force and effect as if it had been made or signed by the registrar whose duty it was to have made or signed it.

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The case of part of a township made part of a new township without change of registry books provided for.

10. In case a part or parts of any township or townships as originally laid out, surveyed and named, has or have been heretofore made or erected into a new township, but, nevertheless, the registrations of instruments affecting or respecting land in said first-mentioned township or townships, and the registration books and indices therefor and relating thereto have continued to be and are now used, made, kept, entered and registered for and of said first-mentioned township or townships, and as if the same had continued to be as so originally laid out, surveyed and named, then and in every such case, and for and in respect to all matters and purposes either heretofore or hereafter of or relating to any such instrument, and any and all such registrations, registry books and indices, and the description therein of any land or premises, said first-mentioned township or townships shall be deemed, considered and taken as if the same had heretofore and hereafter continued to be and remained as so originally laid out, surveyed and named, any law or statute to the contrary notwithstanding: Provided always that nothing in this section contained shall be deemed or taken as relating to or affecting any incorporated town or village, or the land therein, or the registration of any instrument respecting same, from or after the time of the incorporation of said town or village; and provided also that nothing in this section contained shall impair or make defective any instrument or the registration thereof, because of any land being therein described or mentioned as situate in such new township.

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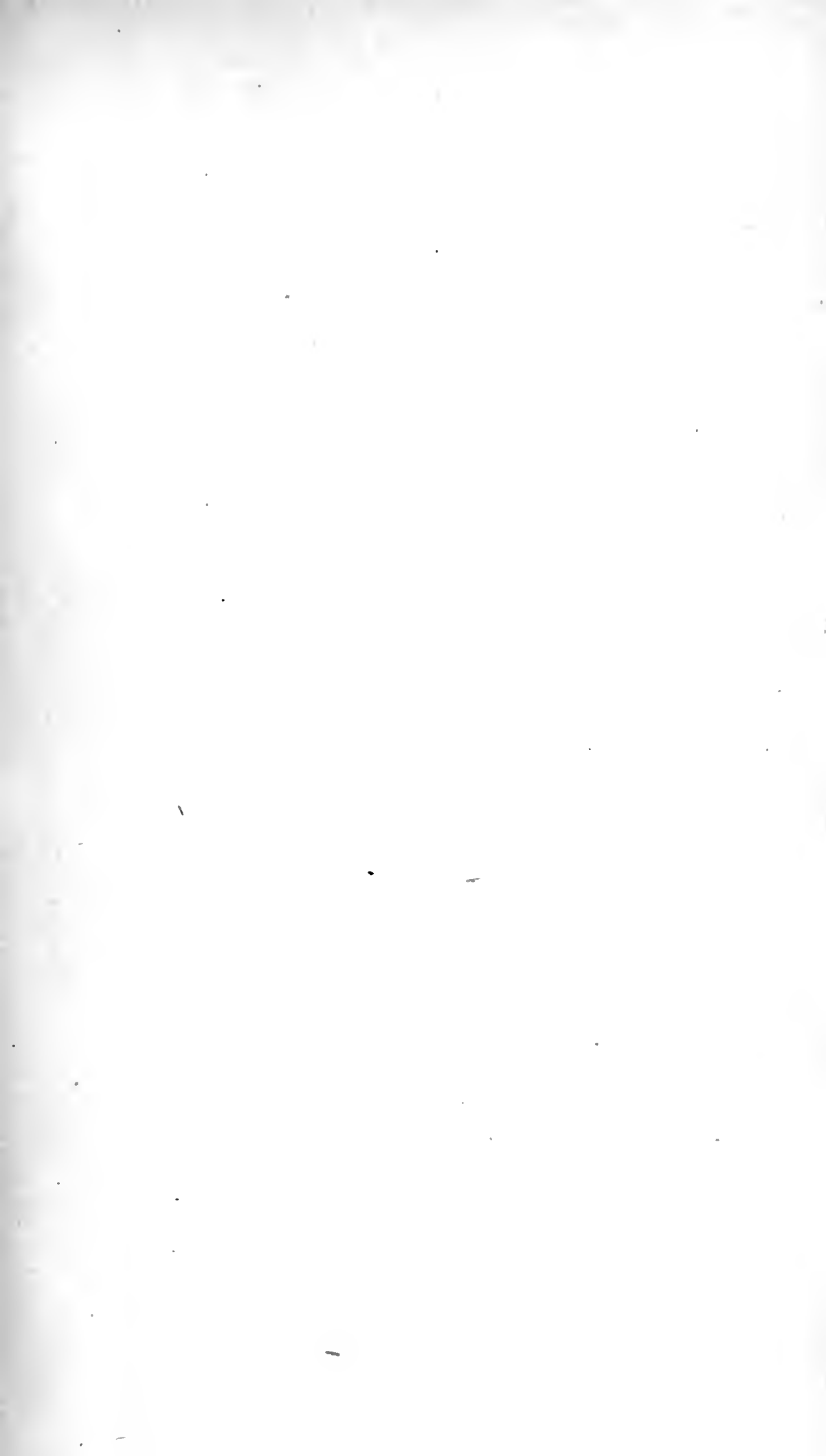
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Interpretation—"Instrument," "Land."

11. In this Act the word "instrument" and the word "land" shall be construed in the same manner and in the same sense, and shall have the same meaning respectively as the said words respectively have in and under the said "Registration of Titles (Ontario) Act."

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No. 38.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to further amend the "Registration
of Titles (Ontario) Act."

*(Re-printed as Amended by Select Com-
mittee.)*

First Reading, 22nd January, 1873.
Second " 28th " "

Mr. FRASER.

TORONTO :

PRINTED BY HUNTER, ROSE AND CO.

An Act to Incorporate the Town of Brampton.

WHEREAS a majority of the ratepayers of the Village of Brampton, in the County of Peel, by petition have represented that the said village is now the county town of the said county, and is the centre of a very considerable trade; and by the said petition do pray for the incorporation of the said village as a town; and whereas it is expedient to grant the prayer of such petition: 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 tract of land known as the Village of Brampton shall upon, from and after the first day of _____, in the year of our Lord one thousand eight hundred and seventy_____, be incorporated as a town, with all the rights, powers, privileges and liabilities of an incorporated town, and as if the said town had been and were an incorporated town under the provisions of the Act passed in the session of the late Province of Canada, held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered fifty-one, and intituled "An Act respecting the Municipal Institutions of Upper Canada," and amendments thereto, and all the rules, regulations, provisions and enactments contained in the said chapter and the amendments thereto shall apply to the said town, except as regards the first election, as hereinafter provided. Incorporation of Brampton as a town.

2. The Town of Brampton shall be divided into four wards, in manner described in the Schedule to this Act, to be named North, East, South and West Wards. Wards.

3. The Council of the said Village of Brampton shall, on or before the _____ day of _____ after the passing of this Act, by by-law appoint returning officers and polling places for each of the four wards into which the said Town of Brampton is hereby divided to hold the first election, and in discharge of their duties each returning officer so appointed shall be subject to all the provisions of the said Act respecting the Municipal Institutions of Upper Canada, and the amendments thereto. Appointment of returning officers.

SCHEDULE.

WARDS OF THE TOWN OF BRAMPTON.

The North Ward shall comprise all that part of the said town which is bounded as follows: that is to say, commencing

where the centre of Main Street intersects the northerly limit of the said town, thence easterly along the northerly limit of the said town to the easterly limit of the said town, thence southerly along the easterly limit of the said town to the centre of Queen Street, thence westerly along the centre of Queen Street to the centre of Main Street, thence northerly along the centre of Main Street to the place of beginning.

The East Ward shall comprise all that part of the said town which is bounded as follows: that is to say, commencing where the centre of Main Street intersects the centre of Queen Street, thence easterly along the centre of Queen Street to the easterly limit of the said town: thence southerly along the said easterly limit to the southerly limit of the said town, thence westerly along the said southerly limit of the said town to the centre of Main Street, thence northerly along the centre of Main Street to the place of beginning.

The South Ward shall comprise all that part of the said town which is bounded as follows: that is to say, commencing where the centre of Main Street intersects the centre of Nelson Street, thence westerly along the centre of Nelson Street, and on the same straight line, to the westerly limit of the said town, thence southerly along the westerly limit of the said town to the southerly limit of the said town, thence easterly along the southerly limit of said town to the centre of Main Street, thence northerly along the centre of Main Street to the place of beginning.

The West Ward shall comprise all that part of the said Town of Brampton which is bounded as follows: that is to say, commencing where the centre of Main Street intersects the northerly limit of said town, thence westerly along the said northerly limit to the westerly limit of the said town, thence southerly along the said westerly limit to a point where a straight line passing through the centre of Nelson Street aforesaid, from Main Street aforesaid westerly parallel with the sides of said Nelson Street meets the westerly limit of the said town, thence easterly along the said straight line and centre of Nelson Street to the centre of Main Street, thence northerly along the said centre of Main Street to the place of beginning.

An Act to Incorporate the Town of Brampton.

WHEREAS a majority of the ratepayers of the [incorporated] Village of Brampton, in the County of Peel, by petition have represented that the said village is now the county town of the said county, and is the centre of a very considerable trade; and by the said petition do pray for the incorporation of the said village as a town: and whereas 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 incorporated village of Brampton shall from and after the fifteenth day of December in the year of our Lord one thousand eight hundred and seventy-three, be, and the same is hereby from and after the said fifteenth day of December, incorporated as a town; and shall thereafter be known as the corporation of the town of Brampton; and have all the rights, powers, privileges and liabilities of an incorporated town, in the same manner and as if the same had been incorporated under the provisions of the "Act respecting the Municipal Institutions of Upper Canada," except in so far as the same are inconsistent with the provisions of this Act.]

[2. All by-laws, rules and regulations which may be in force in the said village of Brampton at the time of its becoming incorporated as a town under this Act, shall continue and be in force as if they had been passed by the corporation of the town of Brampton.]

[3. The assets, debts, liabilities and obligations of the corporation of the village of Brampton at the time of the incorporation as a town under this Act shall belong to and be assumed and paid by the corporation of the town of Brampton.]

[4. The council of the corporation of the village of Brampton shall continue to exercise all the powers and functions appertaining to the corporation of the town of Brampton, from and after the date of incorporation as aforesaid, until such time as the members of the corporation of the town of Brampton shall be elected under the provisions of this Act.]

5. The [said] Town of Brampton [is hereby] divided into four wards, in manner described in the Schedule to this Act, to be named North, East, South and West Wards.

6. The Council of the said Village of Brampton shall, on or before the [first] day of [December] after the passing of this Act, by by-law appoint returning officers and polling places for each of the four wards into which the said Town of Brampton

is hereby divided to hold the first election, and in discharge of their duties each returning officer so appointed shall be subject to all the provisions of the said Act respecting the Municipal Institutions of Upper Canada, and the amendments thereto.

SCHEDULE.

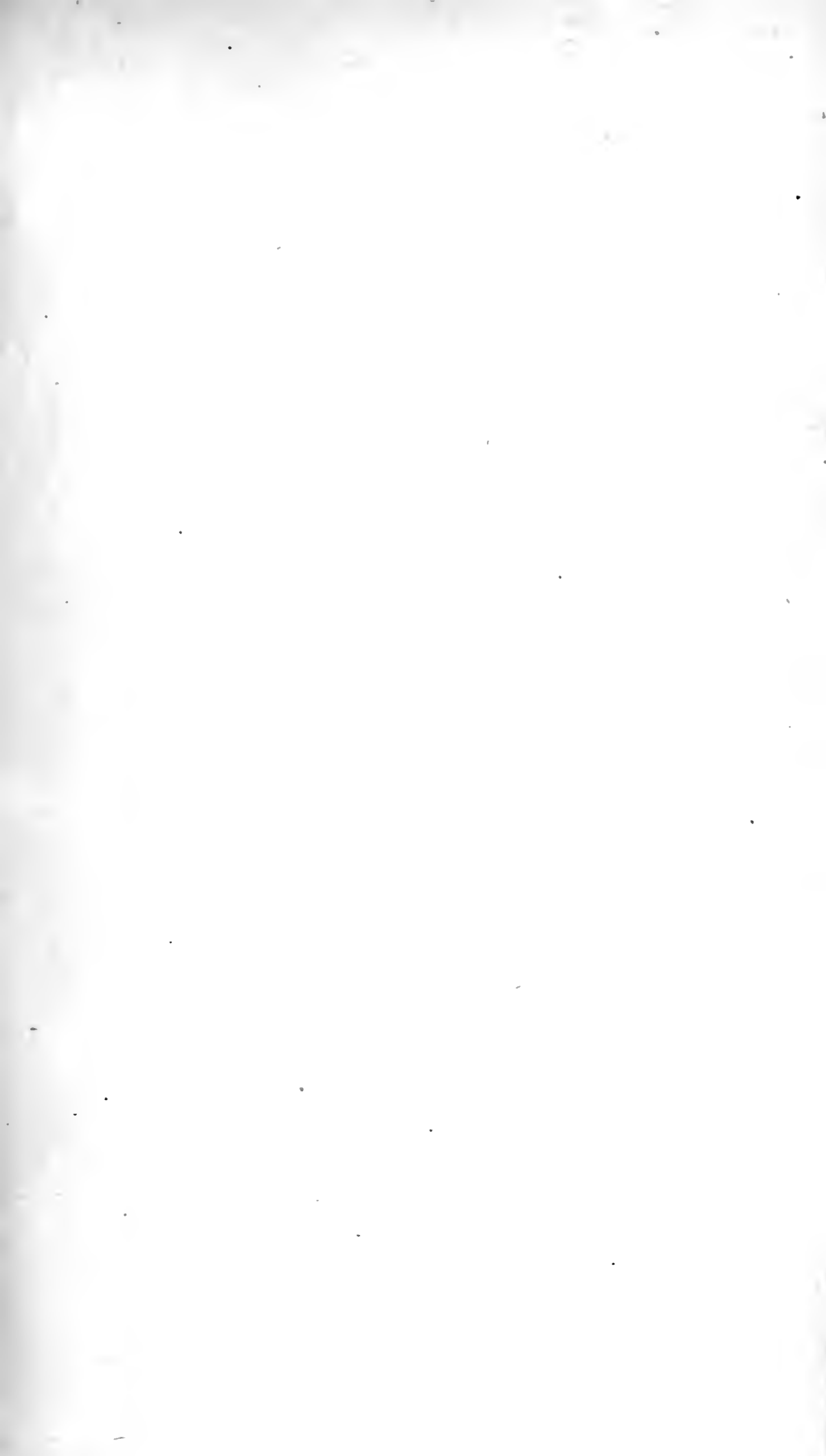
WARDS OF THE TOWN OF BRAMPTON.

The North Ward shall comprise all that part of the said town which is bounded as follows: that is to say, commencing where the centre of Main Street intersects the northerly limit of the said town, thence easterly along the northerly limit of the said town to the easterly limit of the said town, thence southerly along the easterly limit of the said town to the centre of Queen Street, thence westerly along the centre of Queen Street to the centre of Main Street, thence northerly along the centre of Main Street to the place of beginning.

The East Ward shall comprise all that part of the said town which is bounded as follows: that is to say, commencing where the centre of Main Street intersects the centre of Queen Street, thence easterly along the centre of Queen Street to the easterly limit of the said town; thence southerly along the said easterly limit to the southerly limit of the said town, thence westerly along the said southerly limit of the said town to the centre of Main Street, thence northerly along the centre of Main Street to the place of beginning.

The South Ward shall comprise all that part of the said town which is bounded as follows: that is to say, commencing where the centre of Main Street intersects the centre of Nelson Street, thence westerly along the centre of Nelson Street, and on the same straight line, to the westerly limit of the said town, thence southerly along the westerly limit of the said town to the southerly limit of the said town, thence easterly along the southerly limit of said town to the centre of Main Street, thence northerly along the centre of Main Street to the place of beginning.

The West Ward shall comprise all that part of the said Town of Brampton which is bounded as follows: that is to say, commencing where the centre of Main Street intersects the northerly limit of said town, thence westerly along the said northerly limit to the westerly limit of the said town, thence southerly along the said westerly limit to a point where a straight line passing through the centre of Nelson Street aforesaid, from Main Street aforesaid westerly parallel with the sides of said Nelson Street meets the westerly limit of the said town, thence easterly along the said straight line and centre of Nelson Street to the centre of Main Street, thence northerly along the said centre of Main Street to the place of beginning.



No. 39

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to Incorporate the Town of Brampton.

Reprinted as Amended in Committee.

First Reading, 22nd January, 1873.

(PRIVATE BILL.)

M. COYNE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to authorize the Council of the Village of Brampton to change the course of the River Etobicoke, and for other purposes.

WHEREAS the River Etobicoke passes through the Village of Brampton, in the County of Peel, in a circuitous and very irregular course, and in the breaking up of ice in the spring overflows its banks and often the streets of the said village, and requires considerable annual outlay by the Council and owners of property in building bridges and repairing and securing the banks of the said river, and in summer the said river becomes stagnant or dry, and is then injurious to the health of the inhabitants of the said village; And whereas, a large number of the ratepayers of the said village have petitioned Parliament to authorize the cutting of a new channel for and changing the course of the said river; and also the damming up of the said river above the said proposed channel; and also the making of a sewer through the said village below the said proposed dam: 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.** It shall and may be lawful for the Council of the Village of Brampton to pass a by-law or by-laws for the making of a new channel for the River Etobicoke, and changing the course of the said river any where within the limits of the said village; and also to build a dam across the said river and flats of the same at or near the upper end of the said channel; and damming up the water of the said river for the purpose of forcing the same through the said channel and protecting the low land below the said dam from being overflowed with water; and also a by-law for the making of a sewer through the said village or any part thereof below and through the said dam, and flooding the said sewer from the said river or pond above the said dam, as often as to the said Council shall seem necessary or requisite; and for these purposes the said Council are hereby authorised by their duly appointed agents, servants and workmen, to enter upon and into the lands and grounds of or belonging to the Queen's Majesty, her heirs or successors, or to any other person or persons, bodies corporate or politic, and to survey the same or any part thereof, and to set out, ascertain, designate and establish, and for the said Council to take, appropriate, have and hold to and for the use of them and their successors, such parts as they shall think necessary and proper for the making of the said channel, dam and drain, and for the water above the said dam, and their appurtenances, and for the completion of the same according to the true intent and meaning of

Preamble.

Council of Brampton may pass by-laws to change the course of the River Etobicoke, &c.

Powers as to lands.

this Act, and all such other matters and conveniences as they shall think proper and necessary for making, preserving, improving, completing and using the said channel, dam and sewer and the waters of the said river; and also to bore, dig, trench, cut, remove, take, carry away, and lay soil, clay, stone, rubbish, beds of gravel or sand, or any other matter or thing which may be dug or got in the making of the said channel, dam and sewer, or in deepening and improving the same, or out of any land of any person or persons adjoining or contiguous thereto, and which may be proper or convenient for carrying on the repairing of the said channel, dam or sewer, or which may hinder or obstruct the making, completing and using the said channel, dam, sewer and waters, and the same to lay in or upon the boundaries of the said channel, dam or sewer: and also from time to time to alter, enlarge, amend and repair the said works or any of them; and also to construct, make and do all other works, matters and things whatsoever which they shall think necessary and convenient, for the making, effecting, preserving, improving, completing and using the said channel, dam, sewer, and waters of the said river, in pursuance of and within the true meaning of this Act; they the said Council doing as little damage as may be in the execution of the powers hereby granted, and making satisfaction in manner hereinafter mentioned for all damages to be sustained by the owners or occupiers of such lands, hereditaments and tenevents.

Construction
and repair of
works.

Purchase of
lands.

2. After any land or ground shall be set out and ascertained to be necessary for the purposes of the said channel, dam, sewer and water above the said dam, or any or either of them, or other purposes herein mentioned, it shall be lawful for all owners, whether individuals or bodies corporate or politic, or trustees or lessees, or other party or parties holding any right, title, interest or claim to any of such lands or grounds, to contract for the selling and conveying to the said Council all or any part of such land or ground which shall from time to time be set out and ascertained as aforesaid; and all such contracts, agreements, sales and conveyances shall be valid and effectual in law to all intents and purposes, notwithstanding any law, statute or usage to the contrary, and the amount of the purchase money to be paid for such lands or grounds respectively, shall be ascertained by arbitration as hereinafter mentioned, unless in such cases as the owner or owners may agree thereupon with the said Council, without the intervention of any third party.

Compensation
to landowners.

3. The said Council may contract, compound, compromise, settle and agree with owners or occupiers respectively of any land through or upon which they may determine to cut the said channel, or construct the said dam or sewer, or the land which may be overflowed or injured in consequence of the existence of the said dam, either for the purchase of so much of the said land as they shall require for the purposes or uses of the same, or for damages which he, she, or they shall or may be entitled to receive from the said Council in consequence of any of the works hereby authorised being constructed in or upon his, her, or their respective lands; and in case of any disagreement between the said Council and the owner or owners, occupier or occupiers aforesaid, may offer to him, her or them respectively, in writing, such sum of money as the said Council may think just and reasonable for the said lands and damages, at any time after the passing of this Act; and should the said offer not be accepted within one

month after the same shall have been made as aforesaid, the amount of the purchase money for the land and tenements proposed to be purchased, and the said damages as aforesaid, shall be ascertained by arbitration in manner hereinafter mentioned.

- 5 4. In each and every case where any dispute shall arise between the said Council and any other person or persons whomsoever, touching any purchase, sale or damage, or the money to be paid in respect thereof, and in each and every case under the provisions of this Act, any purchase, sale or damage, or the money to be paid in respect of the same, and all other moneys payable under this Act, are directed to be ascertained and determined by arbitration, the same shall be referred to be ascertained and determined by three indifferent persons, one of whom shall be chosen by the owner or occupier of the land, or other person or persons interested, who shall disagree with the said Council in respect to the compensation or purchase money to be paid him, her, or them respectively, pursuant to the provisions of this Act, one other of the said arbitrators shall be chosen by the said Council, and the third shall be chosen by the two persons to be so named as aforesaid, and such three persons shall be the arbitrators for the purposes of this Act, and shall award, determine, adjudge and order the respective sums of money which the said Council shall pay to the respective persons entitled to receive the same: and the award of such three persons or any two of them shall be final; and the said arbitrators so appointed are hereby required to attend at some convenient place within eight days after notice in writing shall be given them by the said Council for that purpose, then and there to arbitrate, award, and determine such matters as shall be submitted to their consideration by the parties interested; and each of the said arbitrators shall be sworn before one of Her Majesty's Justices of the Peace for the County of Peel, well and truly to assess the damages between the parties according to the best of their judgment: Provided always that if the owner or owners, or other person or persons interested in any of the lands required for the purposes of this Act, shall neglect or refuse to appoint an arbitrator, or upon being notified to do so by the Council aforesaid by writing a letter to that effect addressed to him, her or them, at his, her or their last or then present residence, and by publication of such notice for one month in one or more local newspaper or newspapers of the County of Peel; then and in that case after the expiration of ten days from the time of such notice being fully completed, the Judge of the County Court of the County of Peel, or such person as he shall appoint, shall act as arbitrator for such party or parties so refusing or neglecting; and the said Judge, or other party whom he shall appoint as aforesaid, shall with the other two arbitrators as hereinbefore provided, proceed to adjudge and determine the damage or purchase money or other matter or thing submitted to their judgment according to the provisions of this Act.

Disputes to be referred to arbitration.

Proviso.

5. If in any case where arbitrators have been appointed as aforesaid the sum awarded is not greater than that offered as aforesaid, the costs of the arbitration shall be borne by the party to whom the same was offered as aforesaid, and be deducted from the compensation; but if otherwise, they shall be borne by the Council; and in any case they may, if not agreed upon, be taxed by the said Judge.

Costs of arbitration.

Council may
obtain moneys
by rate or
loan.

6. The whole sum expended and to be expended by the said Council in making and completing the said works, and the payment of such damages as aforesaid, shall be raised by the said Council by rate or loan, at such times and in such proportions as the said Council shall deem fitting; but subject otherwise to the provisions of law touching the raising of moneys by municipalities by rate or loan, as the case may be. 5

By-law to be
submitted to
electors.

7. Provided always that no money shall be raised for the purchase or acquiring of land, or for the works mentioned in this Act, except for surveys and engineering, until a by-law providing for the same be submitted to the municipal electors of the said village, and assented to by a majority of said electors in manner hereinafter provided; and a vote shall be taken upon the same in like manner, as provided by the two hundred and twenty-sixth section of chapter fifty-one of the Statutes of the late province of Canada, passed in the twenty-ninth and thirtieth years of Her Majesty's reign, intituled An Act respecting the Municipal Institutions of Upper Canada. 10 15

Description of
land, maps,
&c., to be
furnished to
the arbitrators.

8. As soon as conveniently may be after the works authorized under this Act shall have been completed, the clerk of the said Council shall draw up an instrument in writing which shall describe the several parcels or lots of land through which the said river now runs between the said proposed dam and that point where the waters of the said river passing through the said channel enter the original channel of the said river, and the reputed proprietors thereof respectively; and he shall deliver said instrument, together with all such maps, plans, and other documents or information as may seem necessary to the said arbitrators. 20 25

Arbitrators to
inspect lands.

9. Upon receiving the said instrument, plans, maps, and other documents, the said arbitrators shall visit and inspect the said lands and their appurtenances; and thereafter shall prepare the draft of an award setting forth the amount of increase in value of the said several parcels or lots of land in consequence of the course of the said river being changed as aforesaid; and the said draft of award shall also specify the amount the said several parcels or lots; and the proprietors thereof, shall in future be annually charged towards the costs of the aforesaid works, and which amounts shall be based on the said increased value of the said lots respectively. 30 35 40

The award.

Objections to
award.

10. As soon as conveniently may be after preparing the said draft of their award, the said arbitrators shall cause such draft to be printed for distribution to all parties concerned; and the said arbitrators shall cause a notice to be inserted once weekly for three successive weeks in one or more newspapers published in the said County of Peel, which notice shall require all parties interested who may desire to lodge objections to the said award, to deposit the same with such a party and within such a time as may be pointed out in the said notice; and shall specify a time and place (the said time not being sooner than one calendar month from the first publication of such notice), at which they will proceed to hear any objections that may be so lodged. 45 50

Hearing of
objections to
award.

11. The said arbitrators shall attend at such time and place as shall have been so appointed, and shall examine into the matter of any objection which shall be so lodged, and shall hear all 55

such proper evidence as may be offered to them in respect thereof, and shall make such alterations (if any) in the said award as they shall think fit, and may adjourn such attendance from time to time until they shall finally settle and sign such award.

- 5 **12.** Every award when finally settled, signed and sealed by the said arbitrators, with a proper map or plan annexed thereto, describing the several parcels or lots of land to which such award shall relate, shall within one month after the same has been finally settled be deposited with the Registrar of the County of Peel, and the said Registrar is hereby required to receive the same, and to endorse thereon the date at which it is so deposited with him, and to deposit the same among the records kept by him; and such award when so finally settled and deposited shall be binding and conclusive on all parties, and a copy thereof certified by such Registrar shall be evidence that the same was duly made. Registration of award.
- 10
- 15
- 20 **13.** The said arbitrators shall at the same time cause to be delivered a copy of such final award to the Clerk of the said Council, to remain for ever deposited with the records of such Council, and to be open for inspection to any party on payment of ten cents for every inspection thereof; and the said Council shall cause or order by by-law that the amount of money awarded to be collected and charged on the several lots or parcels of land, as set forth in the said award, shall be added in the next collector's roll for the said village that shall be issued after the receipt of the copy of the said award, for the purpose of being collected and paid over, as in the next following section is mentioned. Copy of award to be deposited with clerk of the Council.
- 25
- 30 **14.** The respective sums of money which by the aforesaid award shall be specified as the proportions or contributions payable as aforesaid in respect of the several parcels or lots of land so improved, shall be charged on such several parcels or lots of land, and that in preference to and with priority over all incumbrance on such land, in manner following, that is to say; each several parcel or lot of such land shall be charged with a payment to the said Council of a rent charge after the rate of eight dollars per centum per annum rent for every one hundred dollars charged on such several parcels or lots of land, and so in proportion for any lesser amount, and to be payable for the term of twenty years, to be computed from the first day of January which shall next happen after the date of the said award; such rent charge to be paid on the first day of January in every year; the first of such payments to be made on the first day of January that shall happen next after the final settlement or publication of the said award. Council to collect the amount of the award.
- 35
- 40
- 45 **15.** Every rent charge which shall have become charged on land by virtue of this Act shall be entered by the said clerk in a column of the collector's roll, to be headed "Charge under the Etobicoke Act;" and shall be collected and be recoverable by the said Council by the same means and in like manner in all respects as municipal rates and taxes are collected and recoverable under the Assessment list of 1869. Amount of award to be charged on the lands improved.
- 50
- 16.** In case any such parcels or lots of land shall at the time of making the said award not be in the actual possession of the Rent charge how entered on collector's roll and recovered.
- 40—2

Rights of tenants.

owner or owners, proprietor or proprietors, but be held under him or them by some other person or persons by virtue of a lease, agreement, or other instrument, every such tenant or occupier who shall pay for the land in his occupation any sum charged thereon under and by virtue of the provisions of this Act, shall be and he is hereby authorized to deduct and retain out of his rent the amount of the sum of money which he shall so pay as aforesaid; but nothing herein contained shall extend or be construed to enable any occupier or lessee to deduct from his rent any costs or expense incurred by nonpayment of the moneys hereby imposed or authorized to be paid.

Disputed boundaries, how determined.

17. If any dispute or difference shall arise between any parties interested or claiming to be interested in any of the said parcels or lots of land improved as aforesaid, touching or concerning any boundaries or any other right or interest which the said parties or any of them shall have or claim to have in or over any such land, or touching any other matter relating thereto, it shall be lawful for the said arbitrators, as well by the examination of witnesses upon oath as by all other proper and sufficient evidence, to examine into, hear, and determine the same, and such determination shall be binding and conclusive upon all parties for the purposes of this Act, but no further or otherwise.

Costs of arbitration.

18. All costs of arbitration under section five and subsequent sections of this Act shall be borne by the said Council.

9
BILL.

An Act to authorize the Council of the Village of Brampton to change the course of the River Elobicake, and for other purposes.

1st Reading, 22d January, 1873.

(PRIVATE BILL.)

Mr. COYNE.

TORONTO.

PRINTED BY HUNTER, ROSE & CO.

An Act to authorize the Council of the Village of Brampton to change the course of the River Etobicoke, and for other purposes.

WHEREAS the River Etobicoke passes through the Village of Brampton, in the County of Peel, in a circuitous and very irregular course, and in the breaking up of ice in the spring overflows its banks and often the streets of the said village, and requires considerable annual outlay by the Council and owners of property in building bridges and repairing and securing the banks of the said river, and in summer the said river becomes stagnant or dry, and is then injurious to the health of the inhabitants of the said village; And whereas, a large number of the ratepayers of the said village have petitioned Parliament to authorize the cutting of a new channel for and changing the course of the said river; and also the damming up of the said river above the said proposed channel; and also the making of a sewer through the said village below the said proposed dam: 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.** It shall and may be lawful for the Corporation of the Village of Brampton to pass a by-law or by-laws for the making any where within the lands of the said village a new channel for the River Etobicoke, and changing the course of the said river any where within the said limits: and also to build within the said
 25 limits a dam across the said river and flats of the same at or near the upper end of the said channel; and damming up the water of the said river within the said limits for the purpose of forcing the same through the said channel and protecting the low land below the said dam from being overflowed with water;
 30 and also a by-law for the making of a sewer through the said village or any part thereof below and through the said dam, and flooding the said sewer from the said river above the said dam, as often as to the said Corporation shall seem necessary or requisite; and for these purposes the said Corporation are hereby
 35 authorised to enter upon and into any lands of any person or persons, bodies corporate or politic, and to take, hold and acquire such part or parts thereof as they shall think necessary and proper for the purposes aforesaid, and to exercise upon or in respect to said lands all such powers as shall or may be necessary for the purposes aforesaid, and from time to time to alter,
 40 enlarge or repair the said works or any of them as may be necessary; they the said Corporation doing as little damage as may be in the execution of the powers hereby granted, and

Preamble.

Council of
Brampton may
pass by-laws
to change the
course of the
River
Etobicoke, &c.

Powers as to
lands.

making satisfaction in manner hereinafter mentioned for all damages to be sustained by the owners or of parties interested in such lands.

Purchase of
lands.

2. After any land shall be set out and ascertained to be necessary for the purposes aforesaid, or any or either of them, it shall be lawful for all owners thereof, or parties interested therein, to contract for the selling and conveying to the said Corporation all or any part of such land which shall from time to time be set out and ascertained as aforesaid; and all such contracts, agreements, sales and conveyances shall be valid and effectual in law to all intents and purposes, notwithstanding any law, statute or usage to the contrary, and the amount of the purchase money to be paid for such lands or grounds respectively, shall be ascertained by arbitration as hereinafter mentioned, unless the owner thereof, or party interested therein as aforesaid, may agree thereupon with the said Corporation.

Compensation
to landowners.

3. The said Corporation may contract, compound, compromise, settle and agree with owners of or parties interested in, any land through or upon which they may determine to cut the said channel, or construct the said dam or sewer, or the land which may be overflowed or injured in consequence of the existence of the said dam, either for the purchase of so much of the said land as they shall require for the purposes or uses of the same, or for damages which he, she, or they shall or may be entitled to receive from the said Corporation in consequence of any of the works hereby authorised being constructed in or upon his, her, or their respective lands, or in consequence of any damage sustained by him, her, or them, in the exercise by such Corporation of any of the powers aforesaid; and in case of any disagreement between the said owners, or parties interested as aforesaid, may offer to him, her or them respectively, in writing, such sum of money as the said Corporation may think just and reasonable for the said lands and damages, or either of them; and should the said offer, not be accepted within one month after the same shall have been made as aforesaid, the amount of the purchase money for the land and tenements purposed to be purchased, and the said damages as aforesaid, or either of them, shall be ascertained by arbitration in manner hereinafter mentioned.

Disputes to be
referred to
arbitration.

4. In each and every case where any dispute shall arise between the said Corporation and any other person or persons bodies corporate or politic, whomsoever, touching any purchase sale or damage, or the money to be paid in respect thereof, and in each and every case when under the provisions of this Act, any purchase, sale or damage, or the money to be paid in respect of the same, and all other moneys payable under this Act, are directed to be ascertained and determined by arbitration, the same shall be referred to be ascertained and determined by three indifferent persons, one of whom shall be chosen by the owner or occupier of the land, or other person or persons interested, who shall disagree with the said Corporation in respect to the compensation or purchase money to be paid him, her or them respectively, pursuant to the provisions of this Act, one other of the said arbitrators shall be chosen by the said Corporation, and the third shall be chosen by the two persons to be no named as aforesaid, and such three persons shall be the arbitrators for the purposes of this Act, and shall award, determine, adjudge,

and order the respective sums of money which the said Corporation shall pay to the respective persons entitled to receive the same and the award of such three persons or any two of them shall be final; and the said arbitrators so appointed are hereby
 5 required to attend at some convenient place within eight days after notice in writing shall be given them by the said Corporation, or said owner or other party interested, as aforesaid, for that purpose, then and there to arbitrate, award, and determine such matters as shall be submitted to their consideration by
 10 the parties interested; Provided always that if the owner or owners, or other person or persons interested in any of the lands required for the purposes of this Act, shall neglect or refuse to appoint an arbitrator, or upon being notified to do so by the Corporation aforesaid by writing a letter to that effect addressed to him, her or them, at his, her or their last or then
 15 present residence, and by publication of such notice for one month in one or more local newspaper or newspapers in the said village; then and in that case after the expiration of ten days from the time of such notice being fully completed, the
 20 Judge of the County Court of the County of Peel, or such person as he shall appoint, shall act as arbitrator for such party or parties so refusing or neglecting; and the said Judge, or other party whom he shall appoint as aforesaid, shall with the other two arbitrators as herein before provided, proceed to adjudge
 25 and determine the damage or purchase money or other matter or thing submitted to their judgment according to the provisions of this Act.

5. If in any case where arbitrators have been appointed as aforesaid the sum awarded is not greater than that offered as
 30 aforesaid, the costs of the arbitration shall be borne by the party to whom the same was offered as aforesaid, and be deducted from the compensation; but if otherwise, they shall be borne by the said Corporation; and in any case they may, if not agreed upon, be taxed by the said Judge.

35 6. The whole sum expended and to be expended by the said Corporation in making and completing the said works, and the payment of such damages as aforesaid, shall be raised by the said Corporation by rate or loan, at such times and in such proportions as the said Corporation shall deem fitting; but
 40 subject otherwise to the provisions of law touching the raising of moneys by municipalities by rate or loan, as the case may be.

7. Provided always that every such by-law before final passing, shall be submitted to the electors of the said village, and their assent thereto had and obtained in the manner and pursuant to
 45 the provisions of the sections contained in division three of title two respecting by-laws contained in the Act, passed in the present session of the Parliament of this Province, and intituled "An Act respecting Municipal Institutions in the Province of Ontario."

50 8. For the purposes of this section, and all subsequent sections of this Act, the Judge of the county court of the County of Peel, shall, before the exercise by said Corporation of any of the powers conferred by the previous sections of this Act, nominate and appoint by writing under his hand and seal, three impartial
 55 persons to be the arbitrators mentioned in this and said subse-

Proviso.

Costs of arbitration.

Council may obtain moneys by rate or loan.

By-law to be submitted to electors.

Description of land, maps, &c., to be furnished to the arbitrators.

quent sections of this Act, and as soon as conveniently may be after the works authorized under this Act shall have been completed, the clerk of the said Corporation shall draw up an instrument in writing which shall describe the several parcels or lots of land through which the said river now runs between the said proposed dam and that point where the waters of the said river passing through the said channel enter the original channel of the said river, and the reputed proprietors thereof, or parties interested therein, respectively; and he shall deliver said instrument, together with all such maps, plans, and other documents or information as may seem necessary to the said arbitrators.

Arbitrators to inspect lands.

9. Upon receiving the said instrument, plans, maps, and other documents, the said arbitrators shall visit and inspect the said lands and their appurtenances; and thereafter shall prepare the draft of an award setting forth the amount of increase in value of the said several parcels or lots of land in consequence of the course of the said river being changed as aforesaid; and the said draft of award shall also specify the amount the said several parcels or lots; and the proprietors thereof, shall in future be annually charged towards the costs of the aforesaid works, and which amounts shall be based on the said increased value of the said lots respectively.

The award.

Objections to award.

10. As soon as conveniently may be after preparing the said draft of their award, the said arbitrators shall cause such draft to be printed for distribution to all parties concerned; and the said arbitrators shall cause a notice to be inserted once weekly for three successive weeks in one or more newspapers published in the said village, which notice shall require all parties interested who may desire to lodge objections to the said award, to deposit the same with such a party and within such a time as may be pointed out in the said notice; and shall specify a time and place (the said time not being sooner than one calendar month from the first publication of such notice), at which they will proceed to hear any objections that may be so lodged, and such last mentioned notice shall also be posted up in at least twelve conspicuous and public places in said village.

Hearing of objections to award.

11. The said arbitrators shall attend at such time and place as shall have been so appointed, and shall examine into the matter of any objection which shall be so lodged, and shall hear all such proper evidence as may be offered to them in respect thereof, and shall make such alterations (if any) in the said award as they shall think fit, and may adjourn such attendance from time to time until they shall finally settle and sign such award.

Registration of award.

12. Every award when finally settled, signed and sealed by the said arbitrators, with a proper map or plan annexed thereto, describing the several parcels or lots of land to which such award shall relate, shall within one month after the same has been finally settled be deposited with the Registrar of the County of Peel, and the said Registrar is hereby required to receive the same, and to endorse thereon the date at which it is so deposited with him, and to deposit the same among the records kept by him; and such award when so finally settled and deposited shall be binding and conclusive on all parties, and a copy thereof certified by such Registrar shall be evidence that the same was duly made.

13. The said arbitrators shall at the same time cause to be delivered a copy of such final award to the Clerk of the said Corporation, to remain for ever deposited with the records of such Corporation, and to be open for inspection to any party on payment of ten cents for every inspection thereof; and the said Corporation shall cause or order by by-law that the amount of money awarded to be collected and charged on the several lots or parcels of land, as set forth in the said award, shall be added in the next collector's roll for the said village that shall be issued after the receipt of the copy of the said award, for the purpose of being collected and paid over, as in the next following section is mentioned.

Copy of award to be deposited with clerk of the Council.

Council to collect the amount of the award.

14. The respective sums of money which by the aforesaid, award shall be specified as the proportions or contributions payable as aforesaid in respect of the several parcels or lots of land so improved, shall be charged on such several parcels or lots of land, and that in preference to and with priority over all subsequent incumbrance on such land, in manner following, that is to say; each several parcel or lot of such land shall be charged with apayment to the said Corporation of a rent charge after the rate of eight dollars per centum per annum rent for every one hundred dollars charged on such several parcels or lots of land, and so in proportion for any lesser amount, and to be payable for the term of twenty years, to be computed from the first day of January which shall next happen after the date of the said award; such rent charge to be paid on the first day of January in every year; the first of such payments to be made on the first day of January that shall happen next after the final settlement or publication of the said award.

Amount of award to be charged on the lands improved.

15. Every rent charge which shall have become charged on land by virtue of this Act shall be entered by the said clerk in a column of the collector's roll, to be headed "Charge under the Etobicoke Act;" and shall be collected and be recoverable by the said Council by the same means and in like manner in all respects as municipal rates and taxes are collected and recoverable under the Assessment list of 1869.

Rent charge how entered on collector's roll and recovered.

16. In case any such parcels or lots of land shall at the time of making the said award not be in the actual possession of the owner or owners, proprietor or proprietors, but be held under him or them by some other person or persons by virtue of a lease, agreement, or other instrument, every such tenant or occupier who shall pay for the land in his occupation any sum charged thereon under and by virtue of the provisions of this Act, shall be and he is hereby authorized to deduct and retain out of his rent the amount of the sum of money which he shall so pay as aforesaid; but nothing herein contained shall extend or be construed to enable any occupier or lessee to deduct from his rent any costs or expense incurred by nonpayment of the moneys hereby imposed or authorized to be paid.

Rights of tenants.

17. If any dispute or difference shall arise between any parties interested or claiming to be interested in any of the said parcels or lots of land improved as aforesaid, touching or concerning any boundaries or any other right or interest which the said parties or any of them shall have or claim to have in or over

Disputed boundaries, how determined.

any such land, or touching any other matter relating thereto, it shall be lawful for the said arbitrators, as well by the examination of witnesses upon oath as by all other proper and sufficient evidence, to examine into, hear, and determine the same, and such determination shall be binding and conclusive upon all parties for the purposes of this Act, but no further or otherwise. 5

Costs of arbitration.

18. All costs of arbitration under section eight and subsequent sections of this Act shall be borne by the said Corporation.

Corporation Act to injure lands of persons situate within the village.

19. Nothing in this Act shall authorize or empower the said Corporation to inflict any injury or damage upon, or to interfere with the rights of any person or persons, or bodies corporate or politic, in respect to any lands or property situate within the limits of said village. 10

BILL.

An Act to authorise the Council of the Village of Brampton to change the course of the River Etobicoke, and for other purposes.

(Re-printed as Amended in Committee.)

First Reading 22th January, 1873.

(PRIVATE BILL.)

Mr. COYNE.

TORONTO :

PRINTED BY HUNTER ROSE AND CO.

An Act to authorize an addition to the Capital Stock
of the Consumers' Gas Company of Toronto.

WHEREAS, the Consumers' Gas Company of Toronto Preamble.
have petitioned for authority to increase the capital
stock of the said company to enable them to meet the require-
ments of the rapidly increasing population of the City of Toronto
and the Village of Yorkville, and it is expedient to grant the
same :

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

10 **1.** It shall and may be lawful to and for the said company Increase of
capital stock.
to add to their present capital stock any sum not exceeding
six hundred thousand dollars (\$600,000) divided into shares
of fifty dollars (\$50) each, provided that such increase of the
capital stock shall be agreed upon by a majority of the votes
15 of the shareholders present at any annual general meeting or
meetings, or at any special meeting or meetings called from time
to time for that purpose, by the usual notice for special meetings
provided for by the charter of said company.

20 **2.** Any new stock of the said company to be issued on any Allotment of
new stock.
such increase of the capital stock shall be allotted to the then
shareholders of the said company *pro rata* at par; Provided
always, that any of such increased stock which shall not be
taken up and subscribed for by any shareholder within three
months from the time when notice of the allotment thereof shall
25 have been mailed to his address, in the Post Office at the City
of Toronto, in this Province, may be opened for subscription to
the public, in such manner and on such terms as the directors
of said company may determine.

30 **3.** The shares of such stock subscribed for shall be paid in Manner of
payment.
such instalments, and at such times and places, and under
such regulations as the directors of said company may from
time to time appoint; and executors, administrators, trustees or
curators paying instalments on the shares of deceased share-
holders shall be, and they are hereby respectively indemnified
35 for paying the same.

4. It shall not be obligatory upon the said company to open Company need
not allot the
whole of the
new stock.
books of subscription or to sell or allot the whole amount of
stock authorized by this Act, but the said company may from
time to time limit the number of shares, for which books of
40 subscription shall be opened, or which shall be allotted, offered
for sale or otherwise disposed of, to such amount as may be
from time to time agreed and decided upon by a majority of the

votes of shareholders present at any general or special meetings of the shareholders as aforesaid, called for that purpose.

Application of
former Acts.

5. All the provisions of the Act incorporating the said company, and the Acts amendatory thereof, which were or now are applicable to the present stock of the said company, not inconsistent with the provisions of this Act, shall apply to the new stock subscribed or allotted under this Act. 5

No. 41.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to authorize an addition to the capital stock of the Consumers' Gas Company of Toronto.

1st Reading, 22nd January, 1873.

(PRIVATE BILL)

HON. M. C. CAMERON.

TORONTO:

An Act to authorize the Law Society of Ontario to admit William Robert White as a Barrister-at-Law.

WHEREAS William Robert White has by his petition Preamble. set forth and represented that in Easter Term, in the year of our Lord, one thousand eight hundred and sixty-eight, he passed the necessary examination and was duly admitted, sworn, and enrolled an attorney of Her Majesty's Courts of Queen's Bench and Common Pleas, and a solicitor of the Court of Chancery in Ontario, and has ever since been actively engaged in the practice of his said profession; And hath also represented that he was on the eleventh day of February [Hilary Term], in the year of our Lord, one thousand eight hundred and sixty-eight, duly admitted a member of the Law Society of Ontario as a student of the laws, and afterwards attended the lectures of the said Law Society during the said Hilary Term and the Easter Term following, as was then prescribed by the rules of said Law Society for the members thereof, prior to being called to the bar; And whereas, subsequent to said Easter Term, in the year of our Lord, one thousand eight hundred and sixty-eight, a change was made in the rules of the said Law Society, requiring members thereof to pass certain intermediate examinations before being called to the degree of barrister-at-law, in lieu of attending the said lectures of the said society; And whereas, for the reasons aforesaid, the said William Robert White has prayed that an Act may be passed to enable the said Law Society of Ontario and the benchers thereof to call him to the degree of barrister-at-law; 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 Law Society of Ontario, upon payment of the usual fees, at any time to call the said William Robert White to the degree of barrister-at-law, on passing such final examination as may be prescribed by the said society, without his compliance with any further requirements or other rules and regulations of the said society in that behalf; any law, custom, or usage to the contrary, notwithstanding.

The Law Society to admit W. R. White to the degree of Barrister at Law on certain conditions.

No. 42.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to authorize the Law Society of Ontario to admit William Robert White as a Barrister-at-Law.

1st Reading, 22nd January, 1873.

PRIVATE BILL.

Mr. DEACON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to enable Married Women to convey their
Real Estate in certain cases.

WHEREAS it is expedient to provide for the conveyance Preamble.
of real estate by married women in cases where the
husband, in consequence of being a lunatic, idiot, or of unsound
mind (and whether he has been found such by inquisition or
5 not), or from any other cause be incapable of executing a deed,
or where his residence be not known, or he be in prison, or be
living apart from his wife either by mutual consent or divorce,
or in consequence of his being without the Province of Ontario,
or from any other cause whatsoever :

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 words "the Judge" in this Act shall mean a Judge Interpretation
of the words
"the Judge."
of any one of the Superior Courts in the Province of Ontario.

15 2. Upon the application of any married woman the Judge Judge may
grant an order
in certain cases
permitting a
married
woman to con-
vey without
concurrence of
her husband.
may, for any of the causes in the preamble to this Act men-
tioned, and on such evidence as to him seem meet, make an
order in duplicate, *ex parte*, and in a summary way dispensing
with the concurrence of the husband of such married woman in
20 any case in which his concurrence is required by any Act
respecting the conveyance of real estate by married women,
and by such order may permit and allow such married woman
to bargain and sell all or any part of her estate, title and
interest, whether vested, contingent or otherwise in any real
25 estate in Ontario, and to convey the same by deed or other
instrument to be executed by herself, without her husband
joining therein or being a party thereto, and all acts, deeds or
surrenders done, executed, or made by such married woman in
pursuance of such order in regard to lands of any tenure, and
30 whether of a freehold estate or for a term of years, shall be
done, executed, or made by her in the same manner and with
precisely the same effect as if she were a feme sole and unmar-
ried, and when so done, executed, or made by her, shall (but
without prejudice to the rights of the husband as then existing
35 independently of this Act) be as good and valid to all intents
and for all purposes as they would have been if the husband
had concurred and joined therein.

3. Such order may be in the form following, or to the like Form of order.
effect :

40 "The Married Woman's Enabling Act of 1873."

In the matter of all and singular, that certain parcel or

tract of land, situate, lying, and being (*give full and accurate description of the premises to which order is to apply*).

Upon application of *A. B.*, of _____ the wife
of *C. D.*, of _____ or formerly of, &c.

I, _____, one of the Judges of the Court of Queen's Bench for Ontario, (or, *as the case may be*) do, pursuant to "The Married Woman's Enabling Act, 1873," order that the said *A. B.* may, in the same manner and with the same effect as if she were a feme sole and unmarried, bargain, sell and convey, all or any part of her estate, title and interest, of, in, to, and out of all and singular, (*describe the premises accurately*).

Dated this _____ day of _____

A. D. 18 _____

(*Signature of Judge.*)

Registration of order.

4. Every such order may be registered in the same manner as any deed, conveyance, or instrument, of, or affecting the lands mentioned in such order, would be capable of being registered, and such registration may be made either before or after the making of any such deed, conveyance or instrument, but no evidence, verification, or affidavit of execution of such order shall be required for the purposes of its being registered, and for the registration of every such order, including all entries and certificates thereof, there shall be paid to the Registrar a fee of fifty cents only.

Certificate to deed unnecessary.

5. No certificate of any nature or kind whatsoever shall be necessary or requisite to make good, valid, and effectual, any such deed, conveyance, or instrument, executed or made, under or pursuant to any such order.

Short title.

6. This Act may be cited and known as "The Married Woman's Enabling Act, 1873."

An Act to amend the Act passed in the twenty-second year of her present Majesty's reign, chaptered one hundred and thirty-three, and intituled "An Act to incorporate the Canada Landed Credit Company," and to extend the powers conferred upon the said Company.

WHEREAS the said Company have petitioned that an Act may be passed to amend the Act passed in the twenty-second year of the reign of Her present Majesty, and chaptered one hundred and thirty-three, and to extend the powers conferred on the said Company, and to empower the said Company to purchase and take assignments of mortgages on Real Estate, whether the principal moneys thereby secured are payable by instalments or otherwise, and whether the rate of interest payable thereon be greater or less than eight per centum per annum, upon such terms and for such sum or sums of money as to them may seem meet, and for other purposes; and whereas it is expedient so to grant :

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 Company shall have power to purchase and take assignments of mortgages on Real Estate, whether the principal moneys secured by the said mortgages are payable by instalments or otherwise howsoever, and whether the interest be greater or less than eight per centum per annum for such sum and sums of money as to the said Company may seem meet.

Preamble.
Power to the Company to purchase mortgages.

2. The thirty-fifth section of the Act passed in the twenty-second year of the reign of Her present Majesty, and chaptered thirty-three, is hereby repealed, and in lieu thereof it is hereby enacted as follows :—

Votes of share holders.

"At all meetings of the Company every shareholder shall on all occasions on which the votes of the shareholders are to be taken, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then payable upon all the shares held by him."

3. It shall be lawful for the Board of Directors of the said Company to declare dividends half-yearly, and to appoint the times for the payment thereof.

Dividends.

4. So much of the Act passed in the twenty-second year of the reign of Her present Majesty, and chaptered thirty-three, as may be inconsistent with or repugnant to the provisions of this Act shall be and is hereby repealed.

Inconsistent clauses in former Act repealed.

2nd Session, 2nd Parliament, 36th Victoria, 1873

BILL.

An Act to amend the Act passed in the 22nd year of Her present Majesty's reign, chapter 133, and entitled "An Act to incorporate the Canada Landed Credit Company," and to extend the powers conferred upon the said Company.

First Reading, 22nd January, 1873.

(*PRIVATE BILL.*)

MR. BETHUNE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act for the Sale or other disposition of the Lands belonging to the Estate of the late Nicholas Sparks.

WHEREAS Nicholas Sparks, in his lifetime of the City Preamble.
of Ottawa, in the County of Carleton, in this Province, Esquire, departed this life intestate, on or about the twentieth day of April, in the year of our Lord one thousand eight hundred and seventy-two, leaving him surviving three children, namely, Mary Sparks, Nicholas Charles Sparks and Sarah Sparks, his heir and heiresses at law, who were, and are infants under the age of twenty-one years (the eldest of them being of the age of five years); And whereas, the said late Nicholas Sparks was possessed of a considerable quantity of real estate, situated within the City of Ottawa and County of Carleton; And whereas, Charles Magee, the administrator of the estate of the deceased, and the guardian of the said infant children, and Caroline Sparks, his widow, have represented that the locking up so large a quantity of real estate is not only injurious to the county and its advancement, but is seriously detrimental to the interests of the family of the said late Nicholas Sparks, and that the interests of the said infants require that the said lands should be sold, and the proceeds invested; and have prayed for the passing of an Act, empowering the said Charles Magee to sell and dispose of the said real estate, and to settle with the widow of the said deceased for her dower in the said real estate, and vest in her the custody, care, maintenance and education of the said infants during their minority, unless they shall sooner marry; and it is expedient to grant the prayer of the said petition, and to confer upon the said Charles Magee the powers hereby conferred upon him:

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 Charles Magee shall be, and is hereby authorized and empowered from time to time, as in his judgment occasion may require, to sell and dispose of the real estate of the said late Nicholas Sparks, either by public auction or private contract, or partly by public auction, and partly by private sale, as to him shall seem best; and to lease and demise the same, or any part or parts thereof, if in his judgment he shall see fit so to do, and to make good, valid and effectual deeds, conveyances, assurances, assignments and leases of the same, in the same manner that the said Nicholas Sparks might, or could have done in his life time: and every such deed or conveyance shall vest all the estate, right, title and interest of the children of the said late Nicholas Sparks, in the purchaser or purchasers, lessee or lessees, his, her or their heirs, executors,

C. Magee empowered to dispose of real estate.

administrators and assigns, according to the tenor of such conveyance and the estate thereby intended to be conveyed: and such sales may be made partly for cash and partly on time, and the said Charles Magee may take and receive from the purchaser or purchasers a mortgage or mortgages on the property so sold, to secure the due payment of the residue of such purchase money and interest: Provided that no lease made under this Act shall exceed the period at which the youngest child living at the time of the said lease being made, would attain the age of twenty-one years; and that, as each of the said children attains the age of twenty-one years, no such sale or disposition made thereafter shall, without the consent of such child affect the share of such child, such consent to be expressed by deed.

Proviso.

Power to convey to vendees of intestate.

2. The said Charles Magee is hereby empowered to make and execute conveyances of such of the real estate of the said late Nicholas Sparks, as he had in his life time contracted and agreed to sell and convey to the party or parties with whom he made such contracts, his, her or their heirs and assigns, whether such contracts were made by the said Nicholas Sparks, as respected his lands held in severalty or in common with others: and such conveyances shall be held to vest all the estate, right, title and interest of the said deceased at the time of his death, and of his children in the said lands in the purchaser or purchasers thereof, his, her or their heirs and assigns.

Powers as to partition.

3. The said Charles Magee is hereby authorized and empowered to make partition, and join in any deed or deeds making partition of any lands held by the said late Nicholas Sparks in his life time, in common with his sisters, Mary Wright and Esther Slater, and to execute, sign, seal and deliver all deeds and conveyances necessary and needful, effectually to carry out such partition and to invest in the said Mary Wright and Esther Slater their respective heirs and assigns their respective shares of the said lands in severalty: and the effect of such deed or deeds shall be to vest in the said Mary Sparks and Esther Slater, and their respective heirs and assigns the part thereof agreed to be their share or portion in severalty, and as respects the share of the said late Nicholas Sparks in the said lands held in common, shall be held to vest in his children and their heirs the share of their late father in severalty as tenants in common: but that, nevertheless, the said Charles Magee shall, and may lay out the part so allotted to the said children of the said Nicholas Sparks into lots and parcels, and make plans thereof, and lay out streets and commons thereon; or he may join with the said Mary Wright and Esther Slater in so doing, and he shall, and may sell and dispose of the said lands when partitioned, in like manner, and with the like effect as he is by this Act authorized to sell the other lands of the said late Nicholas Sparks; and he is hereby empowered to execute the necessary conveyances thereof in the same manner, and to the same extent, and with the like effect as he is hereby empowered to do under this Act, as respects the other lands of the said Nicholas Sparks.

Effect of deed of partition.

Power to dispose of lands partitioned.

Power to carry out a certain agreement for partition.

4. The said Charles Magee is hereby authorized and empowered to carry out the agreement of the said Nicholas Sparks, deceased, with the said Mary Wright and Esther Slater, for the partition and division of the lands held by him, in common with the said Mary Wright and Esther Slater, in the City of

Ottawa, and of the lands held by the said late Nicholas Sparks, the elder, in the City of Ottawa, by virtue of any mortgage or mortgages, the equity of redemption in which was, since the death of the said Nicholas Sparks, the elder, conveyed to the said Nicholas Sparks, deceased, and the said James D. Slater, the executors of the said late Nicholas Sparks, the elder; and to convey to the said Mary Wright and Esther Slater respectively, all the estate and interest of the said Nicholas Sparks, in his life time and that of his children, since his death, of and in the portions of the said lands so agreed to be conveyed to them respectively in severalty; and to take and receive from the said Mary Wright and Esther Slater, and their respective husbands, a conveyance to the said infant children of the said Nicholas Sparks and their heirs, of that portion of the said lands so agreed, and intended to be conveyed to the said Nicholas Sparks in his life time in severalty; and to sell and dispose of the said portions of the said lands, so to be conveyed to the said infant children in severalty; to invest the proceeds thereof as by this Act directed, for the benefit of the said infant children of the said Nicholas Sparks, deceased, and to execute all necessary deeds, conveyances and assurances for effectuating the purposes aforesaid.

to dispose of the land and invest proceeds.

5. The said Charles Magee is also hereby authorized and empowered to join with James D. Slater, the surviving executor of the last will and testament of the father of the said Nicholas Sparks, deceased, in selling and conveying any lands which may have become vested in the said Nicholas Sparks, deceased, and the said James D. Slater: and such conveyance and conveyances shall have the effect of conveying to the grantee all the estate and interest of the said Nicholas Sparks, deceased, in the said last mentioned lands, which he had in his life time, and all the estate and interest of his said children therein.

Power to join with executor of father of the intestate, in conveying lands vested in the intestate and the executor.

6. The said Charles Magee is hereby also empowered to carry out the contracts and agreements of the said Nicholas Sparks, deceased, in the same manner, and to the same extent as the said deceased could do if living; and to do and perform all acts and deeds necessary to be done, in winding up and settling the affairs of the said deceased; and to execute all deeds, conveyances and documents necessary for that purpose.

Power to carry out contracts of the intestate.

7. The said Charles Magee is also authorized and empowered to make such arrangement with the widow of the said Nicholas Sparks, deceased, respecting her dower in the said lands, either by paying her a sum of money in gross for such dower, or arranging that a sum of money shall be invested, and the interest thereof paid her during her life time, or by arranging that one-third of the purchase money shall, on each sale, be invested, and the interest thereof paid to her during her life, or in such other manner as the said Charles Magee shall consider to be best for the interests of the said children of the said Nicholas Sparks, and to pay and apply a portion of the proceeds of the real estate hereinbefore directed to be sold to that purpose.

Power to arrange as to dower with the widow.

8. It shall be the duty of the said Charles Magee, and of any trustees or trustee appointed under this Act, to invest and keep invested at all times on mortgage securities, or in Dominion or Provincial Debentures, any moneys arising from such sales, for the benefit of the several parties respectively entitled thereto:

Investment of trust funds.

and any surplus of the annual produce of the said investments after providing for the care, maintenance, clothing and education of the said children, shall be accumulated by the said Charles Magee in the way of compound interest, by investing the same, and the resulting income thereof upon the like securities for the benefit of the several parties who shall be entitled to the principal fund from which the same respectively shall have proceeded: and the said Charles Magee, and any trustee appointed under this Act shall also account once in every three years, or oftener, if so required, to the Surrogate Court, having jurisdiction within the County of Carleton, for his dealings with the estate.

Accounting.

Power to
appoint new
trustee.

9. In case of the death of the said Charles Magee before the final execution of the powers and trusts above mentioned, or of his becoming incapable of continuing to execute the said powers and trusts, it shall be lawful for the Court of Chancery for the Province of Ontario, or any Judge thereof, on the application of the widow of the late Nicholas Sparks, or of one or more of the children of the said late Nicholas Sparks, to nominate and appoint some fit and proper person to act in the place of the said Charles Magee, as trustee of the estate of the said late Nicholas Sparks, under this Act; and in like manner to appoint another in case of the death or incapacity as aforesaid of the person so appointed, when and so often as occasion may require.

Purchaser, &c.
not bound to
see to applica-
tion of money.

10. No purchaser, alienee or lessee shall be required to see to the application of the purchase money, rents or other considerations in respect of any lease or other disposition made under this Act.

Care and
maintenance
of children.

11. The care of the persons of the said children and their education shall, after the passing of this Act, be given to the mother of the said children, until they shall respectively attain the age of twenty-one years, or marry, which ever shall first happen, unless the Court of Chancery for the Province of Ontario or any Judge thereof shall otherwise order; and such sum and sums of money shall, from time to time, be paid to her for their support, maintenance and education during minority, or until they marry, as the Judge of the Surrogate Court for the time being shall, and may from time to time settle upon and order: and the receipt of the said mother of the said children for the amount so ordered to be paid to her for such support, clothing and maintenance, and education of the said children shall be a sufficient discharge to the said Charles Magee, and he shall take credit therefor in his accounts: and that in the event of the mother of the said children leaving them, or any of them under age and unmarried, the care of the persons of such of the said children as shall then be under age and unmarried, and their education shall be given to the said Charles Magee as their guardian.

Remuneration
to C. Magee.

12. The said Charles Magee shall be entitled to charge five per centum on the purchase money of all lands sold by him under the powers herein contained, and he shall also be entitled to charge the sum of one per centum per annum on all the purchase moneys and interest, which he shall invest under this Act as a fair and reasonable allowance for his care, pains and trouble, and his time expended in and about the trusteeship, and powers conferred upon him by this Act, and in administering, disposing of and settling the same, and the same shall be allowed to the said Charles Magee, in passing his accounts.

No. 45.

2nd Session, 2nd Parliament, 36th Victoria, 1873.

BILL.

An Act for the Sale or other disposition of the Lands belonging to the Estate of the late Nicholas Sparks.

First Reading, 22nd January, 1873.

(*PRIVATE BILL.*)

Hon. Mr. SCOTT.

TORONTO:

BILL.**An Act to re-unite the North and South Ridings of the County of Perth, for the purposes of Registration of Titles.**

WHEREAS the Warden and Municipal Council of the Preamble. County of Perth, have by their petition, represented that the division of the said County of Perth, into North and South Ridings thereof, for the purposes of registration of titles, is inconvenient to the people of the North and South Ridings of the said county, and is unnecessary; and have prayed that the North and South Ridings of the said County of Perth shall be re-united for the purposes of registration of titles: and it is expedient to grant the prayer of the petitioners:

10 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 day of next, N & S Ridings of Perth re-united for registration purposes. the North and South Ridings of the said County of Perth, shall be re-united for the purposes of registration of titles; and the whole County of Perth shall upon, from and after the said day, form one such registration division or county: the Registry Office for the said County of Perth, shall be kept in the Town of Stratford, in the said county, and the appointment of a registrar for the South Riding of the said County of Perth, shall have no further effect, upon, from and after the said day.

2. Upon, from and after, the day last aforesaid, all memorials, Registry books, &c., to be kept in Stratford. certificates, registry books, calendars, instruments, documents and papers, relating to the registration, or other instruments or documents affecting real estate in the South Riding of the County of Perth, and registered in the registry office at the Town of St. Mary's, or in any way forming part of the records and muniments of the said registry office, shall be transferred to the registry office for the County of Perth, to be kept at the Town of Stratford, and shall make part of the registers, records and muniments of the said office, and the same shall rank in the order and date of their registry in the South Riding, as if they had in such order and date been registered in the registry office for the said County of Perth; and the Registrar of the said county shall have the same powers and duties with respect to them, and to all searches, certificates and other matters relating to them, as if the registration of the deeds, instruments and documents to which they relate had been effected in the said county registry office, at the Town of Stratford.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to re-unite the North and South
Ridings of the County of Perth, for Regs-
tration purposes.

First Reading, 22nd January, 1873.

PRIVATE BILL.)

Mr. BETHUNE.

An Act to prevent the appropriation of any further sums of money, under the Act intituled "An Act to make further provision in aid of Railways."

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

1. No portion of the Railway Subsidy Fund provided by the
 5 Act passed in the thirty-fifth year of Her Majesty's reign, intituled "An Act to make further provision in aid of rail-
 ways," shall be applied in aid of any railway, except such por-
 tion thereof as shall have been appropriated by Order in Coun-
 10 cil, passed previous to the eighth day of January, in the year
 of our Lord, one thousand eight hundred and seventy-three ;
 and the said Railway Subsidy Fund, except such portion as
 shall have been appropriated as aforesaid, shall be and form
 part of the Consolidated Revenue Fund of this Province.

Unappropriated moneys of the Railway Subsidy Fund, to form part of Consolidated Revenue Fund.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to prevent the appropriation of any further sums of money under the Act intitled "An Act to make further provision in aid of Railways."

First Reading, 22nd January, 1873.

MR. TOOLEY.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the Prince Edward County
Railway Company

WHEREAS Henry Shackell, Henry Hogan, M. H. Gault, T. E. Foster, Charles Boekus, John P. Roblin, William H. R. Allison, James Gillespie, and Philip Low have petitioned the Legislature for an Act of incorporation to construct a railway from a point on the Grand Trunk Railway of Canada, at or near the Village of Trenton or the Village of Brighton, to the Town of Picton, in the County of Prince Edward, with power to extend eastward to South Bay or Point Traverse, in the Township of South Marysburg, in said county; 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:—

15 **1.** The said Henry Shackell, Henry Hogan, M. H. Gault, T. E. Foster, Charles Boekus, John P. Roblin, William H. R. Allison, James Gillespie, and Philip Low, together with such other persons and corporations as shall become shareholders of the company hereby incorporated, shall be and are hereby
20 ordained, constituted, and declared to be a body corporate and politic, by and under the name and style of "The Prince Edward County Railway Company."

Incorporation.

Corporate name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments, with respect to the
25 first, second, third, fourth, fifth, and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions" shall be incorporated with and deemed to be a part
30 of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express provisions hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act"

3. The said company shall have full power and authority to lay out, construct, and complete a double or single iron railway from any point on the Grand Trunk Railway of Canada between the Village of Trenton and the Village of Brighton to the

Location of the line of railway

Town of Picton, with power to extend the same eastward to South Bay or Point Traverse, in the Township of South Marysburg, and with full authority to pass over any of the country between the points aforesaid, and to carry the said railway through the Crown lands lying between the points aforesaid. 5

Provisional directors.

4. The said Henry Shackell, Henry Hogan, M. H. Gault, T. E. Foster, Charles Bockus, John P. Roblin, William H. R. Allison, James Gillespie, and Philip Low, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, and shall hold office as such until 10 other directors shall be elected under the provisions of this Act by the shareholders; and shall have power and authority, immediately after the passing of this Act, to open stock books and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be made and executed; and, as hereinafter provided, to call a general meeting of the shareholders for the election of directors; and with all such other powers as under the Railway Act are vested in ordinary directors. 15

Capital stock

5. The capital stock of the company hereby incorporated shall be seven hundred thousand dollars, with power to increase the same by a vote of a majority of the stockholders to the sum of one million dollars in case the extension from Picton to South Bay or Point Traverse shall be made, to be divided into shares of one hundred dollars each, which amount shall be raised by the persons and corporations who may become shareholders in such company, and be called in at such times and in such sums as a majority of the directors may from time to time direct; 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 work hereby authorized; and the remainder of such money so raised shall be applied to the making, equipment, and completion of the said railway and the other purposes of this Act, and to no other purpose whatever. 20 25 30 35

Application of the money raised on the stock.

Municipalities may aid by granting bonuses.

6. And it shall further be lawful for any municipality or municipalities through any part of which or near which the railway or works of the said company shall pass or be situated, to aid or assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, or otherwise in such manner and to such extent as such municipalities or any of them shall think expedient: Provided always that such aid, loan, bonus, or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting municipal institutions for the creation of debts, and all such by-laws so passed shall be valid, notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property: Provided that the annual rate of assessment shall not in any case exceed, for all purposes, three cents in the dollar on the actual value of the whole ratable property within the municipality or portion of a municipality creating such debt. 40 45 50

Such aid to be granted by by-law.

If a portion of a municipality desire to aid,

7. In case a majority of the persons rated on the last assessment-roll as freeholders in any portion of a municipality, other 55

than a county municipality, do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor, the council of such municipality shall pass a by-law :—

Council to pass
a by-law

1. For raising the amount so petitioned for by the freeholders in such portion of the municipality by the issue of debentures of the municipality, payable within twenty years or earlier, and for the payment to the said company of the amount of the said bonus or donation at the time and on the terms specified in the said petition ;

For issuing
debentures ;

2. For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate, sufficient to include a sinking fund for the repayment of debentures with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively ; Provided the said by-law shall be approved of as in sections two hundred and twenty six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chaptered fifty-one, by the majority of qualified electors in the portion of a municipality petitioning as aforesaid.

For assessing
and levying
an annual
special rate.

By-law to be
approved of
by electors.

8. So soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per centum paid thereon and deposited in one of the chartered banks of this Province for the purposes of the said company, the directors shall call a general 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 of said company ; and no portion of such money shall be withdrawn except for the legitimate purposes of the company.

General meet-
ing for election
of directors.

9. In case the provisional directors neglect to call such meeting for 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 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 one thousand dollars of the said capital stock, and who have paid up all calls thereon.

General meet-
ing, how called
if provisional
directors neg-
lect to call the
same.

10. 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 Town of Picton, and in one newspaper (provided there be any) published in each of the counties through which the said railway is intended to pass, once in each week for the space of at least a month, and such meeting shall be held in the Town of Picton, at such place therein, and on such day as may be named by such notice.

Notice of gene-
ral meeting.

11. 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 five persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of
directors.

Qualification
of directors

12. No person shall be qualified to be elected as such director unless he be a shareholder, holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Annual
meetings.

13. Hereafter the general annual meeting of the shareholders of the said company shall be held in such place in the Town of Picton, and on such days and at such hours as may be directed by the by-laws of the said company; and public notice shall be given at least fourteen days previously in the *Ontario Gazette* and in one or more newspapers published in the counties through which the railway runs.

Notice thereof.

Special
meetings.

14. Special general meetings of the shareholders of the said company may be held at such places in the Town of Picton, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Issue of bonds

15. 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, but limited to the terms of this Act, 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 the 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 property of the company real and personal, and 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 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 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.

Rights of
bondholders
when interest
is in arrear.

Amount and
manner of
issuing bonds.

16. The amount of bonds to be issued by the said company as provided in the next preceding section, shall not exceed nine thousand dollars per mile of the said railway actually under construction at the time of such issue: Provided that such bonds shall not be issued at any one time in excess of the amount of municipal and other bonuses and paid up share capital actually expended in survey, purchase of right of way, and in works of construction and equipment, upon the line of the said railway, or superintendence of the same, or materials actually purchased, paid for and delivered to the company within the Province of Ontario or Quebec.

Securities may
be payable to
bearer.

17. All such bonds, debentures, mortgages 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.

18. 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 made or indorsed by the president or the vice-president of the company, and counter-signed by the secretary and treasurer 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 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 note or bill of exchange have been issued without the sanction and authority 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 any note or bill of exchange payable to bearer, or intended to be circulated as money, or as notes, or bills of a bank.

Company
may make
negotiable
instruments

19. Every shareholder 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.

Scale of votes.

20. At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall have respectively appointed in that behalf by by-law; and such persons shall at such meetings be entitled, equally with other shareholders, to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Corporations,
how represented
at meetings.

21. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Quorum of
directors.

22. The directors may at any time call upon the shareholders for such instalments upon each share as they may hold in the capital stock of the said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital, and that thirty days notice of each call shall be given in such manner as the directors shall prescribe by the by-laws of the company.

Calls upon
stock.

23. Conveyances of lands to the said company for the purposes of this Act, may be made in the form set out in the schedule hereunder written, or to the like effect; and such conveyances shall be registered by duplicates thereof 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 certificate indorsed on the duplicate thereof.

Conveyances
of lands to the
company.

Registration.

24. The gauge of the said railway shall not be less than three feet six inches.

Gauge of rail-
way.

Agreements
with other
railways.

25. It shall be lawful for the said company to enter into any agreement with the Grand Trunk Railway of Canada, or any other railway that may hereafter form a connection with The Prince Edward County Railway, for leasing the said the Prince Edward County Railway, or any part thereof, or the use thereof at any time or times, for any period not exceeding twenty-one years, to such other company; or for leasing or hiring from such other company or companies any railway or any part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders, or other moveable property; and generally to make any agreement or agreements with any such company or companies touching the use, by one or the other, or by both companies of the railway, or moveable property of either or of both, or any part thereof; or touching any service to be rendered by one company to the other, and the compensation therefor; and every such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and hereby is, empowered to exercise all the rights and privileges in this charter conferred.

Aliens and
non-resident
shareholders.

26. Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, 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.

Power to ac-
quire lands.

27. 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, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient.

Commence-
ment and
completion of
railway.

28. The said railway shall be commenced within one year, and be completed from the point of junction with the Grand Trunk Railway of Canada to the Town of Picton, within three years after the passing of this Act, or else all rights and privileges conferred upon the said company by this Act shall be forfeited.

By-law of
county of
Prince Edward
confirmed.

29. The by-law passed by the corporation of the County of Prince Edward, and intituled a by-law to assist the Prince Edward Railway Company by giving eighty-seven thousand five hundred dollars to the company by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest, and all debentures that may be issued under the said by-law be, and the same are declared legal, binding and valid upon the said corporation and all others whomsoever, any law or statute to the contrary notwithstanding.

SCHEDULE.

(See Section 23.)

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration of _____ dollars, paid to me (or *as the case may be*) by the Prince Edward County Railway Company, the receipt whereof is hereby acknowledged, do grant, and I the said _____ do grant and release, (or) do bar my dower in (*as the case may be*) all that certain parcel, (or) those certain parcels (*as the case may be*) of land situate (*describe the land,*) the same having been selected by the said company for the purposes of this railway, to hold with the appurtenances thereof unto the said The Prince Edward County Railway Company, their successors and assigns.

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

Signed, sealed and delivered }
 in the presence of } (L.S.)

No. 18.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

"An Act to incorporate the Prince Edward
County Railway Company."

First Reading, 22nd January, 1873.

(*PRIVATE BILL*)

Mr. STRIKER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

A Bill to incorporate the Cornish Silver Mining Company of Canada.

WHEREAS the persons hereinafter named have by petition represented that they are desirous of associating themselves together for the purpose of carrying on mining operations in the district of Thunder Bay, in the Province of Ontario, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an Act to that end; And whereas it is expedient that such prayer be granted:

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

1. Malcolm G. Munro, John Shore, Frederick Shore, John Wright, Ephraim Jones Parke, Horatio Jell, Arthur Seabrook, Sidney Seabrook, David Margrave Thompson, George B. Parrott and Peter Body, 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 Cornish Silver Mining Company of Canada."

2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, silver, copper and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such personal property and such lands, and mining rights in the district of Thunder Bay, not at any time exceeding _____ acres in superficies, and construct and maintain such buildings, machinery, and other erections and improvements thereon, or connected therewith, as the company may deem for its advantage, with power to sell and convey any of such lands or other property as the said company may think fit.

3. The capital stock of the company shall be three hundred and fifty thousand dollars, in seven thousand shares of fifty dollars each, which said capital stock may be from time to time increased as the wants of the company require, by a two-third vote of the majority of the stockholders at a meeting of the company called for the purpose, to an amount not exceeding _____ dollars.

4. The capital stock shall be paid by the subscribers therefor, when, where and as the directors of the company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be

Preamble.

Incorporation.

Corporate name.

Business of the company.

Real estate.

Capital stock.

Increasing capital.

How stock to be paid.

- If not paid promptly, interest to be charged. paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records, summarily forfeit any shares whereon 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 or votes of the company may provide: Provided always, that the notice of any such call shall be published for three weeks in the *Ontario Gazette*. 5
- Forfeiture for non-payment.
- Assignment of stock. 5. 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 thereon have been paid, unless it has been declared forfeited for non-payment. 10
- Aliens may be shareholders. 6. Aliens 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 be also eligible to offices in the said company, as directors or otherwise. 15
- Meetings. 7 At all meetings of the company every shareholder not being in arrear in respect of 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: Provided always the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws. 20
- Scale of votes.
- Election of directors, and their qualification. 8. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least fifty shares of stock, who shall be elected at the first general meeting, 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 three members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, 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. 30
- Quorum. 35
- Vacancies how filled. 40
- Powers of directors. 9. The board of directors shall have full power in all things to administer the affairs of the company; and to make, or cause to be made, any purchase and any description of contract which the company may by law make; 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 company) regulating the calling in of instalments of stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration, and that, if any, of the directors; the time and place for holding the annual and other meetings of the company; the calling of 45 50 55

- 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, which shall be within the Province, and of any other offices they may require to have; 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, amendment 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.
- 15 **10.** Until the first election of such board, Malcolm G. Munro, John Shore, Frederick Shore, John Wright, Ephraim Jones Parke, Horatio Jell, Arthur Seabrook, Sidney Seabrook, David Margrave Thompson, George B. Parrott, and Peter Body, shall be a provisional board of directors of the said company, with
- 20 full power to fill vacancies; to open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company, at such time and place within this Province, as they shall determine; and to do other acts necessary or proper to be done to
- 25 organize the company and conduct its affairs.
- 11.** The company shall not be bound to see to the execution of any trust, 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
- 30 discharge to the company for any dividend or money payable in respect of such share, 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 receipt.
- 35 **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 the amount unpaid upon
- 40 their shares in the stock thereof, except as provided in the next following section.
- 13.** The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers, and servants thereof, for service performed for
- 45 such company, but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and
- 50 no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part
- 55 **14.** The company shall have power to become parties to promissory notes and bills of exchange for sums not less than

Copies of
by laws to be
evidence
thereof.

Provisional
directors.

Their powers.

Company not
liable as
trustees.

Liability of
shareholders.

Shareholders
liable for debts
due employees.

Negotiable
instruments.

, and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed as the case may be, for the company, until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company: Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money or as the notes of a bank.

Proviso.

15. The directors of the said company after the sanction of the shareholders shall have been first obtained at a general meeting to be called from time to time for such purpose, shall have power to borrow from time to time, for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper; and to issue bonds, debentures, or other securities for the sum so borrowed; and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere, as may be deemed advisable; and to sell the same at such prices as may be deemed expedient; and to hypothecate, mortgage, or pledge the lands, revenues and other property of the company for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company and under the seal of the said company: Provided that the said company shall not be authorized to borrow a sum exceeding one-half the amount of the capital stock then paid up.

Proviso.

16. The company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in: Provided always, that unless mining operations be commenced under this Act within four years from the passing thereof, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

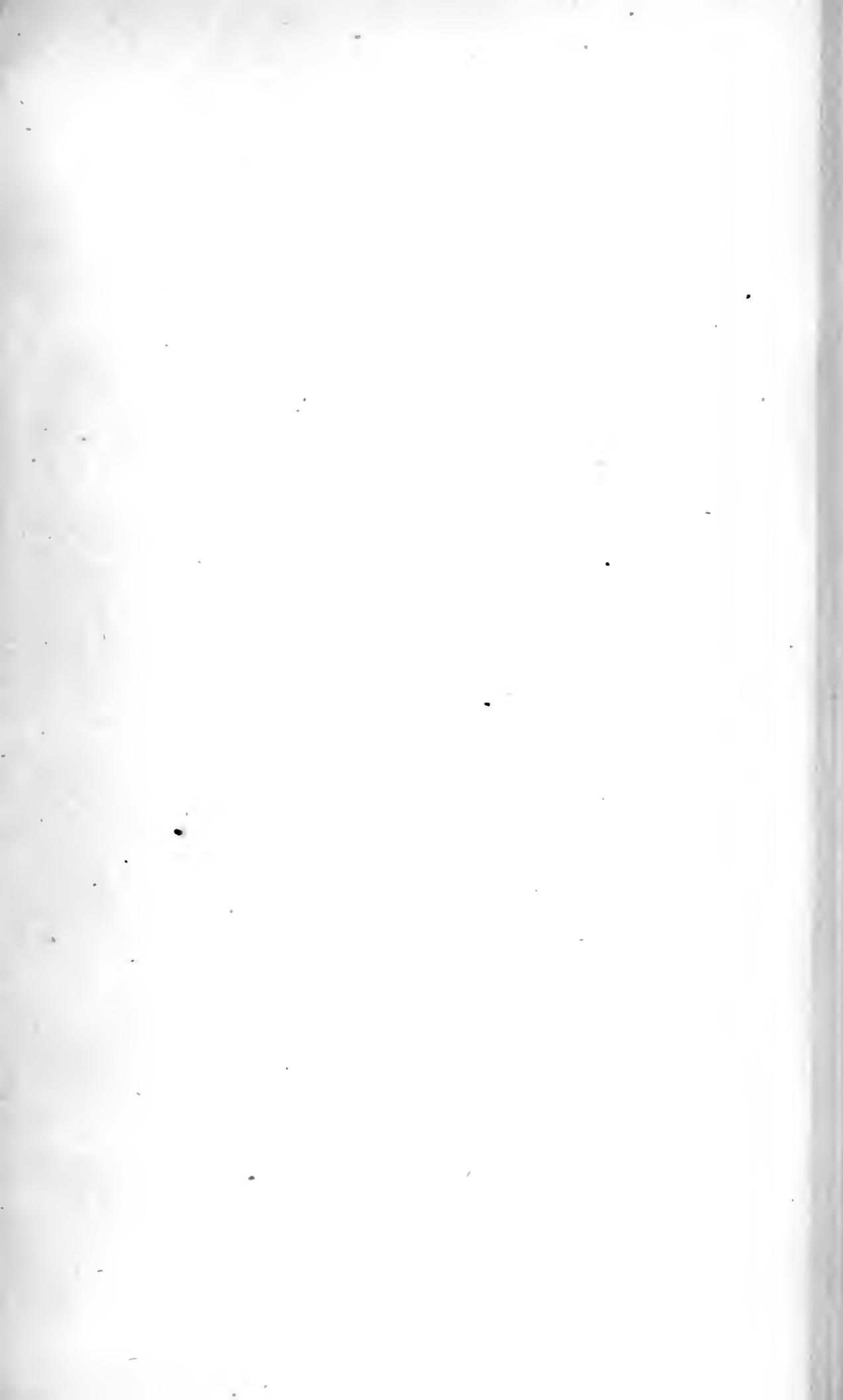
When company to commence business.

Head office.

17. The site of the chief place of business of the company shall be at the City of London, in the Province of Ontario, until altered by by-law of the company.

Joint Stock Company Act not to apply

18. The Joint Stock Companies' Clauses Consolidation Act of the Province of Canada, shall not be construed to apply to the company hereby incorporated.



No. 49.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Cornish Silver
Mining Company of Canada.

1st Reading, 22nd January, 1873.

(*PRIVATE BILL.*)

MR. OLIVER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

A Bill to incorporate the Carp River Improvement Company of Thunder Bay.

WHILEAS the area of lands surrounding Lake Ka-Zee Preamble.
Zee-Kitch-wa-ga-nog are pine and spruce bearing land,
and inaccessible in any way except through the waters of Carp
River, which conveys the waters of said lake into Thunder
5 Bay; And whereas, in its natural condition, the channel of the
said river is obstructed by rocks, boulders, and sunken roots
and trees, as well as by sudden curves and deep falls, which
renders it absolutely unnavigable for transmission of logs and
spars, or for any other purpose; And whereas for the purposes of
10 trade it is essential that these natural difficulties should be over-
come; And whereas Delevan D. VanNorman, Marshall Black-
wood, John McIntyre, Robert Maitland, The Honourable Donald
McDonald, Peter Johnson Brown, and others, have by their peti-
15 tion prayed to be incorporated as a company, under the name of
"The Carp River Improvement Company of Thunder Bay," for
the purpose of erecting dams and slides, raising ponds and build-
ing wharves, barges, vessels and mills, to increase the supply of
water in Carp River, and waters connected therewith, in the
District of Thunder Bay, for manufacturing purposes, and to ex-
20 pedite the safe conveyance of timber and saw logs; and it is
expedient to grant the prayer of the said petitioners:

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

25 **1** Delevan D. VanNorman, Marshall Blackwood, John Incorporation.
McIntyre, Robert Maitland, The Honourable Donald Mc-
Donald, Adam Oliver, and Peter Johnson Brown, together with
such other persons as may become associated with them as
shareholders in the company hereby incorporated, shall be, and
30 they are hereby created and declared to be a corporation and
body politic by the name of "The Carp River Improvement Com-
pany of Thunder Bay," and shall continue such corporation,
and shall have perpetual succession, and a corporate seal, with
power to change the same at pleasure, may sue and be sued,
35 implead and be impleaded, answer and be answered, and defend
and be defended in all courts of law and equity.

2. The company may carry on the business of dredging, Powers of the
company.
building dams and slides, raising ponds, building wharves,
warehouses, houses, barges, vessels, and mills for manufacturing
40 purposes, and the cutting, drawing, and conveyance of timber,
saw logs, and lumber; and for these purposes may acquire and
hold by purchase, lease, or other legal title, such personal
property and such lands as may be deemed necessary, with
power to sell and convey, from time to time, any such lands or
45 other property, as the said company may think fit.

Capital stock. 3. The capital stock of the said company shall be thirty thousand dollars, divided into six hundred shares of fifty dollars each, which said capital stock may be from time to time increased as the wants of the company require by a two-third vote of the majority of stockholders present at a meeting of the company called for that purpose, and every shareholder shall be entitled to one vote for each share he may hold. 5

Votes of shareholders.

Provisional directors, 4. Delevan D. VanNorman, Marshall Blackwood, John McIntyre, Robert Maitland, The Honourable Donald McDonald, Adam Oliver, and Peter Johnson Brown, shall be and are hereby constituted a provisional board of directors of the said company, and shall hold office until other directors are elected by the shareholders under the provisions of this Act. 10

Their powers. 5. The said provisional board of directors shall have full power to fill vacancies, to open stock books and procure subscription of stock, to make calls thereon, grant certificates and receipts therefor, to make provisional by-laws, and to do all other things necessary or expedient in the organization of the company and the conduct of its affairs until the election of a board of directors therefor. 15 20

Meeting for election of directors.

6. When and so soon as fifteen thousand dollars of the capital stock shall have been subscribed and ten per centum paid thereon, it shall be lawful for the provisional directors to call a meeting of the shareholders at such time and place in the District of Thunder Bay as they shall think proper, at which meeting the shareholders shall, either in person or by proxy, choose seven directors in the manner and qualified as hereinafter mentioned, to be directors of the said company, and to hold office until the first Monday in July, one thousand eight hundred and seventy-four. 25 30

Annual elections of directors.

7. After the first election of directors, there shall, on the first Monday in July each year after the year one thousand eight hundred and seventy-four, be elected by the shareholders of the company seven directors, and all elections for directors shall be by ballot, and if a vacancy shall at any time occur among the directors by death, resignation, removal from the Province, or any other cause, such vacancy shall be filled for the remainder of the year by a majority of the directors, and the said seven directors shall form the board of directors; any and all acts, however, done by the surviving directors before such vacancy is filled up shall not be deemed invalid. 35 40

Vacancies, how filled.

Qualification of directors.

8. The persons qualified to be directors of the said company shall be shareholders, holding stock to the amount of not less than two hundred dollars, and upon which all calls have been paid. 45

Failure to elect directors at proper time.

9. If at any time an election of directors be not made, or do not take effect at the time appointed under this Act, the said company shall not be taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders, to be called for that purpose by the board of directors, and the term of office of any retiring director shall not be deemed to have expired until his successor shall have been elected. 50

ORIGINAL BY THUNDER BAY ARCHIVES

10. The directors shall annually elect from amongst themselves a president and vice-president, one of whom shall preside at the general board meetings, and otherwise discharge the duties pertaining to such office.

Election of president and vice president.

5 11. The said directors shall and may use or affix the seal of the said corporation to any document, promissory note, or other instrument requiring same, and any act or deed bearing the seal, and signed by the president or vice-president, and countersigned by the secretary shall be held to be the act and deed of the company.

Affixing company's seal to documents.

12. At all meetings of the board of directors, whether of the provisional directors or the elected, three shall form a quorum for the transaction of business, and may exercise all the powers of the board, and the said board of directors may appoint one of their number as secretary and treasurer of the company, to be allowed and paid a fair sum for such services.

Quorum of directors.

Appointment of secretary.

13. The shares of the capital stock subscribed for shall be paid in by such instalments and at such times and places as the said directors shall appoint; provided that no shares shall be held to be lawfully subscribed for unless ten per cent. on the amount be paid at the time of subscribing.

Payments on shares.

14. The directors of the said company shall have full power and authority to make, prescribe, alter, amend, repeal, and re-enact all such by-laws, rules, and regulations as shall appear to them proper and needful, touching the well ordering of the company, the acquirement, management, and disposition of its stock, property, estate, and effects, and of its affairs and business, and particularly of the following matters:—

Powers of directors.

1. The calling up and payment from time to time of the capital stock of the said company;

2. The issue of certificates to the respective shareholders, and the registration thereof in the books of the company, with the address of the shareholders;

3. The forfeiture and sale of shares for non-payment of the calls;

4. The transfer of shares: Provided, however, that no transfer shall be made or take place except to solvent persons.

5. The declaration and payment of profits of the said company, and dividends in respect thereof;

6. The appointment, removal, and remuneration of all managers, agents, officers, and servants of the said company, as they shall deem necessary for carrying on the business of the said company, and the security, if any, to be taken from such parties respectively for the due performance of their respective duties;

7. The calling of general or special meetings of the board of directors and of the company;

8. The making and entering into deeds, bills, notes, agreements, leases, contracts, arbitrations and other documents to bind the company;

9. The borrowing or advancing money for promoting the purposes and interests of the company, and the securities to be given by or to the said company for the same;

10. The keeping of minutes of the proceedings of the board and company, and making the same binding and conclusive on the shareholders, and rectifying any errors that may be made therein;

11. To submit to the annual meeting of the shareholders, a clear and detailed statement of the company's affairs ;
 12. The audit of the accounts and appointment of auditors.

By-laws, how proved.

15. Any copy of the by-laws of the said company, or any of them purporting to be made under the hand of the secretary, and having the seal of the company affixed, shall be received as *prima facie* evidence of such by-law in all the courts of this Province. 5

Head office.

16. The chief place of business of the said company shall be Fort William, where shall be kept regular books of accounts, in which shall be entered a correct statement of the assets, receipts and disbursements of the company, and such books shall be open at all times to the inspection and examination of any stockholder. 10

Books of the company.

At meeting, majority of votes to govern.

17. At any general meeting of the company, or at any meeting of the directors, all transactions, questions and matters shall be determined by a majority of the votes of the shareholders or directors present at such meeting, either in person or in case of a meeting of the shareholders by proxy: Provided always, that no shareholder shall be entitled to vote at any meeting of the company, or be eligible for election as director, who shall then be in arrears in respect of any call on his share. 15 20

Notice of calls on stock and meetings.

18. All notices of calls on stock and meetings of the shareholders, shall be published four weeks in the *Ontario Gazette*, and in one newspaper (if any) in the District of Thunder Bay, before the day for holding said meeting, or the time on which the said call on stock is made payable. 25

Stock personal estate.

19. The shares in the capital stock of the said company shall be deemed personal estate, and shall be transferrable as such, but in such manner only, and subject to all such restrictions as may be prescribed, and no shares shall be transferred until fully paid up, without the consent of the directors. 30

Enforcing payment of calls.

20. It shall be lawful for the company to enforce the payment of any calls or of any unpaid part thereof, with interest upon the sum due from the time of the call, and costs, or to forfeit and sell the share whereon the same may be due, or a part thereof, for the payment of the amount due with interest and costs of sale; and in any suit it shall be sufficient to allege the defendant to be holder of one or more shares as the case may be, and to be indebted to the company in the amount in arrears thereon; and a certificate under their seal, and purporting to be signed by any officer of the company to the effect, that the defendant is a shareholder, and that the calls in question have been made, and that the amount claimed thereon is due and unpaid, shall be received as *prima facie* evidence to that effect. 35 40 45

Company not liable in respect to trusts.

21. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any shares, and the receipt of the shareholders in whose name the same shall stand on the books of the company, shall be a valid and binding discharge to the company, for any dividend or money payable in respect of such shares, and whether or not 50

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 receipt

- 22.** The said company shall not be at liberty to construct Injuring property.
 5 any works over, or upon or otherwise interfere with or injure any private property or the property of the Crown, without first having obtained the consent of the owner or occupier thereof, or of the Crown, or upon reference to arbitration as hereinafter provided.
- 23.** The said company shall have power to acquire and enter Acquisition of lands.
 10 on lands, and refer claims arising therefrom or from any injuries done thereto by the operations of the said company to arbitration, as provided in sections forty one to fifty-two, both inclusive of chapter sixty-eight of the Consolidated Statutes of
 15 Canada.
- 24.** Any injury or interference with the works of the said Injuring the company's works.
 company or with their servants, shall be punished in the manner provided in sections sixty-seven to seventy-four, both inclusive of the said chapter sixty-eight of the Consolidated Statutes of
 20 Canada.
- 25.** The said company shall have power to take, use, enter Powers of company.
 upon and occupy any lands, and to construct any dams, slides, ponds, reservoirs, cuts, and also for the purpose of building
 25 wharfs, warehouses, houses, barges, vessels, and mills for manufacturing purposes, or other works they may think necessary or expedient: also, to raise, strengthen, or improve any dams or other works, and generally to improve the waters of Carp River and its tributaries from Simeoe to Loch Lomen, for the purpose of
 30 facilitating the transmission of saw logs and timber, and improving and increasing the supply of water therein, with the consent of the owners or occupiers thereof, or where such consent cannot be obtained, then subject to the provisions as to arbitration upon the claims arising therefrom, or from injuries done thereby
 as provided in section twenty-three of this Act, and generally to
 35 do all things necessary for the accomplishment of the same.
- 26.** The Commissioner of Public Works shall have the autho- Powers of Commissioner of Public Works.
 rity to enquire into any complaint made to him, as to the user by the company of the rights conferred by this Act, and to give
 40 all such directions as may seem just, and the company shall be bound to comply with such directions, otherwise the rights conferred in the company by this Act shall cease and determine.
- 27.** The directors shall have power from time to time by Tolls.
 law to impose a tariff of tolls, to be paid in respect of the carriage of timber, lumber, and saw logs, over, upon or past the
 45 dams, slides or other works of the said company: Provided always, that in no case shall any tolls be levied from any person, for or in respect of his using the natural and navigable channel of the said streams or waters, but that such tolls shall be payable only in respect of actually using the said dams, slides and
 50 erections of the company, the carriage of timber, saw logs and lumber as aforesaid: And provided further, that all persons paying the authorized toll, shall have the right to use the said erections of the company at all reasonable times, subject to the provisions of this Act.

Collection of
tolls

28. The said directors shall have the power to keep and detain all timber, saw logs and lumber passing through, over, or upon their said works, until all tolls thereon are fully paid, and within one week after notice thereof is sent to the owner or owners of the said timber, saw logs and lumber, to sell the same by auction, and after re-imbursing themselves for all such arrearages of tolls and fines and costs, to hand the balance (if any) of the proceeds of such sale to the owner or owners of the said timber, saw logs and lumber. 5

Powers of
company to
regulate flow
of water.

29. The said directors shall have power to regulate the flow of water at their said works, in such manner as shall to them seem most advisable, but not so in any wise to impair or injuriously affect any navigation above or below any of the said works. 10

Certain secs.
of C. S. C., c.
65, incorpo-
rated with this
Act.

30. The said sections of chapter sixty-eight of the Consolidated Statutes of Canada, as also sections sixty-one, sixty-two, sixty-five, sixty-six, seventy-four and seventy-nine, of the same Act, are incorporated with this Act. 15

Commissioner
of Public
Works may
assume the
works of the
company.

31. The Commissioner of Public Works shall have the authority at any time to assume the works of the said company, upon paying such sum or sums of money for the same as may be deemed reasonable and just, subject to the rules and regulations as to arbitration, as provided in section twenty-three of this Act, in the event of the said company and the Commissioner of Public Works not agreeing as to the price. 20 25

Returns to be
made to
Lieutenant-
Governor or
Legislative
Assembly.

32. The said company shall at all times when required by the Lieutenant-Governor or by the Legislative Assembly, make a full return of all its property, real and personal and of its liabilities, receipts and expenditure to the said Lieutenant-Governor or Legislative Assembly requiring for such period, and with such details and other information as the Lieutenant-Governor or Legislative Assembly may require, and no amendments of this Act shall be deemed any infringement of the rights hereby conferred on the company. 30

BILL.

To Incorporate The Carp River Improvement
Company of Thunder Bay.

First Reading, 22nd January, 1894

(PRIVATE BILL)

MR.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

A Bill to incorporate "The Carp River Improvement Company of Thunder Bay."

WHEREAS the area of lands surrounding Lake Ka-zee-zee-kitch-wa-ga-nog are pine and spruce bearing land, and inaccessible in any way except through the waters of Carp River, which conveys the waters of said lake into Thunder Bay; And whereas, in its natural condition, the channel of the said river is obstructed by rocks, boulders, and sunken roots and trees, as well as by sudden curves and deep falls, which renders it absolutely unnavigable for transmission of logs and spars, or for any other purpose; And whereas, for the purposes of trade it is essential that these natural difficulties should be overcome; And whereas, Delevan D. VanNorman, Marshall Blackwood, John McIntyre, Robert Maitland, The Honourable Donald McDonald, Peter Johnson Brown and others, have by their petition prayed to be incorporated as a company, under the name of "The Carp River Improvement Company of Thunder Bay," for the purpose of erecting dams and slides, and of improving and increasing the supply of water in Carp River, and waters connected therewith, in the District of Thunder Bay, to expedite the safe conveyance of timber and saw logs; and it is expedient to grant the prayer of the said petitioners:

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

1. Delevan D. VanNorman, Marshall Blackwood, John McIntyre, Robert Maitland, John Clarke, Adam Oliver, and Peter Johnson Brown, together with such other persons as may become associated with them as shareholders in the company hereby incorporated, shall be, and they are hereby created and declared to be a corporation and body politic by the name of "The Carp River Improvement Company of Thunder Bay," and shall continue such corporation, and shall have perpetual succession; and a corporate seal, with power to change the same at pleasure; may sue and be sued, implead and be impleaded, answer and be answered, and defend and be defended in all courts of law and equity.

2. The capital stock of the said company shall be thirty thousand dollars, divided into six hundred shares of fifty dollars each, which said capital stock may be from time to time increased to an amount not exceeding fifty thousand dollars, as the wants of the company require by a two-third vote of the majority of stockholders present at a meeting of the company called for that purpose; and every shareholder shall be entitled to one vote for each share he may hold.

Provisional
directors,

3. Delevan D. VanNorman, Marshall Blackwood, John McIntyre, Robert Maitland, John Clark, Adam Oliver, and Peter Johnson Brown, shall be and are hereby constituted a provisional board of directors of the said company, and shall hold office until other directors are elected by the shareholders under the provisions of this Act.

their powers.

4. The said provisional board of directors shall have full power to fill vacancies; to open stock books and procure subscription of stock; to make calls thereon; grant certificates and receipts therefor; to make provisional by-laws; and to do all other things necessary or expedient in the organization of the company and the conduct of its affairs until the election of a board of directors therefor.

Meeting for
election of
directors.

5. When and so soon as fifteen thousand dollars of the capital stock shall have been subscribed and ten per centum paid thereon, it shall be lawful for the provisional directors to call a meeting of the shareholders at such time and place in the District of Thunder Bay as they shall think proper, at which meeting the shareholders shall, either in person or by proxy, choose seven directors in the manner and qualified as hereinafter mentioned, to be directors of the said company, and to hold office until the first Monday in July, one thousand eight hundred and seventy-four.

Annual elec-
tions of direc-
tors.

6. After the first election of directors, there shall, on the first Monday in July each year after the year one thousand eight hundred and seventy-four, be elected by the shareholders of the company seven directors; and all elections for directors shall be by ballot; and if a vacancy shall at any time occur among the directors by death, resignation, removal from the Province, or any other cause, such vacancy shall be filled for the remainder of the year by a majority of the directors; and the said seven directors shall form the board of directors; any and all acts, however, done by the surviving directors before such vacancy is filled up shall not be deemed invalid.

Vacancies,
how filled.

Qualification
of directors.

7. The persons qualified to be directors of the said company shall be shareholders, holding stock to the amount of not less than two hundred dollars, and upon which all calls have been paid.

Failure to
elect directors
at proper time.

8. If at any time an election of directors be not made, or do not take effect at the time appointed under this Act, the said company shall not be taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders, to be called for that purpose by the board of directors, and the term of office of any retiring director shall not be deemed to have expired until his successor shall have been elected.

Election of
president and
vice-president.

9. The directors shall annually elect from amongst themselves a president and vice-president, one of whom shall preside at the general board meetings, and otherwise discharge the duties pertaining to such office.

Affixing com-
pany's seal to
documents.

10. The said directors shall and may use or affix the seal of the said corporation to any document, or other instrument requiring same, and any act or deed bearing the seal, and

signed by the president or vice-president, and countersigned by the secretary, shall be held to be the act and deed of the company.

11. At all meetings of the board of directors, whether of the provisional directors or the elected, three shall form a quorum for the transaction of business, and may exercise all the powers of the board; and the said board of directors may appoint one of their number as secretary and treasurer of the company, to be allowed and paid a fair sum for such services.

Quorum of directors.

Appointment of secretary.

12. The shares of the capital stock subscribed for shall be paid in by such instalments and at such times and places as the said directors shall appoint; provided that no shares shall be held to be lawfully subscribed for unless ten per centum on the amount be paid at the time of subscribing.

Payments on shares.

13. The directors of the said company shall have full power and authority to make, prescribe, alter, amend, repeal, and re-enact all such by-laws, rules, and regulations as shall appear to them proper and needful, touching the well ordering of the company, the acquirement, management, and disposition of its stock, property, estate, and effects, and of its affairs and business, and particularly of the following matters:—

Powers of directors.

1. The calling up and payment from time to time of the capital stock of the said company;

2. The issue of certificates to the respective shareholders, and the registration thereof in the books of the company, with the address of the shareholders;

3. The forfeiture and sale of shares for non-payment of the calls;

4. The transfer of shares; Provided, however, that no transfer shall be made or take place except to solvent persons.

5. The declaration and payment of profits of the said company, and dividends in respect thereof;

6. The appointment, removal, and remuneration of all managers, agents, officers, and servants of the said company, as they shall deem necessary for carrying on the business of the said company, and the security, if any, to be taken from such parties respectively for the due performance of their respective duties;

7. The calling of general or special meetings of the board of directors and of the company;

8. The making and entering into deeds, agreements, leases, contracts, arbitrations and other documents to bind the company;

9. The borrowing or advancing money for promoting the purposes and interests of the company, and the securities to be given by or to the said company for the same;

10. The keeping of minutes of the proceedings of the board and company, and making the same binding and conclusive on the shareholders, and rectifying any errors that may be made therein;

11. To submit to the annual meeting of the shareholders, a clear and detailed statement of the company's affairs;

12. The audit of the accounts and appointment of auditors.

14. Any copy of the by-laws of the said company, or any of them purporting to be made under the hand of the secretary, and having the seal of the company affixed, shall be received as

By-laws, how proved.

prima facie evidence of such by-law in all the courts of this Province.

- Head office.** - **15.** The chief place of business of the said company shall be Fort William, where shall be kept regular books of accounts, in which shall be entered a correct statement of the assets, receipts and disbursements of the company; and such books shall be open at all times to the inspection and examination of any stockholder.
- Books of the company.**
- At meetings, majority of votes to govern.** **16.** At any general meeting of the company, or at any meeting of the directors, all transactions, questions and matters shall be determined by a majority of the votes of the shareholders or directors present at such meeting, either in person or in case of a meeting of the shareholders by proxy: Provided always, that no shareholder shall be entitled to vote at any meeting of the company, or be eligible for election as director, who shall then be in arrears in respect of any call on his share.
- Notice of calls on stock and meetings.** **17.** All notices of calls on stock and meetings of the shareholders, shall be published four weeks in the *Ontario Gazette*, and in one newspaper (if any in the District of Thunder Bay, and notice addressed to all the shareholders shall also be mailed, prepaid, six weeks before the day for holding said meeting, or the time on which the said call on stock is made payable.
- Stock personal estate.** **18.** The shares in the capital stock of the said company shall be deemed personal estate, and shall be transferrable as such, but in such manner only, and subject to all such restrictions as by any by-law of the company may be prescribed, and no shares shall be transferred until fully paid up, without the consent of the directors.
- Enforcing payment of calls.** **19.** It shall be lawful for the company to enforce the payment of any calls or of any unpaid part thereof, with interest upon the sum due from the time of the call, and costs, or to forfeit and sell the share whereon the same may be due, or a part thereof, for the payment of the amount due with interest and costs of sale; and in any suit it shall be sufficient to allege the defendant to be holder of one or more shares as the case may be, and to be indebted to the company in the amount in arrears thereon; and a certificate under their seal, and purporting to be signed by any officer of the company to the effect, that the defendant is a shareholder, and that the calls in question have been made, and that the amount claimed thereon is due and unpaid, shall be received as *prima facie* evidence to that effect.
- Company not liable in respect to trusts.** **20.** The company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any shares, and the receipt of the shareholders in whose name the same shall stand on the books of the company, shall be a valid and binding discharge to the company, for any dividend or money payable in respect of such shares, and 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 receipt.
- Injuring property.** **21.** The said company shall not be at liberty to construct

any works over, or upon or otherwise interfere with or injure any private property or the property of the Crown, without first having obtained the consent of the owner or occupier thereof, or of the Crown, or upon reference to arbitration as hereinafter provided.

22. The said company shall have power to acquire and enter on lands necessary for the purposes of the improvement of the navigation of the said river, and refer claims arising therefrom or from any injuries done thereto by the operations of the said company to arbitration, as provided in sections forty-one to fifty-two, both inclusive of chapter sixty-eight of the Consolidated Statutes of Canada, save and except that said section forty-four, so far as the same forms part of this Act, shall be read as if the words following were struck out of said section forty-four, namely, "the judge of the county court of the county in Upper Canada" or of the circuit court of the circuit in Lower Canada, within which the land lies," and instead and lieu thereof the words following inserted, namely, "the judge of the judicial district of Algoma"

Acquisition of lands.

23. Any injury or interference with the works of the said company or with their servants, shall be punished in the manner provided in sections sixty-seven to seventy-four, both inclusive of the said chapter sixty-eight of the Consolidated Statutes of Canada.

Injuring the company's works.

24. The said company shall have power to take, use, enter upon and occupy any lands upon and along the said Carp River necessary to construct any dams, slides, reservoirs, cuts, or other works they may think necessary or expedient; also, to raise, strengthen, or improve any dams or other works, and generally to improve the waters of Carp River and its tributaries from Lake Superior to Loch Lomen, for the purpose of facilitating the transmission of saw logs and timber, and improving and increasing the supply of water therein, with the consent of the owners or occupiers thereof, or where such consent cannot be obtained, then subject to the provisions as to arbitration upon the claims arising therefrom, or from injuries done thereby as provided in section twenty-three of this Act, and generally to do all things necessary for the accomplishment of the same.

Powers of company.

25. The Commissioner of Public Works shall have the authority to enquire into any complaint made to him, as to the user by the company of the rights conferred by this Act, and to give all such directions as may seem just, and the company shall be bound to comply with such directions, otherwise the rights conferred in the company by this Act shall cease and determine.

Powers of Commissioner of Public Works.

26. The directors shall have power from time to time by law to impose a tariff of tolls, to be paid in respect of the carriage of timber, lumber, and saw logs, over, upon or past the dams, slides or other works of the said company; Provided that the rate of such tolls and tariff shall be equal for all persons, and shall be first approved, and shall from time to time be subject to revision by the Lieutenant-Governor in Council; Provided further, that in no case shall any tolls be levied from any person, for or in respect of his using the natural and navigable channels of the said streams or waters, whether their present condition be improved or not, but that such tolls

Tolls.

shall be payable only in respect of actually using the said dams, slides and erections of the company, for the carriage of timber, saw logs and lumber as aforesaid: And provided further, that all persons paying the authorized tolls and tariff shall have the right to use the said erections of the company at all reasonable times, subject to the provisions of this Act.

Collection of
tolls.

27. The said directors shall have the power to keep and detain so much of the timber, saw logs and lumber passing through, over, or upon their said works, as will be sufficient to satisfy all tolls due on all timber, saw logs and lumber so passing through, over, or upon the said works, and within four weeks after written notice thereof is given to the owner or owners of the said timber, saw logs and lumber, to sell, if the said tolls be not sooner paid, the same by auction, and after re-imbursing themselves for all such arrearages of tolls and fines and costs, to hand the balance (if any) of the proceeds of such sale to the owner or owners of the said timber, saw logs and lumber.

Powers of
company to
regulate flow
of water.

28. The said directors shall have power to regulate the flow of water at their said works, in such manner as shall to them seem most advisable, but not so in any wise to impair or injuriously affect any navigation above or below any of the said works.

Certain secs.
of C. S. C., c.
68, incorpo-
rated with this
Act.

29. The said sections of chapter sixty-eight of the Consolidated Statutes of Canada, as also sections sixty-one, sixty-two, sixty-five, sixty-six, seventy-four, seventy-five and seventy-nine, of the same Act, are incorporated with this Act.

Commissioner
of Public
Works may
assume the
works of the
company.

30. The Commissioner of Public Works shall have the authority at any time to assume the works of the said company, for the use of the Crown, upon paying such sum or sums of money for the same as may be deemed reasonable and just, subject to the rules and regulations as to arbitration, as provided in section twenty-three of this Act, in the event of the said company and the Commissioner of Public Works not agreeing as to the price.

Returns to be
made to
Lieutenant-
Governor or
Legislative
Assembly.

31. The said company shall at all times when required by the Lieutenant-Governor or by the Legislative Assembly, make a full return of all its property, real and personal and of its liabilities, receipts and expenditure to the said Lieutenant-Governor or Legislative Assembly requiring for such period, and with such details and other information as the Lieutenant-Governor or Legislative Assembly may require.

Company to
have no rights
over Indian
lands.

32. Nothing in this Act contained shall be held to give any rights to the said company in or over the lands known as the Indian lands, through which the said Carp river runs.

50

An Act to further amend the Law as to Wills.

WHEREAS it is expedient further to amend the law as to wills:

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

1. Whenever a general gift or devise, or any words purporting to dispose of the whole of a testator's real estate or property or of the residue thereof contained in any will made between the sixth day of March, in the year of our Lord one thousand eight hundred and thirty-four, and the first day of January, in the year of our Lord one thousand eight hundred and sixty-nine, in any country, state, province or place, beyond the Province of Ontario would by the law of such country, state, province or place, pass the testator's real estate and property acquired therein after the making of such will, then, and in every such case, such will shall, with reference to he real estate and property of the testator in Ontario, be construed and speak, and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by the will: Provided always that this section shall apply only to such real estate of the testator in Ontario, as shall now be and for the _____ years next preceding the passing of this Act shall have been in the actual, continued and exclusive possession and enjoyment of the devisee or devisees, claiming the same under such general gift, devise, or words in such will or of some one claiming by, through, from or under such devisee or devisees: And provided, moreover, that this section shall not apply to any real estate the title to which, as between the parties claiming under such testator has been adjudicated or decided upon by the judgment or decree of any competent court in that behalf.

Construction of certain wills containing a general gift or devise executed out of Ontario.

Proviso.

Proviso.

2. No conveyance or other act made or done subsequently to the execution of such a will, of or relating to any real estate or property therein comprised, except an act by which such will is or has been revoked, shall prevent the operation of such will with respect to such estate or interests in such real estate, or property as the testator had power to dispose of at the time of his death.

Conveyances made subsequent to such will.

No. 51.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to further amend the Law as to Wills.

1st Reading, 22nd January, 1873.

MR. FRASER.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Act intituled "An Act to incorporate the Orphans' Home and Female Aid Society, Toronto."

WHEREAS it is expedient to amend the Act passed in the ^{Preamble} Session held in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, chaptered thirty-four :

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 body incorporated by the said Act may from time to time and at all times, acquire and hold as purchasers ^{Power to acquire real property.} any interest in lands and tenements, and the same alienate, lease, mortgage and dispose of and purchase others in their stead: Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in 15 whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation: And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or be- 20 quest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same: but the said corporation shall at no time take or hold by any gift, devise or request, so as that the annual value of any lands or tenements or interests there- 25 in, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars: and no lands or tenements, or interests therein acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition 30 thereof: and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mort- 35 gages, for the use of the said corporation: and such lands, tenements or interests therein, or such thereof which may not, within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors administrators or assigns.

No. 52.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Act intituled "An Act to incorporate the Orphans' Home and Female Aid Society, Toronto."

First Reading, 22nd January, 1873.

(*PRIVATE BILL.*)

HON. M. C. CAMERON.

An Act to amend the Act intituled "An Act to incorporate the Orphans' Home and Female Aid Society, Toronto."

WHEREAS it is expedient to amend the Act passed in the ^{Preamble.} Session held in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, chaptered thirty-four ;

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

1. The body incorporated by the said Act may from time to time and at all times, acquire and hold as purchasers any interest in lands and tenements, and the same alienate, lease, mortgage and dispose of and purchase others in their stead: Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation: And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same ; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars ; and no lands or tenements, or interests therein acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein ; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation ; and such lands, tenements or interests therein, or such thereof which may not, within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors administrators or assigns. ^{Power to acquire real property.} ^{And sell.}

An Act to amend the Act intituled "An Act to incorporate the Orphans' Home and Female Aid Society, Toronto."

1st Reading, 22nd January, 1873.

2nd Reading, 12th February, 1873.

3rd Reading, 14th February, 1873.

HON. M. G. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to legalise and confirm the Survey made by Henry O. Wood, of the line between the first concession and broken front of the Township of Osgoode, from Lot number twenty to the southern boundary of the said township.

WHEREAS it appears, by the petitions of certain owners, Preamble. proprietors and occupants of lands in the first concession and in the broken front of the Township of Osgoode, in the County of Carleton, that it was and is doubted whether the line between the said first concession and broken front was ever surveyed; that, in consequence of such doubt, and on the application of the county council of the County of Carleton, the Honourable the Commissioner of Crown Lands did, under an Order in Council, in 1863, send the said Henry O. Wood, Provincial Land Surveyor, to survey the line between the said first concession and broken front from Lot number twenty to the southern boundary of the said township: that the said Henry O. Wood did, pursuant to the instructions of the said Commissioner of Crown Lands, survey the said line, and did make a plan of that part of the said first concession and broken front, extending from Lot number nineteen to the southern boundary of the said township, which plan bears date twenty-third June, one thousand eight hundred and sixty-three, and is of record in the office of the Commissioner of Crown Lands; that the said survey was confirmed by the said Commissioner of Crown Lands, but that, by reason of the failure of the said Henry O. Wood to place durable boundaries on the said line in accordance with the provisions of the Statute in that behalf, and the instructions of the said Commissioner of Crown Lands, doubts exist as to the legal validity of the said survey:

And whereas the said survey conformed to the spirit of the Statute in that behalf, and is the best and most equitable that could be made, and it is expedient, in compliance with the prayer of the said petition, to establish and confirm the said survey:

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

1. The survey of the line between the first concession and broken front of the said township of Osgoode, made by the said Henry O. Wood, Provincial Land Surveyor,—the plan and report of which survey have, by the said Henry O. Wood, been returned to the office of the Commissioner of Crown Lands—shall be, and shall be deemed and held to be, and is hereby declared to be, the true and unalterable survey of the boundary line between the said first concession and broken front, extending from Lot number nineteen to the southern boundary of the said Township of Osgoode.

Survey, &c., of,
H. O. Wood
between first
concession and
broken front
of Osgoode
confirmed.

No. 53.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to legalise the survey made by Henry O. Wood, of the line between First Concession and Broken Front from Lot number twenty to the southern boundary of the Township of Osgoode, from Lot number twenty to the southern boundary of the said Township.

First Reading, 22nd January, 1873.

(PRIVATE BILL)

Mr. W. CRAIG.

TORONTO:

An Act to amend the Acts relating to the Midland Railway of Canada, to extend the time for the completion of its extensions, and to authorize the issue of second mortgage bonds.

WHEREAS the Midland Railway of Canada have, by their Preamble.
petition, set forth that they were authorized by an Act
of the Legislative Assembly of Ontario, passed in the thirty-
third year of Her Majesty's reign, and chaptered thirty-one, to
5 extend their line of railway, but that they have been unable to
complete the whole of the extension so authorized within the
term by the said Act limited: and they have, therefore, prayed
for an extension of the said period: And whereas the said rail-
way have also prayed for power to issue second mortgage bonds,
10 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. So much of the second section of the Act authorizing the
15 said extension as requires the same to be completed within three
years from the passing of the said Act, is repealed, and the
time for such completion is extended for a further period of
three years from the time limited in the said Act. Extension of
time for com-
pletion of rail-
way.

2. The company may, with the consent of a majority of two-
20 thirds of the shareholders thereof, at a meeting specially called
for that purpose, make and issue second mortgage bonds for
such amount, not exceeding one hundred thousand pounds ster-
ling, as may be found necessary for the purposes of the com-
pany; and may make such bonds payable in London, England,
25 or elsewhere, as the company may think expedient, and to bear
interest at a rate not exceeding seven per centum per annum,
payable half-yearly; and such bonds shall, without registration
or formal conveyance, but subject to the rights of municipalities
in respect of any liens now existing, and subject to the rights of
30 the holders of the existing bonds of the company issued under
an Act passed by the Legislative Assembly of Ontario, in the
thirty-fourth year of Her Majesty's reign, and chaptered fifty-
one, be taken and considered to be the first and preferential
claims and charges upon the undertaking and the property of
35 the company, real and personal, and at any time thereafter ac-
quired; 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 aforesaid undertaking and property of
the company as aforesaid, in priority to all other charges and
40 incumbrances whatsoever, save as are hereinbefore excepted.

3. The said company may, for advance of money to be made
thereon, mortgage and deposit and transfer by way of mortgage
Company to
mortgage their
bonds.

or as security, and may pledge all or any bonds that may be lawfully issued by the said company.

Power to build,
Ac., steam-
boats.

4. The said company shall have power to purchase, build, fit out, complete and charter, sell or dispose of, work, control and keep in repair steam-tugs, barges, and other vessels, to ply in connection with the said railway. 5

This Act not
to affect 29 &
30 V., c. 99, s.
7.

5. Nothing in this Act shall in any wise affect section seven of the Act passed by the Parliament of the late Province of Canada in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, and chaptered ninety-nine. 10

BILL.

An Act to amend the Acts relating to the Midland Railway of Canada, to extend the time for the completion of its extensions, and to authorize the issue of second mortgage bonds.

1st Reading, 22nd January, 1873.

(PRIVATE BILL.)

Mr. A. T. H. WILLIAMS,
(Parlman.)

TORONTO.

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Acts relating to the Midland Railway of Canada, to extend the time for the completion of its extensions, and to authorize the issue of second mortgage bonds.

WHEREAS the Midland Railway of Canada have, by their Preamble. petition, set forth that they were authorized by an Act of the Legislative Assembly of Ontario, passed in the thirty-third year of Her Majesty's reign, and chaptered thirty-one, to extend their line of railway, but that they have been unable to complete the whole of the extension so authorized within the term by the said Act limited; and they have, therefore, prayed for an extension of the said period: And whereas the said railway have also prayed for power to issue second mortgage bonds, 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. So much of the second section of the Act authorizing the said extension as requires the same to be completed within three years from the passing of the said Act, is repealed, and the time for such completion is extended for a further period of three years from the time limited in the said Act. Extension of time for completion of railway.

2. The company may, with the consent of a majority of two-thirds of the shareholders thereof, at a meeting specially called for that purpose, make and issue second mortgage bonds for such amount, not exceeding one hundred and fifty thousand pounds sterling, as may be found necessary for the purposes of the company; and may make such bonds payable in London, England, or elsewhere, as the company may think expedient, and to bear interest at a rate not exceeding seven per centum per annum, payable half-yearly: and such bonds shall, without registration or formal conveyance, but subject to the rights of municipalities in respect of any liens now existing, and subject to the rights of the holders of the existing bonds of the company issued under an Act passed by the Legislative Assembly of Ontario, in the thirty-fourth year of Her Majesty's reign, and chaptered fifty-one, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, including its rolling stock and equipments, 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 aforesaid undertaking and property of the company as aforesaid, in priority to all other charges and incumbrances whatsoever, save as are herein before excepted. Issue of second mortgage bonds.

3. The said company may, for advance of money to be made thereon, mortgage and deposit and transfer by way of mortgage Company may mortgage their bonds.

or as security, and may pledge all or any bonds that may be lawfully issued by the said company.

Power to build,
&c., steam-
boats.

4. The said company shall have power to purchase, build, fit out, complete and charter, sell or dispose of, work, control and keep in repair steam-tugs, barges, and other vessels, to ply in connection with the said railway.

This Act not
to affect 29 &
30 V., c. 99 s.
7.

5. Nothing in this Act shall in any wise affect section seven of the Act passed by the Parliament of the late Province of Canada in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, and chaptered ninety-nine.

54

BILL.

An Act to amend the Acts relating to the Midland Railway of Canada, to extend the time for the completion of its extensions, and to authorize the issue of second mortgage bonds.

1st Reading, 22nd January, 1873.

2nd Reading, 12th February, 1873.

3rd Reading, 14th February, 1873.

Mr. A. T. H. WILLIAMS,
(*Durham*)

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act for the further Improvement of the Cobourg Harbour.

WHEREAS the Commissioners of the Cobourg Town Trust Preamble.
 have by their Petition represented that, in view of an anticipated increase of business in the shipment of iron ore and lumber over the Harbour at Cobourg, it has become necessary to
 5 deepen, enlarge and otherwise improve the same; and it is therefore expedient to authorize the issue of a certain amount of debentures to be chargeable upon the property of the Cobourg Town Trust, in order that funds may be raised for the aforesaid purpose:

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 be lawful for the Town Council of Cobourg, from
 time to time, and as they shall be required by the said commis-
 15 sioners to issue a further amount of town trust debentures, not to exceed one hundred thousand dollars over and above the sum they are now authorized to issue; which debentures shall be a second charge upon the trust property and revenues vested in the commissioners, after the principal and interest and the sinking fund
 20 on the fifty thousand pounds sterling of debentures authorized to be issued by the Act of the late Province of Canada, intituled "An Act to consolidate the debt of the Town of Cobourg, and to authorize the issue of debentures on the security of the town property and for other purposes," shall have been fully provided
 25 for; and such further and additional debentures shall on the face thereof respectively express that they are second-class debentures, secured on the property and revenues of the town trust; and all the provisions of the said cited Act shall apply thereto; excepting only that provision shall first be made for the payment
 30 of the interest and sinking fund on the first-class debentures.

Powers of Town Council of Cobourg to issue debentures not exceeding \$100,000.

2. The said second-class debentures, when so issued, shall
 be handed to the Commissioners of the Cobourg Town Trust to
 be by them negotiated or applied for the exclusive purpose of
 35 deepening, enlarging, repairing and improving the Cobourg Harbour, and for no other purpose; and the same may be made to bear any rate of interest, not exceeding eight per centum per annum.

Application of the debentures.

3. Before any expenditure for the enlargement of the Har-
 bour by the extension of present piers or building new ones
 40 takes place, a plan and estimate of the proposed enlargement shall be made by a competent Civil Engineer whose appointment shall be approved by the Lieutenant-Governor in Council, and shall be filed in the office of the Cobourg Town Trust.

Appointment of engineer.

4. Nothing in this Act shall be construed so as to impair or
 45 lessen the security of the first-class debentures, which are to be the first charge upon the trust.

Former debentures not affected by this Act.

No. 55.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

For the further Improvement of the Cobourg
Harbour.

1st Reading, 22nd January, 1873.

(PRIVATE BILL)

Mr. GIBBARD.

TORONTO:

PRINTED BY HUNTER, ROSE, & Co.

An Act for the further Improvement of the Cobourg Harbour.

WHEREAS the Commissioners of the Cobourg Town Trust Preamble. have by their Petition represented that, in view of an anticipated increase of business in the shipment of iron ore and lumber over the Harbour at Cobourg, it has become necessary to deepen, enlarge and otherwise improve the same; and it is therefore expedient to authorize the issue of a certain amount of debentures to be chargeable upon the property of the Cobourg Town Trust, in order that funds may be raised for the aforesaid purpose;

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 Town Council of Cobourg, from Powers of Town Council of Cobourg to issue debentures not exceeding \$100,000. time to time, and as they shall be required by the said commissioners to issue a further amount of town trust debentures, not to exceed one hundred thousand dollars over and above the sum they are now authorized to issue; which debentures shall be a charge upon the trust property and revenues vested in the commissioners, after the principal and interest and the sinking fund on the fifty thousand pounds sterling of debentures authorized to be issued by the Act of the late Province of Canada, intituled “An Act to consolidate the debt of the Town of Cobourg, and to authorize the issue of debentures on the security of the town property and for other purposes,” shall have been fully provided for; and such further and additional debentures shall on the face thereof respectively express that they are debentures, issued under the authority of this Act, and secured on the property and revenues of the town trust; and all the provisions of the said cited Act shall apply thereto; excepting only that provision shall first be made for the payment of the interest and sinking fund on the debentures issued under the authority of the said cited Act.

2. The said debentures, when so issued, shall be handed to the Commissioners of the Cobourg Town Trust to be by them Application of the debentures. negotiated or applied for the exclusive purpose of deepening, enlarging, repairing and improving the Cobourg Harbour, and for no other purpose; and the same may be made to bear any rate of interest, not exceeding eight per centum per annum.

3. The Mayor of the town for the time being shall be an *ex officio* Mayor to be an ex-officio commissioner. Commissioner of the Cobourg Town Trust.

4. Before any expenditure for the enlargement of the Harbour by the extension of present piers or building new ones Appointment of engineer. takes place, and before any contracts for that purpose are en-

tered into, a plan and estimate of the proposed enlargement made by a competent Civil Engineer, shall be submitted to the Town Council and approved of by them.

Former debentures not affected by this Act.

5. Nothing in this Act shall be construed so as to impair or lessen the security of the debentures, heretofore issued under the authority of the said cited Act, which are to be the first charge upon the trust.

Act not to affect liability of the town for its debt to the municipal loan fund.

6. Nothing in this Act contained shall in anywise affect the claim of the late Province of Canada, or of the Province of Ontario, against the municipality of the said town, in respect to the debt contracted under the Act establishing a Consolidated Municipal Loan Fund for Upper Canada, and Acts amending the same.

No. 55.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

An Act for the further Improvement of the
Cobourg Harbour.

1st Reading, 22nd January, 1873.

2nd Reading, 12th February, 1873.

3rd Reading, 20th February, 1873.

Mr. GIFFORD.

TORONTO:

An Act further to amend the Act intituled "An Act respecting the Court of Error and Appeal."

WHEREAS it is expedient further to amend chapter thirteen of the Consolidated Statutes for Upper Canada:

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

1. That section twenty-two of the said Statute shall be amended by adding after the words "special case," in the first and second lines thereof, the words "whether stated by the parties or by an arbitrator or arbitrators in a cause pending in Court."
- 10 2. That section twenty-three of the said Statute be amended by adding, at the end thereof, the words "or has been in part refused, granted, discharged or made absolute."

C. S. U. C.,
c. 13, s. 22,
amended.

Sec. 23
amended.

No. 56.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act further to amend the Act intituled
“ An Act respecting the Court of Error
and Appeal.”

1st Reading, 23rd January, 1873.

Mr. BYKERT.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act further to amend the Act intituled "An Act respecting the Court of Error and Appeal."

WHEREAS it is expedient further to amend chapter thirteen of the Consolidated Statutes for Upper Canada;

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

1. Section twenty-two of the said Statute shall be amended by adding after the words "special case," in the first and second lines thereof, the words "whether stated by the parties or by an arbitrator or arbitrators in a cause pending in Court." C. S. U. C.,
c. 13., s. 22,
amended.
2. Section twenty-three of the said Statute shall be amended by adding, at the end thereof, the words "or has been in part refused, granted, discharged or made absolute." Sec. 23
amended.

2nd Session, 2nd Parliament, 36 Victoria, 1873

An Act further to amend the Act intituled
"An Act respecting the Court of Error
and Appeal.

1st Reading, 23rd January, 1873.

2nd Reading, 7th February, 1873.

3rd Reading, 17th March, 1873.

Mr. RYKERT.

TORONTO:

Printed by H. G. B. D. & C. 2

An Act to Incorporate the London and Petrolia Oil Pipe Company.

WHEREAS John H. Stratford, Joseph Stratford, William Duffield, Isaac Waterman and Donald Nicholson, have represented by their petition, that the production of refined oil could be much cheapened by reason of the saving which would be effected in the cost of transportation of the crude oil from the places of its production, in or about Petrolia, in the County of Lambton, to the refining establishments in or near the City of London, in the County of Middlesex, by means of a pipe, and have asked to be incorporated for the purpose aforesaid; 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 John H. Stratford, Joseph Stratford, William Duffield, Isaac Waterman and Donald Nicholson, together with all such other persons as shall become shareholders in the company hereby incorporated, are hereby constituted and made a body corporate and politic by the name of "The London and Petrolia Oil Pipe Company," whose head office shall be at the City of London, in the County of Middlesex, or such other place as the directors of the said company shall from time to time in that behalf by resolution or by-law, name and appoint.

2. The said company is hereby empowered to lay down at a depth beneath the general surface of the ground, of not less than three feet a connected, and thereby a continuous, pipe or pipes in such sections as shall seem expedient in as near as may be, and as the surface of the country will reasonably admit of or by deviations therefrom as circumstances shall make expedient between points at or near Petrolia, in the County of Lambton, and at or near the City of London, in the County of Middlesex, for the purpose of carrying along the said pipe or pipes, the crude oil at the place or places of its production aforesaid to the City of London aforesaid, with such branches or subsidiary pipes diverging from the points aforesaid, as shall be deemed expedient for collecting together at the places of its production the said crude oil, and for distributing the same to the several refineries at or near the City of London aforesaid, and the said company is further empowered to erect, maintain, operate, and carry on all such tanks, reservoirs, engines, machinery, houses, and erections, and all other matters and things whatsoever necessary or expedient for the said undertaking.

3. The said company is empowered to purchase, take and hold, besides personal property, lands, tenements, hereditaments

Preamble.

Incorporation.

Corporate
name.
Head office.Powers of
company.Powers of
company to
acquire lands.

- and real property requisite and necessary for the purposes aforesaid, and proper and convenient for the construction, maintenance, use and working of the same; and such lands, tenements, hereditaments and real property, or any of them or any part thereof, to sell, alienate and convey, and others in their stead if deemed advisable to purchase, take and hold from time to time for the purposes and uses aforesaid: Provided always, that such lands, tenements, hereditaments and real property shall not at any one time exceed fifty thousand dollars in value, and shall at all times be held exclusively for the construction, maintaining, operating and carrying on the works and other, the premises aforesaid, and for the purposes, uses and business operations of the said company, and in aid towards the accomplishment of the same, and effecting the objects for which the said company is incorporated and not otherwise.
- Proviso.** 5
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- Capital.** 4. The capital of the said company shall be four hundred thousand dollars, to be divided into four hundred shares of one thousand dollars each, and the shares of the said capital stock after the first instalments thereon shall have been paid, shall be transferable by the respective persons subscribing or holding the same, and all transfers thereof shall be registered in a book or books to be kept for that purpose by the said company: and for the purpose of organizing the said company, the persons named in the first section of this Act shall be provisional directors thereof, and they or a majority of them may cause stock books to be opened in which shall be recorded the names of the shareholders, with the number of shares subscribed by them respectively.
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- Election of president and directors.** 5. When, and so soon as two hundred thousand dollars of the capital stock shall have been subscribed, and the first instalment of ten per centum thereon paid, it shall be lawful for the provisional directors or any of them, to call a meeting of the shareholders by notice therefor, to be inserted at least ten days previously in one of the daily newspapers, printed respectively in the Cities of London and Toronto, and in the Town of Brantford, naming the day, hour, and place of such meeting in the Town of Brantford, or in the City of London, and the shareholders present at such meeting in person or by proxy, who shall have paid the first instalment at ten per centum on the shares held by them respectively, shall elect five directors of the said company, who shall be shareholders qualified as aforesaid, and the said directors elected as aforesaid, may then forthwith or at any subsequent meeting of themselves, elect among their own number a president; and such president and directors shall hold office until the first Monday in February then next following.
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- Annual election of directors.** 6. On the said first Monday in February, and on every first Monday in every succeeding February, a general meeting of the shareholders shall be called and held at the head office of said company, or in such other place as the president or directors shall name, and at such hour as shall be mentioned in the notice in that behalf: at which the shareholders present in person or by proxy shall elect from among themselves, five directors in the room of the directors for the then past year, who may proceed to the election of president in manner aforesaid.
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- Scale of votes.** 7. In the election of directors and in the transaction of busi-

ness by the shareholders, each shareholder shall be entitled to as many votes as he holds shares not in default.

8. Any three of the directors shall constitute a quorum for the transaction of business; and the president, and in his absence
5 a chairman to be appointed by the directors then present, shall preside at the meetings of the directors, and in case of a tie, shall in addition to his vote as a director, have the casting
vote.

Quorum of directors.
Vote of president.

9. In case it should at any time happen that an election of
10 directors should not be made on any day when, pursuant to this Act, it should have been made, the said company shall not for this cause be deemed to be dissolved, but it shall be lawful on any other day to hold a meeting of shareholders, and make an election of directors in such manner as may be regulated,
15 directed and appointed by the directors for the time being, and the directors in office shall continue to hold office until a new election of directors is made.

Provision in case election is not held on the proper day.

10. In case any vacancy should at any time happen amongst the directors, by death, resignation, disqualification, or removal
20 during the current year of office from this Province, such vacancy shall be filled for the remainder of the year by the remaining directors or a majority of them, electing in such place or places an eligible shareholder or shareholders.

Vacancies in the board how filled.

11. The directors shall have power and authority to appoint
25 a manager, secretary and treasurer, and such clerks and other persons as may appear to them necessary for carrying on the business of the company, with such powers and duties, salaries and allowances to each, as to the directors may seem advisable; and also, shall have power and authority for the purposes and
30 uses of the company, from time to time, to borrow money in one or more or several sums, from one or more or several persons, bodies corporate or politic, willing to lend or advance the same; and may mortgage, pledge, assign, or hypothecate the property, real and personal, works, rates, revenues, income, rents, and
35 future calls or any of them, for the money so to be borrowed and the interest thereon; and may issue scrip or debentures in the name of the company, for sums not less than one hundred dollars each; and the same shall be transferable by delivery merely, and shall with the interest payable thereon, if so stipu-
40 lated in the said scrip or debentures, form a charge on the property and income of the company: Provided always, that the aggregate amount to be borrowed by the company under the foregoing provisions and then outstanding, shall not at any one time
45 be in excess of the amount actually paid up on the capital stock and laid out and expended in the construction of the works of the company.

Appointment of officers.
Borrowing powers.
Proviso.

12. The directors shall have power and authority to make and from time to time alter such by-laws, rules and regulations to be binding upon the shareholders of the said company as
50 shall appear to them proper and needful, touching the well ordering of the company, and the management and disposition of its stock, property, estate and effects; the calling of special meetings or general meetings of the shareholders; the regulation of the meetings of directors, and all other matters connected
55 with the proper organization of the company, and the conduct and management of the affairs thereof; the making of calls

Powers of the directors to make by-laws.

upon the subscribed capital stock at such days, times and places, and upon such notice as to them shall seem meet and advisable; the forfeiture of shares upon which any instalment or instalments, call or calls remain unpaid after the days and times respectively appointed for payment thereof have elapsed; the appointment and removal of officers and other persons employed by or for the company: the regulation of the transfer of shares and the form thereof, and the empowering of the president or other officer or officers to make contracts on behalf of the company, and to affix (if need be) the common seal of the company to such contracts: Provided always, that all such by-laws, rules and regulations made by the directors, as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved of by a resolution duly passed at such meeting, and when so approved they shall thereafter have force and effect as approved or as modified at such meeting, until repealed or amended in manner aforesaid; And, provided further, that such by-laws, rules and regulations, shall neither contravene the provisions of this Act, nor be inconsistent with the laws of this Province.

Dividends **13.** The directors shall also have power and authority to declare such yearly dividend upon the capital stock of the company as they may deem expedient, out of the net profits arising from the undertaking.

Powers of company as to roads. **14.** The company, its servants, agents, and workmen may, after two days notice to the mayor of any town or city, or to the reeve of any village or township, through or along or across any of the public highways, streets, or allowances for roads of which it proposes to run or lay the pipes or any of them by this Act authorized to be run or laid, of its intention so to run or lay the said pipes, specifying the particular highway, street or road, with respect to which the powers of this Act in that behalf are to be exercised, and the mode and manner of executing the same, which must be reasonable and in no way substantially interfering with the public use of the said highways, streets and roads, enter upon any of the said highways, streets and roads, and do all things necessary thereto, and lay down the said pipes and from time to time to renew, repair, amend, maintain and keep the same in a proper state and condition: Provided always, that in the exercise of the powers by this section granted, the company shall in no case interfere with the public use of any such highways, streets or roads, and shall be liable in damages to any individual who shall sustain any special injury in this behalf by reason of the default or negligence of the company in the premises.

Power to acquire lands. **15.** The company shall have power and authority by its servants, agents and workmen to enter upon any lands of any person or persons, bodies politic or corporate, and survey and ascertain such portions thereof as it shall require for the purposes of the said undertaking, or such powers as it will require to exercise upon or in respect of the same lands for the purposes aforesaid; doing no actual or substantial damage, and when surveyed or ascertained to contract and agree with the owners or occupiers of such lands for the purchase thereof, or for the exercise of certain powers in respect of the same; and in case of disagreement in respect of the sum to be paid for the said lands or for the exercise of certain powers in respect of the

same, as the case may be, the company shall serve upon the owner or occupier of the said lands a notice in writing signed by its secretary, specifying the particular lands proposed to be appropriated, or the powers proposed to be exercised in respect of any lands, particularly specifying both powers and lands, and naming a sum of money which the company offers and is ready to pay as compensation for the lands, or for exercising certain powers in respect of the same, as the case may be, and naming a person as arbitrator, in case the sum offered is not accepted as compensation, as aforesaid, and thereupon the owner or occupier shall, within five days after being served with such notice, notify the company that he accepts the compensation offered (in which case he shall make a deed of conveyance to the company of the lands, or of the right to exercise the powers in respect of lands mentioned in the notice) or that he refuses the compensation offered, and that he has named an arbitrator, giving the name; and the two arbitrators so named shall within five days meet and name a third arbitrator; and the arbitrators so appointed shall within ten days inspect and take evidence, if offered, on the subject matter in controversy, and make their award in writing thereon, which being signed by two of the said arbitrators, shall be final and binding on the parties to the said reference, subject however to be set aside or sent back for amendment, as in the case of ordinary arbitrations: ^{Disputes to be referred to arbitration.} Provided ^{Proviso.} always, if the said owner or occupier should not name an arbitrator as required by the provisions of this section, or should the said two arbitrators not agree upon a third arbitrator, or should the said three arbitrators or a majority of them, not make their award according to and as required by the provisions in this section in that behalf, then in any of such cases or events it shall be lawful for the company, on two days notice to the said owner or occupier, to apply to the judge of the county court in which the subject matter in controversy is situate, who shall thereupon appoint one person as sole arbitrator, whose award of and concerning the premises shall be final and conclusive, subject however, to be set aside or remitted back to the said arbitrator to be amended, as in ordinary cases of arbitration.

16. After award made as in the last preceding section provided, and after tender by the company of the amount awarded, if any, and a deed of conveyance of the lands, or of the powers to be exercised in respect of lands, as the case may be, it shall be lawful for the company to take possession of the said lands, or to exercise the powers in respect of the said lands, as the case may be, the same as though a conveyance had been executed: And the company may record the said award and pay the amount awarded into one of the superior courts and file therein a copy of the said award, which shall operate as a conveyance to the company of the lands, or the right to exercise the powers in respect of lands. ^{After award, the company may take possession of land.}

17. In all cases of arbitration, if the sum awarded exceeds the amount offered by the company in the notice in the fifteenth section of this Act mentioned, the company shall pay the costs of the arbitration and award; if equal to or less than the amount awarded the owner or occupier shall pay the costs of the arbitration and award: And in either case the costs shall on notice be taxed by the judge of the county court of the county in which the lands or subject matter of the reference are or is situate. ^{Costs of the arbitration.}

Limitation of
actions against
the company.

18. If any action or suit brought against the company, or against any person acting under its authority, for anything done or omitted to be done under or under colour of this Act, such action or suit shall be commenced within six months after the cause of action or suit arose, and not afterwards, and the defendant may plead the general issue and give this Act and the special matter in evidence under the said plea. 5

Rights of the
company.

19. The company shall have and enjoy the exclusive right of transporting crude oil from Petrolia aforesaid to London aforesaid, in the manner by this Act provided, for five years from the passing hereof, provided it shall put the said undertaking in successful operation within one year after the passing of this Act. 10

No. 57.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate "The London and Petrolia Oil Pipe Company."

1st Reading, 23rd January, 1873.

(PRIVATE BILL.)

HON. MR. WOOD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

BILL.

An Act to Incorporate "The London and Petrolia Oil Pipe Company."

WHEREAS John H. Stratford, Joseph Stratford, William Duffield, Isaac Waterman and Donald Nicholson, have represented by their petition, that the production of refined oil could be much cheapened by reason of the saving which would be effected in the cost of transportation of the crude oil from the places of its production, in or about Petrolia, in the County of Lambton, to the refining establishments in or near the City of London, in the County of Middlesex, by means of a pipe, and have asked to be incorporated for the purpose aforesaid; 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:—

1. The said John H. Stratford, Joseph Stratford, William Duffield, Isaac Waterman and Donald Nicholson, together with all such other persons as shall become shareholders in the company hereby incorporated, are hereby constituted and made a body corporate and politic by the name of "The London and Petrolia Oil Pipe Company," whose head office shall be at the City of London, in the County of Middlesex, or such other place as the directors of the said company shall from time to time in that behalf by resolution or by-law, name and appoint.

Incorporation.

Corporate name.
Head office.

2. The said company is hereby empowered to lay down at a depth beneath the general surface of the ground, of not less than three feet a connected, and thereby a continuous, pipe or pipes in such sections as shall seem expedient in as near as may be, and as the surface of the country will reasonably admit of or by deviations therefrom as circumstances shall make expedient between points at or near Petrolia, in the County of Lambton, and at or near the City of London, in the County of Middlesex, for the purpose of carrying along the said pipe or pipes, the crude oil and distillate oil of petroleum from the place or places of its production aforesaid to the City of London aforesaid, with such branches or subsidiary pipes diverging from the points aforesaid, as shall be deemed expedient for collecting together at the places of its production the said crude oil, and distillate oil of petroleum, and for distributing the same to the several refineries at or near the City of London aforesaid, and the said company is further empowered to erect, maintain, operate, and carry on all such tanks, reservoirs, engines, machinery, houses and erections, and all other matters and things whatsoever, necessary or expedient for the said undertaking.

Powers of company.

**Powers of
company to
acquire lands.**

3. The said company is empowered to purchase, take and hold, besides personal property, lands, tenements, hereditaments and real property requisite and necessary for the purposes aforesaid, and proper and convenient for the construction, maintenance, use and working of the same; and such lands, tenements, hereditaments and real property, or any of them or any part thereof, to sell, alienate and convey, and others in their stead if deemed advisable to purchase, take and hold from time to time for the purposes and uses aforesaid: Provided always, that such lands, tenements, hereditaments and real property shall not at any one time exceed fifty thousand dollars in value, and shall at all times be held exclusively for the construction, maintaining, operating and carrying on the works and other, the premises aforesaid, and for the purposes, uses and business operations of the said company, and in aid towards the accomplishment of the same, and effecting the objects for which the said company is incorporated and not otherwise.

Proviso.

Capital.

4. The capital of the said company shall be five hundred thousand dollars, to be divided into five hundred shares of one thousand dollars each, and the shares of the said capital stock after the first instalments thereon shall have been paid, shall be transferable by the respective persons subscribing or holding the same, and all transfers thereof shall be registered in a book or books to be kept for that purpose by the said company: and for the purpose of organizing the said company, the persons named in the first section of this Act shall be provisional directors thereof, and they or a majority of them may cause stock books to be opened in which shall be recorded the names of the shareholders, with the number of shares subscribed by them respectively.

**Provisional
directors.**

**Election of
president and
directors.**

5. When, and so soon as two hundred and fifty thousand dollars of the capital stock shall have been subscribed, and the first instalment of ten per centum thereon paid into some chartered bank in Ontario to the credit of the company, it shall be lawful for the provisional directors, or any of them, to call a meeting of the shareholders by notice therefor, to be inserted at least ten days previously in one of the daily newspapers, printed respectively in the Cities of London and Toronto, and in the Town of Brantford, naming the day, hour, and place of such meeting in the Town of Brantford, or in the City of London, and the shareholders present at such meeting in person or by proxy, who shall have paid the first instalment of ten per centum on the shares held by them respectively, shall elect five directors of the said company, who shall be shareholders qualified as aforesaid, and the said directors elected as aforesaid, may then forthwith or at any subsequent meeting of themselves, elect among their own number a president; and such president and directors shall hold office until the first Monday in February then next following.

**Annual elec-
tion of
directors.**

6. On the said first Monday in February, and on every first Monday in every succeeding February, a general meeting of the shareholders shall be called and held at the head office of said company, or in such other place as the president or directors shall name, and at such hour as shall be mentioned in the notice in that behalf; at which the shareholders present in person or by proxy shall elect from among themselves, five directors in

the room of the directors for the then past year, who may proceed to the election of president in manner aforesaid.

7. In the election of directors and in the transaction of business by the shareholders, each shareholder shall be entitled to as many votes as he holds shares not in default. Scale of votes.

8. Any three of the directors shall constitute a quorum for the transaction of business; and the president, and in his absence a chairman to be appointed by the directors then present, shall preside at the meetings of the directors, and in case of a tie, shall in addition to his vote as a director, have the casting vote. Quorum of directors.
Vote of president.

9. In case it should at any time happen that an election of directors should not be made on any day when, pursuant to this Act, it should have been made, the said company shall not for this cause be deemed to be dissolved, but it shall be lawful on any other day to hold a meeting of shareholders, and make an election of directors in such manner as may be regulated, directed and appointed by the directors for the time being, and the directors in office shall continue to hold office until a new election of directors is made. Provision in case election is not held on the proper day.

10. In case any vacancy shall occur amongst the directors, by death, resignation, disqualification, or removal during the current year of office from this Province, such vacancy shall be filled for the remainder of the year by the remaining directors or a majority of them, electing in such place or places an eligible shareholder or shareholders. Vacancies in the board how filled.

11. The directors shall have power and authority to appoint a manager, secretary and treasurer, and such clerks and other persons as may appear to them necessary for carrying on the business of the company, with such powers and duties, salaries and allowances to each, as to the directors may seem advisable; and also, shall have power and authority for the purposes and uses of the company, from time to time, to borrow money in one or more or several sums, from one or more or several persons, bodies corporate or politic, willing to lend or advance the same; and may mortgage, pledge, assign, or hypothecate the property, real and personal, works, rates, revenues, income, rents, and future calls or any of them, for the money so to be borrowed and the interest thereon; and may issue scrip or debentures in the name of the company, for sums not less than one hundred dollars each; and the same shall be transferable by delivery merely, and shall with the interest payable thereon, if so stipulated in the said scrip or debentures, form a charge on the property and income of the company: Provided always, that the aggregate amount to be borrowed by the company under the foregoing provisions and then outstanding, shall not at any one time be in excess of the amount actually paid up on the capital stock and laid out and expended in the construction of the works of the company; and provided also that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money, or as the notes of a bank: Provided also that the sanction of a general meeting of the shareholders, at which two-thirds are present in person or by proxy, shall first be given before the directors shall exercise the power of borrowing moneys as herein provided. Appointment of officers.
Borrowing powers.
Proviso.

Powers of the directors to make by-laws.

12. The directors shall have power and authority to make and from time to time alter such by-laws, rules and regulations to be binding upon the shareholders of the said company as shall appear to them proper and needful, touching the well ordering of the company, and the management and disposition of its stock, property, estate and effects; the calling of special meetings or general meetings of the shareholders; the regulation of the meetings of directors, and all other matters connected with the proper organization of the company, and the conduct and management of the affairs thereof; the making of calls upon the subscribed capital stock at such days, times and places, and upon such notice as to them shall seem meet and advisable; the forfeiture of shares upon which any instalment or instalments, call or calls remain unpaid after the days and times respectively appointed for payment thereof have elapsed; the appointment and removal of officers and other persons employed by or for the company; the regulation of the transfer of shares and the form thereof, and the empowering of the president or other officer or officers to make contracts on behalf of the company, and to affix (if need be) the common seal of the company to such contracts: Provided always, that all such by-laws, rules and regulations made by the directors, as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved of by a resolution duly passed at such meeting, and when so approved they shall thereafter have force and effect as approved or as modified at such meeting, until repealed or amended in manner aforesaid; And, provided further, that such by-laws, rules and regulations, shall neither contravene the provisions of this Act, nor be inconsistent with the laws of this Province.

Providso.

Providso.

Dividends

13. The directors shall also have power and authority to declare such yearly dividend upon the capital stock of the company as they may deem expedient, out of the net profits arising from the undertaking.

Powers of company as to roads.

14. The company, its servants, agents, and workmen may, after ten days notice to the warden of any county, or to the mayor of any town or city, or to the reeve of any village or township, through or along or across any of the public highways, streets, or allowances for roads of which it proposes to run or lay the pipes or any of them by this Act authorized to be run or laid, of its intention so to run or lay the said pipes, specifying the particular highway, street or road, with respect to which the powers of this Act in that behalf are to be exercised, and the mode and manner of executing the same, which must be reasonable and in no way substantially interfering with the public use of the said highways, streets and roads, enter upon any of the said highways, streets and roads, and do all things necessary thereto, and lay down the said pipes and from time to time to renew, repair, amend, maintain and keep the same in a proper state and condition: Provided always, that in the exercise of the powers by this section granted, the company shall in no case interfere with the public use of any such highways, streets or roads, and shall be liable in damages to any individual who shall sustain any special injury in this behalf by reason of the default or negligence of the company in the premises.

Providso.

15. The company shall have power and authority by its servants, agents and workmen to enter upon any lands of any person or persons, bodies politic or corporate, and survey and ascertain such portions thereof as it shall require for the purposes of the said undertaking, or such powers as it will require to exercise upon or in respect of the same lands for the purposes aforesaid; doing no actual or substantial damage, and when surveyed or ascertained, to contract and agree with the owners and occupiers of such lands for the purchase thereof, or for the exercise of such powers in respect of the same; and in case of disagreement in respect of the sum to be paid for the said lands or for the exercise of such powers in respect of the same, as the case may be, the company shall serve upon the owner of or party interested in the said lands a notice in writing signed by its secretary, specifying the particular lands proposed to be appropriated, or the powers proposed to be exercised in respect of any lands, particularly specifying both powers and lands, and naming a sum of money which the company offers and is ready to pay as compensation for the lands, or for exercising such powers in respect of the same, as the case may be, and naming a person as arbitrator, in case the sum offered is not accepted as compensation, as aforesaid; and thereupon the owner or party interested shall, within five days after being served with such notice, notify the company that he accepts the compensation offered (in which case he shall make a deed of conveyance to the company of the lands, or of the right to exercise the powers in respect of lands mentioned in the notice) or that he refuses the compensation offered, and that he has named an arbitrator, giving the name; and the two arbitrators so named shall within five days meet and name a third arbitrator; and the arbitrators so appointed shall within ten days inspect and take evidence, if offered, on the subject matter in controversy, and make their award in writing thereon, which being signed by two of the said arbitrators, shall be final and binding on the parties to the said reference, subject however to be set aside or sent back for amendment, as in the case of ordinary arbitrations: *Provided* always, if the said owner or party interested should not name an arbitrator as required by the provisions of this section, or should the said two arbitrators not agree upon a third arbitrator, or should the said three arbitrators or a majority of them, not make their award according to and as required by the provisions in this section in that behalf, then in any of such cases or events it shall be lawful for the company, on two days notice to the said owner or party interested, to apply to the judge of the county court in which the subject matter in controversy is situate, who shall thereupon appoint one person as sole arbitrator, whose award of and concerning the premises shall be final and conclusive, subject however, to be set aside or remitted back to the said arbitrator to be amended, as in ordinary cases of arbitration.

Power to acquire lands.

Disputes to be referred to arbitration.

Provide.

16. After award made as in the last preceding section provided, and after tender by the company of the amount awarded, if any, and a deed of conveyance of the lands, or of the powers to be exercised in respect of lands, as the case may be, it shall be lawful for the company to take possession of the said lands, or to exercise the powers in respect of the said lands, as the case may be, the same as though a conveyance had been executed: And the company may register the said award in the

After award, the company may take possession of land.

registry office of the registration division in which the said lands are situate, and pay the amount awarded into one of the superior courts and file therein a copy of the said award, which shall operate as a conveyance to the company of the lands, or the right to exercise the powers in respect of lands.

Costs of the arbitration.

17. In all cases of arbitration, if the sum awarded exceeds the amount offered by the company in the notice in the fifteenth section of this Act mentioned, the company shall pay the costs of the arbitration and award; if equal to or less than the amount awarded the owner or occupier shall pay the costs of the arbitration and award; and in either case the costs shall on notice be taxed by the judge of the county court of the county in which the lands or subject matter of the reference are or is situate.

Limitation of actions against the company.

18. If any action or suit brought against the company, or against any person acting under its authority, for anything done or omitted to be done under or under colour of this Act, such action or suit shall be commenced within six months after the cause of action or suit arose, and not afterwards, and the defendant may plead the general issue and give this Act and the special matter in evidence under the said plea.

57

No 57.
2nd Session, 2nd Parliament, 36 Victoria, 1873.

An Act to incorporate "The London and Petrolia Oil Pipe Company."

1st Reading, 23rd January, 1873.

2nd Reading, 13th February, 1873.

3rd Reading, 19th February, 1873.

HON. MR. WOOD.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

¶ An Act to consolidate and amend the Law of Wills.

WHEREAS it is expedient to consolidate and amend the Law as to Wills;

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 Wills Act, 1873." Short title.

2. Unless herein otherwise expressly provided, this Act shall not extend to any will made before the day of 1873, but every will re-executed or re-published, or revived by any codicil, shall, for the purposes of this Act, be deemed to have been made at the time at which the same shall be so re-executed, re-published, or revived: and this Act shall not extend to any estate *pur autre vie* of any person who shall have heretofore died or shall die before the day of 1873. Commencement of operation of the Act.

3. Nothing contained in the thirty-third and seven following sections of this Act shall apply to or affect any case on the day of pending or theretofore adjudicated upon and decided by any Court in Ontario. Ss. 33 to 40 not to apply to cases pending or decided.

4. In this Act, the term "will" extends to a testament, and to a codicil, and to an appointment by will, or by writing in the nature of a will, in the exercise of a power, and also to a disposition by will and testament, or devise of the custody and tuition of any child, by virtue of an Act passed in the reign of King Charles the Second, intituled "An Act for taking away the Court of Wards, and liveries and tenures *in capite*, and by knights' service and purveyance, and for settling a revenue upon His Majesty in lieu thereof." Interpretation clause. "Will."

The term "real estate" extends to messuages, lands, rents, and hereditaments, whether freehold or of any other tenure, and whether corporeal or incorporeal or personal, and to any undivided share thereof, and to any estate, right, or interest, (other than a chattel interest) therein. "Real estate."

The term "personal estate" extends to leasehold estates and other chattels real, and also to money shares of government and other funds, securities for money (not being real estate), debts, choses in action, rights, credits, goods, and other property whatsoever, which by law devolves upon the executor or administrator, and to any share or interest therein. "Personal estate."

The term "person" includes a married woman.

The term "mortgage" includes any lien for unpaid purchase money, and any charge, encumbrance, or obligation of any nature whatever upon any lands or tenements of a testator or intestate. "Person." "Mortgage."

- Power to dispose of all property:** 5. Every person may devise, bequeath, or dispose of by will, executed in manner hereinafter mentioned, all real estate and personal estate which he shall be entitled to, either at law or in equity, at the time of his death, and which, if not so devised, bequeathed, or disposed of, would devolve upon his heir at law, 5
- pur autre vie.** or upon his executor or administrator; and the power hereby given shall extend to estates *pur autre vie*, whether there shall or shall not be any special occupant thereof, and whether the same shall be a corporeal or incorporeal hereditament; and also to all contingent, executory, or other future interests in any 10
- Contingent interests.** person or personal estate, whether the testator may or may not be ascertained as the person or one of the persons in whom the same may respectively become vested, and whether he may be entitled thereto under the instrument by which the same were respectively created, or under any disposition thereof by deed 15
- Rights of entry.** or will; and also to all rights of entry for conditions broken and other rights of entry, and also to the same estates, interests, and rights respectively, and other real and personal estate, as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to 20
- Property required after the will.** the execution of his will.
- Freehold estates pur autre vie.** 6. If no disposition by will shall be made of any estate *pur autre vie* of a freehold nature, the same shall be chargeable in the hands of the heir, if it shall come to him by reason of special occupancy, as assets by descent, as in the case of freehold 25
- land in fee simple; and in case there shall be no special occupant of any estate *pur autre vie*, whether a corporeal or incorporeal hereditament, it shall go to the executor or administrator of the party who had the estate thereof by virtue of the grant; and if the same shall come to the executor or administrator 30
- either by reason of a special occupancy, or by virtue of this Act, it shall be assets in his hands, and shall go and be applied and distributed in the same manner as the personal estate of the testator or intestate.
- Wills by infants invalid.** 7. No will made by any person under the age of twenty-one 35
- years shall be valid.
- Execution.** 8. No will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned; that is to say, it shall be signed at the foot or end thereof by the testator; or by some other person in his presence, and by his direction, and 40
- Attestation.** such signature shall be made or acknowledged by the testator, in the presence of two or more witnesses, present at the same time, and such witnesses shall attest and shall subscribe the will in the presence of the testator; but no form of attestation shall be necessary; provided always that every will, so far only 45
- Signature.** as regards the position of the signature of the testator, or of the person signing for him as aforesaid, be deemed to be valid within the meaning of this Act, if the signature shall be so placed at, or after, or following, or under, or beside, or opposite to the end of the will, that it shall be apparent on the face of 50
- the will that the testator intended to give effect by such signature to the writing signed as his will; and that no such will shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the will, or by the circumstance that a blank space shall intervene 55
- between the concluding word of the will and the signature, or by the circumstance that the signature shall be placed among

the words of the testimonium clause, or the clause of attestation, or shall follow or be after or under the clause of attestation, either with or without a blank space intervening, or shall follow or be after, or be under, or beside the names or one of the names of the subscribing witnesses, or by the circumstance that the signature shall be on a side, or page, or other portion of the paper or papers containing the will, whereon no clause of a paragraph or disposing part of the will shall be written above the signature, or by the circumstance that there shall appear to be sufficient space on or at the bottom of the preceding side or page or other portion of the same paper on which the will is written to contain the signature, and the enumeration of the above circumstances shall not restrict the generality of this proviso: but no signature under this Act shall be operative to give effect to any disposition or direction which is underneath, or which follows it, nor shall it give effect to any disposition or direction inserted after the signature shall be made.

9. No appointment made by will, in exercise of any power, shall be valid, unless the same shall be executed in manner hereinbefore required, and every will executed in manner hereinbefore required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, notwithstanding it shall have been expressly required that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

Appointments,
how to be
exercised

10. Any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate as he might have done before the making of this Act.

Wills of per-
sonality of
soldiers and
sailors.

11. Every will executed in manner hereinbefore required, shall be valid without any other publication thereof.

Publication
unnecessary.

12. If any person who shall attest the execution of a will shall, at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid.

Will not
invalidate if
witness
interested.

13. If any person shall attest the execution of any will, to whom, or to whose wife or husband any beneficial devise, legacy, estate, interest, gift, or appointment of or affecting any real or personal estate (other than and except charges and evidences for the payment of any debt or debts) shall be thereby given or made, such devise, legacy, estate, interest, gift, or appointment shall, so far only as concerns such person attesting the execution of such will, or of the wife or husband of such person, or any person claiming under such person as wife or husband, be utterly null and void, and such person so attesting shall be admitted as a witness to prove the execution of such will, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift, or appointment mentioned in such will.

(Gifts, &c., to
witness
invalid.

14. In case by any will any real or personal estate shall be charged with any debt or debts, and any creditor, or the wife or husband of any creditor whose debt is so charged, shall attest the execution of such will, such creditor, notwithstanding such

Creditors
competent
witnesses.

charge, shall be admitted a witness to prove the execution of such will, or to prove the validity or invalidity thereof.

Executor
competent
witness.

15. No person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof. 5

Revocation by
marriage.

16. Every will shall be revoked by the marriage of the testator, except a will made in the exercise of a power of appointment where the real or personal estate thereby appointed would not, in default of such appointment, pass to the testator's heir, executor or administrator, or the person entitled as the testator's next of kin under the Statute of Distribution. 10

Revocation by
change of cir-
cumstances.

17. No will shall be revoked by any presumption of an intention, on the ground of an alteration of circumstances.

How only will
can be re-
voked.

18. No will or codicil, or any part thereof, shall be revoked otherwise than as aforesaid, or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same, by the testator, or by some person in his presence and by his direction, with the intention of revoking the same. 20

Obliterations,
interlinea-
tions, &c.

19. No obliteration, interlineation or other alteration made in any will after the execution thereof, shall be valid or have any effect, except so far as the words or effect of the will before such alteration shall not be apparent, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will: but the will, with such alteration as part thereof, shall be deemed to be duly executed, if the signature of the testator and the subscription of the witnesses be made in the margin or on some other part of the will opposite or near to such alteration, or at the part or end of, or opposite to, a memorandum referring to such alteration, and written at the end or some other part of the will. 25

Revival.

20. No will or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in manner hereinbefore required, and shewing an intention to revive the same; and when any will or codicil which shall be partly revoked, or afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shewn. 40

No act as to
property
named in the
will to prevent
operation of
the will as any
interest left in
testator.

21. No conveyance or other act made or done subsequently to the execution of a will, or relating to any real or personal estate therein comprised, except an act by which such will shall be revoked as aforesaid, shall prevent the operation of the will with respect to such estate, or interest in such real or personal estate, as the testator shall have power to dispose of by will at the time of his death. 45

Will to speak
from death.

22. Every will shall be construed, with reference to the real and personal estate comprised in it, to speak and take effect as 50

if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the will.

23. Unless a contrary intention shall appear by the will, such real estate or interest therein as shall be comprised or intended to be comprised in any devise in such will contained, which shall fail or be void by reason of the death of the devisee in the lifetime of the testator, or by reason of such devise being contrary to law, or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will.

Lapsed devise to sink into residuary devise.

24. A devise of the land of the testator, or of the land of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, and any other general devise which would describe a leasehold estate, if the testator had no freehold estate, which shall be described by it, shall be construed to include the leasehold estates of the testator to which such description shall extend (*as the case may be*), as well as freehold estates, unless a contrary intention shall appear by the will.

Leaseholds, when may pass under a general devise.

25. A general devise of the real estate of the testator, or of the real estate of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate to which such description shall extend (*as the case may be*), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will; and in like manner a bequest of the personal estate of the testator, or any bequest of personal estate described in a general manner, shall be construed to include any personal estate, or any personal estate to which such description shall extend (*as the case may be*), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

General gift to include realty and personally over which testator has power to appoint.

26. Where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest, which the testator had power to dispose of by will, in such real estate, unless a contrary intention shall appear by the will.

General devise to pass whole estate in the land devised.

27. In any devise or bequest of real or personal estate, the words, "die without issue," or "die without leaving issue," or "having no issue," or any other words which may import either a want or failure of issue of any person in his lifetime or at the time of his death, or an indefinite nature of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will, by reason of such person having a prior estate tail or of a preceding gift, being without any implication arising from such words, a limitation of an estate tail to such person or issue, or otherwise: Provided that this Act shall not extend to cases where such words as aforesaid import, if no issue described in a preceding gift shall be born, or if there shall be no

Import of words "die without issue," or to that effect.

Proviso.

- issue who shall live to attain the age, or otherwise answers the description required for obtaining a vested estate by a preceding gift to such issue.

When devise to trustee or executor shall pass whole estate of testator **28.** Where any real estate shall be devised to a trustee or executor, such devise shall be construed to pass the fee simple, or other the whole estate, or interest which the testator had power to dispose of by will in such real estate, unless a definite term of years absolute or determinable, or an estate of freehold, shall thereby be given to him expressly or by implication. 5

When devise to a trustee shall pass the whole estate beyond what is requisite for the trust. **29.** Where any real estate shall be devised to a trustee without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rents and profits thereof, shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple or other the whole legal estate which the testator had power to dispose of by will in such real estate, and not an estate determinable, when the purposes of the trust shall be satisfied. 10 15 20

When devise of estates tail shall not lapse. **30.** Where any person to whom any real estate shall be devised for an estate tail or an estate in quasi entail, shall die in the lifetime of the testator, leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will. 25

Gifts to issue who leave issue on testator's death, shall not lapse. **31.** Where any person being a child or other issue of the testator, to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of any such person, shall die in the lifetime of the testator, leaving issue, and any of the issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will. 30 35

Mortgage debts to be primarily chargeable on the lands. **32.** When any person shall, after the day of 1873, die seized or entitled to any estate or interest in any real estate, which shall, at the time of his death, be charged with the payment of any sum or sums of money by way of mortgage, and such person shall not, by his will or deed or other document, have signified any contrary or other intention, the heir or devisee to whom such lands or hereditaments shall descend or be devised shall not be entitled to have the mortgage debt discharged or satisfied out of the personal estate, or any other real estate of such person; but the land or hereditament so charged shall as between the different persons claiming through or under the deceased person be primarily liable to the payment of all mortgage debts with which the same shall be charged, every part thereof according to its value bearing a proportionate part of the mortgage debts charged on the whole thereof; Provided always, that nothing herein contained shall affect or diminish any right of the mortgagee on such land or heredita- 40 45 50 55

ments to obtain full payment or satisfaction of his mortgage debt, either out of the personal estate of the person so dying as aforesaid, or otherwise; Provided also, that nothing herein contained shall affect the rights of any person claiming under 5 or by virtue of any will, deed, or document already made or to be made before the day of

33. Whenever, after the passing of this Act, there shall be in any will or codicil of any deceased person, whether such will be made, or such person shall have died, or shall die before or 10 after the passing of this Act, any power to sell, dispose of, appoint, mortgage, encumber, or lease any real estate, whether such power be express, or arise by implication, and no person shall be by the said will, or some codicil thereto, or otherwise by the testator appointed to execute such power, the executor 15 or executors (if any) named in such will or codicil shall and may exercise every such power to sell, dispose of, appoint, encumber, or lease such real estate, and any estate or interest therein, in as full, large, and ample a manner, and with the same legal effect, as if the executor or executors of the testator 20 were appointed to execute such power.

Powers of sale, &c., may be exercised by executor, when none other named to exercise.

34. In every case where any person applies to be appointed an administrator with the will annexed, he shall in his application state, and in his affidavit of the value of the property 25 devolving shall depose to the value or probable value of all the real estate over which, or over any estate in which, the executor or executors named in the will or codicil were by the said will or codicil clothed with any power of disposition, or which real estate, in case of no executor being appointed, was by the will or codicil directed to be disposed of, without any person being 30 appointed to effect such disposition; and in every such case the bond to be given by such person upon his obtaining a grant of administration with the said will annexed, shall, as respects the amount of the penalty of the bond, and the justification of the sureties, include the amount of the value, or probable value so 35 stated and deposited to, and the condition of the bond, in addition to the other provisions thereof, shall provide that the administrator shall well and truly pay over and account for to the person or persons entitled to the same, all moneys and assets to be received by him for or in consequence of the exercise by him of 40 any power over real estate created by the will, and which may be exercised by him.

Applicant for administration with the will annexed to depose to value of the realty.

Condition of the bond, and justification of sureties.

35. Whenever, after the passing of this Act, there shall be in any will or codicil thereto of any deceased person, whether such will be made or such person shall have died before or after 45 the passing of this Act, any power to any executor or executors in such will to sell, dispose of, appoint, mortgage, encumber, or lease any real estate, or any estate or interest therein, whether such power be express, or arise by implication, and whenever, from any cause, letters of administration, with such will annexed, shall have been by a court of competent jurisdiction in 50 Ontario committed to any person, and such person has given, or shall hereafter give, the additional security in the next preceding clause mentioned (which additional security the Judge of the Surrogate Court is authorized to receive); such person shall 55 and may exercise every such power, and sell, dispose of, appoint, mortgage, encumber, or lease such real estate, and any estate or interest therein, in as full, large, and ample a manner, and with

Administrator with will annexed may execute powers of sale, etc.

the same legal effect for all purposes as the said executor or executors might have done.

Administrator with will annexed may execute powers of sale, etc., where the will names none to execute.

36. Whenever, after the passing of this Act, there shall be in any will or codicil thereto of any deceased person, whether such will be made or such person shall have died before or after the passing of this Act, any power to sell, dispose of, appoint, mortgage, encumber, or lease any real estate, or any estate or interest therein, whether such power be express, or arise by implication, and no person shall be by the said will, or some codicil thereto, or otherwise by the testator appointed to execute such power, and letters of administration with such will annexed, shall have been by a court of competent jurisdiction in Ontario committed to any person or persons, such person or persons shall and may exercise every such power, and sell, dispose of, appoint, mortgage, encumber, or lease such real estate, and any estate or interest therein, in as full, large, and ample a manner, and with the same legal effect, as if such last-named person or persons were appointed by the testator to execute such power.

When executor or administrator may convey in pursuance of contract of deceased. Acts repealed.

37. Whenever any person shall have entered into a contract in writing for the sale and conveyance of realty, or of any estate or interest therein, and such person shall have died intestate, or without providing by will for the conveyance of such realty or estate, or interest therein, to the person entitled, or to become entitled to such conveyance under such contract; then, whenever, upon the supposition of the deceased being alive, he would have been liable to execute a conveyance, the executor, administrator, or administrator with the will annexed, as the case may be, of such deceased person, may and shall make and give to the person or persons entitled to the same a good and sufficient conveyance or conveyances for such estates, and of such nature as the said deceased, if living, would be liable to give, but without covenants (except as against the acts of the grantor); which conveyances shall be as valid and effectual as if the said deceased were alive at the time of the making thereof, and had executed the same, but shall not have any further validity.

Duties and liabilities of an administrator acting under this Act.

38. Every executor, administrator, and administrator with the will annexed, shall, as respects the additional powers conferred on him by this Act, and any money or assets by him received in consequence of the exercise of such power, be subject to all the liabilities, and compellable to discharge all the duties of whatsoever kind, which, as respects the acts to be done by him under such powers, would have been imposed upon an executor or other person appointed by the testator to execute the same, or in case of there being no such executor or person, would have been imposed by law upon any person appointed by law, or by any court of equity, or any judge thereof, to execute such power.

Powers given by this Act to two or more to survive.

39. Where there are several executors, administrators, or administrators with the will annexed, and one or more of them dies, the powers hereby created shall vest in the survivor or survivors.

After administrator appointed, no executor to execute the

40. After the grant of administration with the will annexed by any court of competent jurisdiction in Ontario, no executor named in the said will shall execute any of the powers con-

tained in the will, and of the nature above mentioned, unless such letters of administration be first revoked.

powers given
to adminis-
trator.

41. The Acts described in the Schedule to this Act are, except so far as the same relate to any wills or estates *pur autre vie*, to which this Act does not apply, repealed to the extent in third column of the said Schedule mentioned.

Acts repealed.

SCHEDULE.

ACTS REPEALED.	TITLE OF ACTS REPEALED.	EXTENT OF REPEAL.
32 Hen. 8, cap. 1 (Imperial Act).	The Act of Wills, Wards and Primer Seizins, whereby a man may devise two parts of his land.	The whole.
34 & 35 Hen. 8, cap. 5 (Imperial Act).	The Bill concerning the explanation of Wills.	The whole
29 Car. 2, cap. 3 (Imperial Act).	An Act for the prevention of frauds and perjuries.	Sections 5, 6, 12, 19, 20, 21 and 22.
4 & 5 Anne, cap. 16 \ (Imperial Act).	An Act for the amendment of the law and the better advancement of justice.	Section 14.
14 Geo. 2, cap. 20 (Imperial Act).	An Act to amend the law concerning Common Recoveries, and to explain and amend an Act made in the twenty-ninth year of the reign of King Charles the Second, intituled, "An Act for the prevention of Frauds and Perjuries."	Section 9.
25 Geo. 2, cap. 6 (Imperial Act).	An Act for avoiding and putting an end to certain doubts and questions relating to the attestation of Wills and Codicils concerning real estates in that part of Great Britain called England, and in His Majesty's colonies and plantations in America.	The whole.
Con. Stat. U. C., cap. 82. 58—3	An Act respecting real property.	Sections 11, 12 and 13.

ACTS REPEALED.	TITLE OF ACTS REPEALED.	EXTENT OF REPEAL.
29 Vic., cap. 28, Province of Canada	An Act respecting the Law of Property and Trusts.	Section 33.
32 Vic., cap. 8 (Ontario).	An Act to amend the law as to Wills.	The whole.
33 Vic., cap. 18 (Ontario).	An Act to amend the law respecting the powers of Executors and Adminis- trators.	The whole.
35 Vic., cap. 15 (Ontario).	An Act further to amend the law relating to Pro- perty and Trusts.	The whole

BILL.

An Act to consolidate and amend the law as
to Wills.

1st Reading, 23rd January, 1873.

MR. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to consolidate and amend the Law of Wills.

WHEREAS it is expedient to consolidate and amend the Law as to Wills;

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 Wills Act, 1873."

Short title.

2. Unless herein otherwise expressly provided, this Act shall not extend to any will made before the first day of January, one thousand eight hundred and seventy-four, but every will re-executed or re-published, or revived by any codicil, shall, for the purposes of this Act, be deemed to have been made at the time at which the same shall be so re-executed, re-published, or revived; and this Act shall not extend to any estate *pur autre vie* of any person who shall have heretofore died or shall die before the first day of January, one thousand eight hundred and seventy-four.

Commencement of operation of the Act

3. Nothing contained in the thirty-ninth and seven following sections of this Act shall apply to or affect any case at the time of the passing of this Act pending or heretofore adjudicated upon and decided by any Court in Ontario.

Sec 33 to 40 not to apply to cases pending or decided.

4. In this Act, the term "will" shall extend to a testament, and to a codicil, and to an appointment by will, or by writing in the nature of a will, in exercise of a power, and also to a disposition by will and testament, or devise of the custody and tuition of any child, by virtue of an Act passed in the twelfth year of the reign of King Charles the Second, intituled "An Act for taking away the Court of Wards, and liveries and tenures *in capite*, and by knights' service and purveyance, and for settling a revenue upon His Majesty in lieu thereof," and to any other testamentary disposition.

Interpretation clause. "Will."

The term "real estate" shall extend to messuages, lands, rents, and hereditaments, whether freehold or of any other tenure, and whether corporeal incorporeal or personal, and to any undivided share thereof, and to any estate, right, or interest, (other than a chattel interest) therein.

"Real estate."

The term "personal estate" shall extend to leasehold estates and other chattels real, and also to moneys' shares of government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever, which by law devolves upon the executor or administrator, and to any share or interest therein.

"Personal estate."

The term "person" and also the term "testator," shall include a married woman.

"Person."

5. The term "mortgage" shall include any lien for unpaid purchase money, and any charge, encumbrance, or obligation of any

"Mortgage."

nature whatever upon any lands or tenements of a testator or intestate.

Power to dis-
pose of all
Property:

5. Every person may devise, bequeath, or dispose of by will, executed in manner hereinafter mentioned, all real estate and personal estate which he shall be entitled to, either at law or in equity, at the time of his death, and which, if not so devised, bequeathed, or disposed of, would devolve upon his heir at law, or upon his executor or administrator; and the power hereby given shall extend to estates *pur autre vie*, whether there shall or shall not be any special occupant thereof, and whether the same shall be a corporeal or incorporeal hereditament; and also to all contingent, executory, or other future interests in any real or personal estate, whether the testator may or may not be ascertained as the person or one of the persons in whom the same may respectively become vested, and whether he may be entitled thereto under the instrument by which the same were respectively created, or under any disposition thereof by deed or will; and also to all rights of entry for conditions broken and other rights of entry, and also to such of the same estates, interests and rights respectively, and other real and personal estate, as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his will.

pur autre vie.

Contingent
interests.

Rights of
entry.

Property or
quired aft
the will.

Freehold
estates
pur autre vie.

6. If no disposition by will shall be made of any estate *pur autre vie* of a freehold nature, the same shall be chargeable in the hands of the heir, if it shall come to him by reason of special occupancy, as assets by descent, as in the case of freehold land in fee simple; and in case there shall be no special occupant of any estate *pur autre vie*, of a freehold nature, whether a corporeal or incorporeal hereditament, it shall go to the executor or administrator of the party who had the estate thereof by virtue of the grant; and if the same shall come to the executor or administrator either by reason of a special occupancy, or by virtue of this Act, it shall be assets in his hands, and shall go and be applied and distributed in the same manner as the personal estate of the testator or intestate.

Wills by in-
fants invalid.

7. No will made by any person under the age of twenty-one years shall be valid.

Execution.

8. No will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned; that is to say, it shall be signed at the foot or end thereof by the testator; or by some other person in his presence, and by his direction, and such signature shall be made or acknowledged by the testator, in the presence of two or more witnesses, present at the same time, and such witnesses shall attest and shall subscribe the will in the presence of the testator; but no form of attestation shall be necessary: Provided, always that every will, so far only as regards the position of the signature of the testator, or of the person signing for him as aforesaid, shall be deemed to be valid, within the meaning of this Act, if the signature shall be placed at, or after, or following, or under, or beside, or opposite to the end of the will, that it shall be apparent on the face of the will that the testator intended to give effect by such signature to the writing signed as his will; and that no such will shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the will, or by the circumstance that a blank space shall intervene

Attestation.

between the concluding word of the will and the signature, or by the circumstance that the signature shall be placed among the words of the testimonium clause, or the clause of attestation, or shall follow or be after or under the clause of attestation, 5 either with or without a blank space intervening, or shall follow or be after, or under, or beside the names or one of the names of the subscribing witnesses, or by the circumstance that the signature shall be on a side, or page, or other portion of the paper or papers containing the will, whereon no clause or 10 paragraph or disposing part of the will shall be written above the signature, or by the circumstance that there shall appear to be sufficient space on or at the bottom of the preceding side or page or other portion of the same paper on which the will is written to contain the signature, and the enumeration of the 15 above circumstances shall not restrict the generality of this proviso; but no signature under this Act shall be operative to give effect to any disposition or direction which is underneath, or which follows it, nor shall it give effect to any disposition or direction inserted after the signature shall be made.

20 **9.** No appointment made by will, in exercise of any power, shall be valid, unless the same shall be executed in manner hereinbefore required, and every will executed in manner hereinbefore required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appoint- 25 ment by will, notwithstanding it shall have been expressly required that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

30 **10.** Any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate as he might have done before the making of this Act. Appointments how to be exercised.
Wills of persons of soldiers and sailors.

11. Every will executed in manner hereinbefore required, shall be valid without any other publication thereof. Publication unnecessary

35 **12.** If any person who shall attest the execution of a will shall, at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be in- 40 valid. Will not invalid if witness interested.

40 **13.** If any person shall attest the execution of any will, to whom, or to whose wife or husband any beneficial devise, legacy, estate, interest, gift, or appointment of or affecting any real or personal estate (other than and except charges and directions for the payment of any debt or debts) shall be thereby given or 45 made, such devise, legacy, estate, interest, gift, or appointment shall, so far only as concerns such person attesting the execution of such will, or of the wife or husband of such person, or any person claiming under such person or wife or husband, be utterly null and void, and such person so attesting shall be 50 admitted as a witness to prove the execution of such will, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift, or appointment mentioned in such will. Gifts, &c., to witness invalid.

14. In case by any will any real or personal estate shall be 55 charged with any debt or debts, and any creditor, or the wife or husband of any creditor whose debt is so charged, shall attest

Creditors
competent
witnesses.

the execution of such will, such creditor, notwithstanding such charge, shall be admitted a witness to prove the execution of such will, or to prove the validity or invalidity thereof.

Executor
competent
witness.

15. No person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof. 5

Revocation by
marriage.

16. Every will shall be revoked by the marriage of the testator, except a will made in the exercise of a power of appointment when the real or personal estate thereby appointed would not, in default of such appointment, pass to the testator's heir, executor or administrator, or the person entitled as the testator's next of kin under the Statute of Distributions. 10

Revocation by
change of cir-
cumstances.

17. No will shall be revoked by any presumption of an intention, on the ground of an alteration in circumstances. 15

How only will
can be re-
voked.

18. No will or codicil, or any part thereof, shall be revoked otherwise than as aforesaid, or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same, by the testator, or by some person in his presence and by his direction, with the intention of revoking the same. 20

Obliterations,
Interlinea-
tions, &c.

19. No obliteration, interlineation or other alteration made in any will after the execution thereof, shall be valid or have any effect, except so far as the words or effect of the will before such alteration shall not be apparent, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; but the will, with such alteration as part thereof, shall be deemed to be duly executed, if the signature of the testator and the subscription of the witnesses be made in the margin or on some other part of the will opposite or near to such alteration, or at the foot or end of, or opposite to, a memorandum referring to such alteration, and written at the end or some other part of the will. 30 35

Revival.

20. No will or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in manner hereinbefore required, and shewing an intention to revive the same; and when any will or codicil which shall be partly revoked, and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shewn. 40

No act as to
property
named in the
will to prevent
operation of
the will as any
interest left in
testator.

21. No conveyance or other act made or done subsequently to the execution of a will, of or relating to any real or personal estate therein comprised, except an act by which such will shall be revoked as aforesaid, shall prevent the operation of the will with respect to such estate, or interest in such real or personal estate, as the testator shall have power to dispose of by will at the time of his death. 45 50

Will to speak
from death.

22. Every will shall be construed, with reference to the real and personal estate comprised in it, to speak and take effect as

if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the will.

23. Unless a contrary intention shall appear by the will, such real estate or interest therein as shall be comprised or intended to be comprised in any devise in such will contained, which shall fail or be void by reason of the death of the devisee in the lifetime of the testator, or by reason of such devise being contrary to law, or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will.

Lapsed devise to sink into residuary devise.

24. A devise of the land of the testator, or of the land of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, and any other general devise which would describe a leasehold estate, if the testator had no freehold estate, which could be described by it, shall be construed to include the leasehold estates of the testator or his leasehold estate or any of them to which such description shall extend (as the case may be), as well as freehold estates, unless a contrary intention shall appear by the will.

Leaseholds, when they pass under a general devise.

25. A general devise of the real estate of the testator, or of the real estate of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate to which such description shall extend (as the case may be), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will; and in like manner a bequest of the personal estate of the testator, or any bequest of personal estate described in a general manner, shall be construed to include any personal estate, or any personal estate to which such description shall extend (as the case may be), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

General gift to include realty and personalty over which testator has power to appoint.

26. Where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest, which the testator had power to dispose of by will, in such real estate, unless a contrary intention shall appear by the will.

General devise to pass whole estate in the land devised.

27. In any devise or bequest of real or personal estate, the words, "die without issue," or "die without leaving issue," or "have no issue," or any other words which may import either a want or failure of issue of any person in his lifetime or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will, by reason of such person having a prior estate tail or of a preceding gift, being without any implication arising from such words, a limitation of an estate tail to such person or issue, or otherwise: Provided that this Act shall not extend to cases where such words as aforesaid import, if no issue described in a preceding gift shall be born, or if there shall be no

Import of words "die without issue," or to that effect.

Proviso.

issue who shall live to attain the age, or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

When devise to trustee or executor shall pass whole estate of testator

28. Where any real estate shall be devised to a trustee or executor, such devise shall be construed to pass the fee simple, or other the whole estate, or interest which the testator had power to dispose of by will in such real estate, unless a definite term of years absolute or determinable, or an estate of freehold, shall thereby be given to him expressly or by implication. 5

When devise to a trustee shall pass the whole estate beyond what is requisite for the trust.

29. Where any real estate shall be devised to a trustee without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rents and profits thereof, shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple or other the whole legal estate which the testator had power to dispose of by will in such real estate, and not an estate determinable, when the purposes of the trust shall be satisfied. 15 20

When devise of estates tail or shall not lapse.

30. Where any person to whom any real estate shall be devised for an estate tail or an estate in quasi entail, shall die in the lifetime of the testator, leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will. 25

Gifts to issue who leave issue on testator's death, shall not lapse.

31. Where any person being a child or other issue of the testator, to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person, shall die in the lifetime of the testator, leaving issue, and any of the issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will. 30 35

Mortgage debts to be primarily chargeable on the lands

32. When any person shall, after the passing of this Act, die seized of or entitled to any estate or interest in any real estate, which shall, at the time of his death, be charged with the payment of any sum or sums of money by way of mortgage, and such person shall not, by his will or deed or other document, have signified any contrary or other intention, the heir or devisee to whom such real estate shall descend or be devised shall not be entitled to have the mortgage debt discharged or satisfied out of the personal estate, or any other real estate of such person; but the real estate so charged shall as between the different persons claiming through or under the deceased person be primarily liable to the payment of all mortgage debts with which the same shall be charged, every part thereof according to its value bearing a proportionate part of the mortgage debts charged on the whole thereof; Provided always, that nothing herein contained shall affect or diminish any right of the mortgagee on such real estate 40 45 50 55

to obtain full payment or satisfaction of his mortgage debts, either out of the personal estate of the person so dying as aforesaid, or otherwise; Provided also, that nothing herein contained shall affect the rights of any person claiming under or by virtue of any will, deed, or document made before the passing of this Act.

33. In the construction of any will or deed or other document to which the next preceding section of this Act relates, a general direction that the debts or that all the debts of the testator shall be paid out of his personal estate shall not be deemed to be a declaration of an intention contrary to or other than the rule established by the said section, unless such contrary or other intention shall be further declared by words expressly, or by necessary implication referring to all or some of the testator's debts or debt charged by way of mortgage on any part of his real estate.

Consequence of direction that testator's debts be paid out of personal estate.

34. Where by any will which shall come into operation after the passing of this Act the testator shall have charged his real estate or any specific portion thereof, with the payment of his debts or with the payment of any legacy or other specific sum of money and shall have devised the estate so charged to any trustee or trustees for the whole of his estate or interest therein and shall not have made any express provision for the raising of such debt, legacy or sum of money out of such estate, it shall be lawful for the said devisee or devisees in trust, notwithstanding any trusts actually declared by the testator to raise such debt, legacy or money as aforesaid by a sale and absolute disposition, by public auction or private contract of the said real estate or any part thereof or by a mortgage of the same or partly in one mode and partly in the other, and any deed or deeds of mortgage so executed may reserve such rate of interest and fix such period or periods of repayment as the person or persons executing the same shall think proper.

Devisee in trust may raise money by sale notwithstanding want of express power in the will.

35. The powers conferred by the last section shall extend to all and every person or persons in whom the estate devised shall for the time being be vested by survivorship, descent or devise or to any person or persons who may be appointed under any power in the will or by the Court of Chancery to succeed to the trusteeship vested in such devisee or devisees in trust as aforesaid.

Power given by last section extended to survivors devisee.

36. If any testator who shall have created such a charge as is described in the thirty-fourth section shall not have devised the real estate charged as aforesaid in such terms as that his whole estate and interest therein shall become vested in any trustee or trustees, the executor or executors for the time being named in the will (if any) shall have the same or the like power of raising the said moneys as is hereinbefore vested in the devisee or devisees in trust of the said real estate, and such powers shall from time to time devolve to and become vested in the person or persons (if any) in whom the executorship shall for the time being be vested; but any sale or mortgage under this Act shall operate only on the estate, and interest whether legal or equitable, of the testator, and shall not render it unnecessary to get in any outstanding subsisting legal estate.

Executor to have power of raising money as aforesaid if there is no sufficient devisee.

37. Purchasers or mortgagees shall not be bound to inquire whether the powers conferred by sections thirty-four, thirty-

Purchaser, &c., not bound to inquire as to powers.

five, and thirty-six of this Act or either of them shall have been duly and correctly exercised by the person or persons acting in virtue thereof.

Sections not to affect certain sales nor to extend to devisees in fee or in tail.

38. The provisions contained in sections thirty-four, thirty-five, thirty-six, and thirty-seven shall not in any way prejudice or affect any sale or mortgage already made or hereafter to be made under or in pursuance of any will coming into operation before the passing of this Act; but the validity of any such sale or mortgage shall be ascertained and determined in all respects as if this Act had not been passed, and the said several sections shall not extend to a devise to any person or persons in fee or in tail, or for the testator's whole estate and interest charged with debts or legacies, nor shall they affect the power of any such devisee or devisees to sell or mortgage as he or they may by law now do.

Powers of sale, &c., may be exercised by executor, when none other named to exercise.

39. Whenever, after the passing of this Act, there shall be in any will or codicil of any deceased person, whether such will be made, or such person shall have died, or shall die before or after the passing of this Act, any direction whether express or implied, to sell, dispose of, appoint, mortgage, encumber, or lease any real estate, and no person shall be by the said will, or some codicil thereto, or otherwise by the testator appointed to execute and carry the same into effect, the executor or executors (if any) named in such will or codicil shall and may execute and carry into effect every such direction to sell, dispose of, appoint, encumber, or lease such real estate, and any estate or interest therein, in as full, large, and ample a manner, and with the same legal effect, as if the executor or executors of the testator were appointed by the testator to execute and carry the same into effect.

Applicant for administration with the will annexed to deposit value of the realty.

40. In every case where any person applies to be appointed an administrator with the will annexed, he shall in his application state, and in his affidavit of the value of the property devolving shall depose to the value or probable value of all the real estate over which, or over any estate in which, the executor or executors named in the will or codicil were by the said will or codicil clothed with any power of disposition, or which real estate, in case of no executor being appointed, was by the will or codicil directed to be disposed of, without any person being appointed to effect such disposition; and in every such case the bond to be given by such person upon his obtaining a grant of administration with the said will annexed, shall, as respects the amount of the penalty of the bond, and the justification of the sureties, include the amount of the value, or probable value so stated and deposited to, and the condition of the bond, in addition to the other provisions thereof, shall provide that the administrator shall well and truly pay over and account for to the person or entitled to the same, all moneys and assets to be received by him for or in consequence of the exercise by him of any power over real estate created by the will or codicil, and which may be exercised by him.

Condition of the bond, and justification of sureties.

Administrator with will annexed may exercise powers of sale, &c.

41. Whenever, after the passing of this Act, there shall be in any will or codicil thereto of any deceased person, whether such will be made or such person shall have died before or after the passing of this Act, any power to any executor or executors in such will to sell, dispose of, appoint, mortgage, encumber, or lease any real estate, or any estate or interest therein, whether

such power be express, or arise by implication, and whenever, from any cause, letters of administration, with such will annexed, shall have been by a court of competent jurisdiction in Ontario committed to any person, and such person has given, or shall hereafter give, the additional security in the next preceding section mentioned (which additional security the Judge of the Surrogate Court is authorized to receive); such person shall and may exercise every such power, and sell, dispose of, appoint, mortgage, encumber, or lease such real estate, and any estate or interest therein, in as full, large, and ample a manner, and with the same legal effect for all purposes as the said executor or executors might have done.

42. Whenever, after the passing of this Act, there shall be in any will or codicil thereto of any deceased person, whether such will be made or such person shall have died before or after the passing of this Act, any power to sell, dispose of, appoint, mortgage, encumber, or lease any real estate, or any estate or interest therein, whether such power be express, or arise by implication, and no person shall be by the said will, or some codicil thereto, or otherwise by the testator appointed to execute such power, and letters of administration with such will annexed, shall have been by a court of competent jurisdiction in Ontario committed to any person, and such person has given or shall hereafter give the additional security before mentioned, (which additional security the Judge of the Surrogate Court is authorized to receive,) such person shall and may exercise every such power, and sell, dispose of, appoint, mortgage, encumber, or lease such real estate, and any estate or interest therein, in as full, large, and ample a manner, and with the same legal effect, as if such last named person were appointed by the testator to execute such power.

Administrator with will annexed may execute power of sale, etc., where the will names none to execute.

43. Whenever any person shall have entered into a contract in writing for the sale and conveyance of real estate, or of any estate or interest therein, and such person shall have died in testate or without providing by will for the conveyance of such real estate or estate, or interest therein, to the person entitled, or to become entitled to such conveyance under such contract; then, whenever, upon the supposition of the deceased being alive, he would be liable to execute a conveyance, the executor, administrator, or administrator with the will annexed, (as the case may be,) of such deceased person, may and shall make and give to the person entitled to the same a good and sufficient conveyance or conveyances for such estates, and of such nature as the said deceased, if living, would be liable to give, but without covenants, except as against the acts of the grantor; which conveyances shall be as valid and effectual as if the said deceased were alive at the time of the making thereof, and had executed the same, but shall not have any further validity.

When executor or administrator may convey in pursuance of contract of deceased. Acts repealed.

44. Every executor, administrator, and administrator with the will annexed, shall, as respects the additional powers vested in him by this Act, and any money or assets by him received in consequence of the exercise of such powers, be subject to all the liabilities, and compellable to discharge all the duties of whatsoever kind, which, as respects the acts to be done by him under such powers, would have been imposed upon an executor or other person appointed by the testator to execute

Duties and liabilities of an administrator acting under this Act.

the same, or in case of there being no such executor or person, would have been imposed by law upon any person appointed by law, or by any court or judge of competent jurisdiction to execute such powers.

Powers given by this Act to two or more to survive. 45. Where there are several executors, administrators, or administrators with the will annexed, and one or more of them dies, the powers hereby created shall vest in the survivor or survivors. 5

After administrator appointed, no executor to execute the powers given to administrator. 46. After the grant of administration with the will annexed by any court of competent jurisdiction in Ontario, no executor named in the said will shall execute any of the powers contained in the will, and of the nature above mentioned, unless such letters of administration be first revoked. 10

Acts repealed. 41. The Acts described in the Schedule to this Act are, except so far as the same relate to any wills or estates *pur autre vie*, to which this Act does not extend, repealed to the extent in the third column of the said Schedule mentioned; but such repeal shall not revive any Act or provision of law repealed by them, nor shall the said repeal prevent the application of any of the said Acts, or of any Act or provision of laws formerly in force, to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply. 15 20

SCHEDULE.

ACTS REPEALED.	TITLE OF ACTS REPEALED.	EXTENT OF REPEAL.
32 Hen. 8, cap. 1 (Imperial Act).	The Act of Wills, Wards and Primer Seizins, whereby a man may devise two parts of his land.	The whole Act.
34 & 35 Hen. 8, cap. 5 (Imperial Act).	The Bill concerning the explanation of Wills.	The whole Act.
29 Car. 2, cap. 3 (Imperial Act).	An Act for the prevention of frauds and perjuries.	Sections 5, 6, 12, 19, 20, 21 and 22.
4 & 5 Anne, cap. 16 (Imperial Act).	An Act for the amendment of the law and the better advancement of justice.	Section 14.
14 Geo. 2, cap. 20 (Imperial Act).	An Act to amend the law concerning Common Recoveries, and to explain and amend an Act made in the twenty-ninth year of the reign of King Charles the Second, intituled, "An Act for the prevention of Frands and Perjuries."	Section 9.

ACTS REPEALED.	TITLE OF ACTS REPEALED.	EXTENT OF REPEAL.
25 Geo. 2, cap. 6 (Imperial Act).	An Act for avoiding and putting an end to certain doubts and questions relating to the attestation of Wills and Codicils concerning real estates in that part of Great Britain called England, and in His Majesty's colonies and plantations in America.	The whole Act.
Con. Stat. U. C., cap. 73.	An Act respecting certain separate rights of married women.	Section 16.
Con. Stat. U. C., cap. 82.	An Act respecting real property.	Sections 11, 12 and 13.
29 Vic., cap. 28, (Province of Canada).	An Act respecting the Law of Property and Trusts.	Sections 13, 14, 15, 16, 17 and 33.
32 Vic., cap. 8 (Ontario).	An Act to amend the law as to Wills.	The whole Act.
33 Vic., cap. 18 (Ontario).	An Act to amend the law respecting the powers of Executors and Administrators.	The whole Act.
35 Vic., cap. 15 (Ontario).	An Act further to amend the law relating to Property and Trusts.	The whole Act.

No. 58.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to consolidate and amend the law as to Wills.

(Reprinted as amended by Select Committee.)

1st Reading, 28rd January, 1873.

Mr. MEREDITH.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to consolidate and amend the Law as to Wills.

WHEREAS it is expedient to consolidate and amend the Law as to Wills;

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 Wills Act, 1873.” Short title.

2. Unless herein otherwise expressly provided, this Act shall not extend to any will made before the first day of January, one thousand eight hundred and seventy-four, but every will re-executed or re-published, or revived by any codicil, shall, for the purposes of this Act, be deemed to have been made at the time at which the same shall be so re-executed, re-published, or revived. Commencement of operation of the Act.

3. Nothing contained in the thirty-eighth and seven following sections of this Act shall apply to or affect any case at the time of the passing of this Act pending or heretofore adjudicated upon and decided by any Court in Ontario. Ss 38 to 40 not to apply to cases pending or decided.

4. In this Act, the term “will” shall extend to a testament, and to a codicil, and to an appointment by will, or by writing in the nature of a will, in exercise of a power, and also to a disposition by will and testament, or devise of the custody and tuition of any child by virtue of an Act passed in the twelfth year of the reign of King Charles the Second, intituled “An Act for taking away the Court of Wards, and liveries and tenures *in capite*, and by knights’ service and purveyance, and for settling a revenue upon His Majesty in lieu thereof,” and to any other testamentary disposition; Interpretation clause.
“Will.”

The term “real estate” shall extend to messuages, lands, rents, and hereditaments, whether freehold or of any other tenure, and whether corporeal incorporeal or personal, and to any undivided share thereof, and to any estate, right, or interest, (other than a chattel interest) therein; “Real estate.”

The term “personal estate” shall extend to leasehold estates and other chattels real, and also to moneys, shares of government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever, which by law devolves upon the executor or administrator, and to any share or interest therein; “Personal estate.”

The term “person” and also the term “testator,” shall include a married woman; “Person.”

The term “mortgage” shall include any lien for unpaid purchase money, and any charge, encumbrance, or obligation of any nature whatever upon any lands or tenements of a testator or intestate. “Mortgage.”

Power to dispose of all property: **5.** Every person may devise, bequeath, or dispose of by will, executed in manner hereinafter mentioned, all real estate and personal estate which he shall be entitled to, either at law or in equity, at the time of his death, and which, if not so devised, bequeathed, or disposed of, would devolve upon his heir at law, or upon his executor or administrator; and the power hereby given shall extend to estates *pur autre vie*, whether there shall or shall not be any special occupant thereof, and whether the same shall be a corporeal or incorporeal hereditament; and also to all contingent, executory, or other future interests in any real or personal estate, whether the testator may or may not be ascertained as the person or one of the persons in whom the same may respectively become vested, and whether he may be entitled thereto under the instrument by which the same were respectively created, or under any disposition thereof by deed or will; and also to all rights of entry for conditions broken and other rights of entry, and also to such of the same estates, interests and rights respectively, and other real and personal estate, as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his will.

Wills by infants invalid. **6.** No will made by any person under the age of twenty-one years shall be valid.

Execution. **7.** No will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned; that is to say, it shall be signed at the foot or end thereof by the testator; or by some other person in his presence, and by his direction, and such signature shall be made or acknowledged by the testator, in the presence of two or more witnesses, present at the same time, and such witnesses shall attest and shall subscribe the will in the presence of the testator; but no form of attestation shall be necessary: Provided always, that every will, so far only as regards the position of the signature of the testator, or of the person signing for him as aforesaid, shall be deemed to be valid, within the meaning of this Act, if the signature shall be so placed at, or after, or following, or under, or beside, or opposite to the end of the will, that it shall be apparent on the face of the will that the testator intended to give effect by such signature to the writing signed as his will; and that no such will shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the will, or by the circumstance that a blank space shall intervene between the concluding word of the will and the signature, or by the circumstance that the signature shall be placed among the words of the testimonium clause, or the clause of attestation, or shall follow or be after or under the clause of attestation, either with or without a blank space intervening, or shall follow or be after, or under, or beside the names or one of the names of the subscribing witnesses, or by the circumstance that the signature shall be on a side, or page, or other portion of the paper or papers containing the will, whereon no clause or paragraph or disposing part of the will shall be written above the signature, or by the circumstance that there shall appear to be sufficient space on or at the bottom of the preceding side or page or other portion of the same paper on which the will is written to contain the signature, and the enumeration of the above circumstances shall not restrict the generality of this

proviso; but no signature under this Act shall be operative to give effect to any disposition or direction which is underneath, or which follows it, nor shall it give effect to any disposition or direction inserted after the signature shall be made.

8. No appointment made by will, in exercise of any power, shall be valid, unless the same shall be executed in manner hereinbefore required, and every will executed in manner hereinbefore required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, notwithstanding it shall have been expressly required that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

Appointments
how to be
exercised.

9. Any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate as he might have done before the making of this Act.

Wills of per-
sonality of
soldiers and
sailors.

10. Every will executed in manner hereinbefore required, shall be valid without any other publication thereof.

Publication
unnecessary

11. If any person who shall attest the execution of a will shall, at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid.

Will not
invalid if
witness
interested.

12. If any person shall attest the execution of any will, to whom, or to whose wife or husband any beneficial devise, legacy, estate, interest, gift, or appointment of or affecting any real or personal estate (other than and except charges and directions for the payment of any debt or debts) shall be thereby given or made, such devise, legacy, estate, interest, gift, or appointment shall, so far only as concerns such person attesting the execution of such will, or of the wife or husband of such person, or any person claiming under such person or wife or husband, be utterly null and void, and such person so attesting shall be admitted as a witness to prove the execution of such will, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift, or appointment mentioned in such will.

Gifts, &c., to
witness
invalid.

13. In case by any will any real or personal estate shall be charged with any debt or debts, and any creditor, or the wife or husband of any creditor whose debt is so charged, shall attest the execution of such will, such creditor, notwithstanding such charge, shall be admitted a witness to prove the execution of such will, or to prove the validity or invalidity thereof.

Creditors
competent
witnesses.

14. No person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof.

Executor
competent
witness.

15. Every will shall be revoked by the marriage of the testator, except a will made in the exercise of a power of appointment when the real or personal estate thereby appointed would not, in default of such appointment, pass to the testator's

Revocation by
marriage.

heir, executor or administrator, or the person entitled as the testator's next of kin under the Statute of Distributions.

Revocation by change in circumstances. **16.** No will shall be revoked by any presumption of an intention, on the ground of an alteration in circumstances.

How only will can be revoked. **17.** No will or codicil, or any part thereof, shall be revoked otherwise than as aforesaid, or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same, by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

Obliterations, Interlineations, &c. **18.** No obliteration, interlineation or other alteration made in any will after the execution thereof, shall be valid or have any effect, except so far as the words or effect of the will before such alteration shall not be apparent, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; but the will, with such alteration as part thereof, shall be deemed to be duly executed, if the signature of the testator and the subscription of the witnesses be made in the margin or on some other part of the will opposite or near to such alteration, or at the foot or end of, or opposite to, a memorandum referring to such alteration, and written at the end or some other part of the will.

Revival. **19.** No will or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in manner hereinbefore required, and shewing an intention to revive the same; and when any will or codicil which shall be partly revoked, and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shewn.

No act as to property named in the will to prevent operation of the will as any interest left in testator. **20.** No conveyance or other act made or done subsequently to the execution of a will, of or relating to any real or personal estate therein comprised, except an act by which such will shall be revoked as aforesaid, shall prevent the operation of the will with respect to such estate, or interest in such real or personal estate, as the testator shall have power to dispose of by will at the time of his death.

Will to speak from death. **21.** Every will shall be construed, with reference to the real and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the will.

Lapsed devise to sink into residuary devise. **22.** Unless a contrary intention shall appear by the will, such real estate or interest therein as shall be comprised or intended to be comprised in any devise in such will contained, which shall fail or be void by reason of the death of the devisee in the lifetime of the testator, or by reason of such devise being contrary to law, or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will.

23. A devise of the land of the testator, or of the land of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, and any other general devise which would describe a leasehold estate, if the testator had no freehold estate, which could be described by it, shall be construed to include the leasehold estates of the testator or his leasehold estate or any of them to which such description shall extend (as the case may be), as well as freehold estates, unless a contrary intention shall appear by the will.

Leaseholds, when may pass under a general devise.

24. A general devise of the real estate of the testator, or of the real estate of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate to which such description shall extend (as the case may be), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will; and in like manner a bequest of the personal estate of the testator, or any bequest of personal estate described in a general manner, shall be construed to include any personal estate, or any personal estate to which such description shall extend (as the case may be), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

General gift to include realty and personalty over which testator has power to appoint.

25. Where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest, which the testator had power to dispose of by will, in such real estate, unless a contrary intention shall appear by the will.

General devise to pass whole estate in the land devised.

26. In any devise or bequest of real or personal estate, the words, "die without issue," or "die without leaving issue," or "have no issue," or any other words which may import either a want or failure of issue of any person in his lifetime or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will, by reason of such person having a prior estate tail or of a preceding gift, being without any implication arising from such words, a limitation of an estate tail to such person or issue, or otherwise: provided that this Act shall not extend to cases where such words as aforesaid import, if no issue described in a preceding gift shall be born, or if there shall be no issue who shall live to attain the age, or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

Import of words "die without issue," or to that effect.

Proviso.

27. Where any real estate shall be devised to a trustee or executor, such devise shall be construed to pass the fee simple, or other the whole estate, or interest which the testator had power to dispose of by will in such real estate, unless a definite term of years absolute or determinable, or an estate of freehold, shall thereby be given to him expressly or by implication.

When devise to trustee or executor shall pass whole estate of testator

When devise to a trustee shall pass the whole estate beyond what is requisite for the trust.

28. Where any real estate shall be devised to a trustee without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rents and profits thereof, shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple or other the whole legal estate which the testator had power to dispose of by will in such real estate, and not an estate determinable, when the purposes of the trust shall be satisfied.

When devises of estates tail shall not lapse.

29. Where any person to whom any real estate shall be devised for an estate tail or an estate in quasi entail, shall die in the lifetime of the testator, leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

Gifts to issue who leave issue on testator's death, shall not lapse.

30. Where any person being a child or other issue of the testator, to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person, shall die in the lifetime of the testator, leaving issue, and any of the issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

Mortgage debts to be primarily chargeable on the lands.

31 When any person shall, after the passing of this Act, die seized of or entitled to any estate or interest in any real estate, which shall, at the time of his death, be charged with the payment of any sum or sums of money by way of mortgage, and such person shall not, by his will or deed or other document, have signified any contrary or other intention, the heir or devisee to whom such real estate shall descend or be devised shall not be entitled to have the mortgage debt discharged or satisfied out of the personal estate, or any other real estate of such person; but the real estate so charged shall as between the different persons claiming through or under the deceased person be primarily liable to the payment of all mortgage debts with which the same shall be charged, every part thereof according to its value bearing a proportionate part of the mortgage debts charged on the whole thereof: Provided always, that nothing herein contained shall affect or diminish any right of the mortgagee on such real estate to obtain full payment or satisfaction of his mortgage debts, either out of the personal estate of the person so dying as aforesaid, or otherwise; Provided also, that nothing herein contained shall affect the rights of any person claiming under or by virtue of any will, deed, or document made before the passing of this Act.

Consequence of direction that testator's debts be paid out of personality.

32. In the construction of any will or deed or other document to which the next preceding section of this Act relates, a general direction that the debts or that all the debts of the testator shall be paid out of his personal estate shall not be

deemed to be a declaration of an intention contrary to or other than the rule established by the said section, unless such contrary or other intention shall be further declared by words expressly, or by necessary implication referring to all or some of the testator's debts or debt charged by way of mortgage on any part of his real estate.

33. Where by any will which shall come into operation after the passing of this Act the testator shall have charged his real estate or any specific portion thereof, with the payment of his debt or with the payment of any legacy or other specific sum of money and shall have devised the estate so charged to any trustee or trustees for the whole of his estate or interest therein and shall not have made any express provision for the raising of such debt, legacy or sum of money out of such estate, it shall be lawful for the said devisee or devisees in trust, notwithstanding any trusts actually declared by the testator to raise such debt, legacy or money as aforesaid by a sale and absolute disposition, by public auction or private contract of the said real estate or any part thereof or by a mortgage of the same or partly in one mode and partly in the other, and any deed or deeds of mortgage so executed may reserve such rate of interest and fix such period or periods of repayment as the person or persons executing the same shall think proper.

Devisee in trust may raise money by sale notwithstanding want of express power in the will.

34. The powers conferred by the last section shall extend to all and every person or persons in whom the estate devised shall for the time being be vested by survivorship, descent or devise or to any person or persons who may be appointed under any power in the will or by the Court of Chancery to succeed to the trusteeship vested in such devisee or devisees in trust as aforesaid.

Power given by last section extended to survivors devisee.

35. If any testator who shall have created such a charge as is described in the thirty-third section shall not have devised the real estate charged as aforesaid in such terms as that his whole estate and interest therein shall become vested in any trustee or trustees, the executor or executors for the time being named in the will (if any) shall have the same or the like power of raising the said moneys as is hereinbefore vested in the devisee or devisees in trust of the said real estate, and such powers shall from time to time devolve to and become vested in the person or persons (if any) in whom the executorship shall for the time being be vested; but any sale or mortgage under this Act shall operate only on the estate, and in trust whether legal or equitable, of the testator, and shall not render it unnecessary to get in any outstanding subsisting legal estate.

Executor to have power of raising money as aforesaid there is no sufficient devise.

36. Purchasers or mortgagees shall not be bound to inquire whether the powers conferred by sections thirty-three, thirty-four and thirty-five of this Act or either of them shall have been duly and correctly exercised by the person or persons acting in virtue thereof.

Purchasers, &c., not bound to inquire as to powers.

37. The provisions contained in sections thirty-three, thirty-four, thirty-five and thirty-six, shall not in any way prejudice or affect any sale or mortgage already made or hereafter to be made under or in pursuance of any will coming into operation before the passing of this Act; but the validity of any such sale or mortgage shall be ascertained and determined in all respects

Sections not to affect certain sales nor to extend to devisees in fee or in tail

as if this Act had not been passed, and the said several sections shall not extend to a devise to any person or persons in fee or in tail, or for the testator's whole estate and interest charged with debts or legacies, nor shall they affect the power of any such devisee or devisees to sell or mortgage as he or they may by law now do.

Powers of sale, &c., may be exercised by executor, when none other named to exercise.

38. Whenever, after the passing of this Act, there shall be in any will or codicil of any deceased person, whether such will be made, or such person shall have died, or shall die before or after the passing of this Act, any direction whether express or implied, to sell, dispose of, appoint, mortgage, encumber, or lease any real estate, and no person shall be by the said will, or some codicil thereto, or otherwise by the testator appointed to execute and carry the same into effect, the executor or executors (if any) named in such will or codicil shall and may execute and carry into effect every such direction to sell, dispose of, appoint, encumber, or lease such real estate, and any estate or interest therein, in as full, large, and ample a manner, and with the same legal effect, as if the executor or executors of the testator were appointed by the testator to execute and carry the same into effect.

Applicant for administration with the will annexed to depose to value of the realty.

39. In every case where any person applies to be appointed an administrator with the will annexed, he shall in his application state, and in his affidavit of the value of the property devolving shall depose to the value or probable value of all the real estate over which, or over any estate in which, the executor or executors named in the will or codicil were by the said will or codicil clothed with any power of disposition, or which real estate, in case of no executor being appointed, was by the will or codicil directed to be disposed of, without any person being appointed to effect such disposition; and in every such case the bond to be given by such person upon his obtaining a grant of administration with the said will annexed, shall, as respects the amount of the penalty of the bond, and the justification of the sureties, include the amount of the value, or probable value so stated and deposed to, and the condition of the bond, in addition to the other provisions thereof, shall provide that the administrator shall well and truly pay over and account for to the person or persons entitled to the same, all moneys and assets to be received by him for or in consequence of the exercise by him of any power over real estate created by the will or codicil, and which may be exercised by him.

Condition of the bond, and justification of sureties.

Administrator with will annexed may execute powers of sale, etc.

40. Whenever, after the passing of this Act, there shall be in any will or codicil thereto of any deceased person, whether such will be made or such person shall have died before or after the passing of this Act, any power to any executor or executors in such will to sell, dispose of, appoint, mortgage, encumber, or lease any real estate, or any estate or interest therein, whether such power be express, or arise by implication, and whenever, from any cause, letters of administration, with such will annexed, shall have been by a court of competent jurisdiction in Ontario committed to any person, and such person has given, or shall hereafter give, the additional security in the next preceding section mentioned (which additional security the Judge of the Surrogate Court is authorized to receive); such person shall and may exercise every such power, and sell, dispose of, appoint, mortgage, encumber, or lease such real estate, and any estate or

interest therein, in as full, large, and ample a manner, and with the same legal effect for all purposes as the said executor or executors might have done.

41. Whenever, after the passing of this Act, there shall be in any will or codicil thereto of any deceased person, whether such will be made or such person shall have died before or after the passing of this Act, any power to sell, dispose of, appoint, mortgage, encumber, or lease any real estate, or any estate or interest therein, whether such power be express, or arise by implication, and no person shall be by the said will, or some codicil thereto, or otherwise by the testator appointed to execute such power, and letters of administration with such will annexed, shall have been by a court of competent jurisdiction in Ontario committed to any person, and such person has given or shall hereafter give the additional security before mentioned, (which additional security the Judge of the Surrogate Court is authorized to receive,) such person shall and may exercise every such power, and sell, dispose of, appoint, mortgage, encumber, or lease such real estate, and any estate or interest therein, in as full, large, and ample a manner, and with the same legal effect, as if such last named person were appointed by the testator to execute such power.

Administrator with will annexed may execute powers of sale, etc., where the will names none to execute.

42. Whenever any person shall have entered into a contract in writing for the sale and conveyance of real estate, or of any estate or interest therein, and such person shall have died intestate, or without providing by will for the conveyance of such real estate or estate, or interest therein, to the person entitled, or to become entitled to such conveyance under such contract; then, whenever, upon the supposition of the deceased being alive, he would be liable to execute a conveyance, the executor, administrator, or administrator with the will annexed, (as the case may be,) of such deceased person, may and shall make and give to the person entitled to the same a good and sufficient conveyance or conveyances for such estates, and of such nature as the said deceased, if living, would be liable to give, but without covenants, except as against the acts of the grantor; which conveyances shall be as valid and effectual as if the said deceased were alive at the time of the making thereof, and had executed the same, but shall not have any further validity.

When executor or administrator may convey in pursuance of contract of deceased. Acts repealed.

43. Every executor, administrator, and administrator with the will annexed, shall, as respects the additional powers vested in him by this Act, and any money or assets by him received in consequence of the exercise of such powers, be subject to all the liabilities, and compellable to discharge all the duties of whatsoever kind, which, as respects the acts to be done by him under such powers, would have been imposed upon an executor or other person appointed by the testator to execute the same, or in case of there being no such executor or person, would have been imposed by law upon any person appointed by law, or by any court or judge of competent jurisdiction to execute such powers.

Duties and liabilities of an administrator acting under this Act.

44. Where there are several executors, administrators, or administrators with the will annexed, and one or more of them dies, the powers hereby created shall vest in the survivor or survivors.

Powers given by this Act to two or more to survive.

After administrator appointed, no executor to execute the powers given to administrator.

45. After the grant of administration with the will annexed by any court of competent jurisdiction in Ontario, no executor named in the said will shall execute any of the powers contained in the will, and of the nature above mentioned, unless such letters of administration be first revoked.

Acts repealed.

46. The Acts described in the Schedule to this Act are, except so far as the same relate to any wills to which this Act does not extend, repealed to the extent in the third column of the said Schedule mentioned: but such repeal shall not revive any Act or provision of law repealed by them, nor shall the said repeal prevent the application of any of the said Acts, or of any Act or provision of laws formerly in force, to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.

SCHEDULE.

ACTS REPEALED.	TITLE OF ACTS REPEALED.	EXTENT OF REPEAL.
32 Hen. 8, cap. 1 (Imperial Act).	The Act of Wills, Wards and Primer Seizins, whereby a man may devise two parts of his land.	The whole Act.
34 & 35 Hen. 8, cap. 5 (Imperial Act).	The Bill concerning the explanation of Wills.	The whole Act.
29 Car. 2, cap. 3 (Imperial Act).	An Act for the prevention of frauds and perjuries.	Sections 5, 6, 12, 19, 20, 21 and 22.
4 & 5 Anne, cap. 16 (Imperial Act).	An Act for the amendment of the law and the better advancement of justice.	Section 14.
14 Geo. 2, cap. 20 (Imperial Act).	An Act to amend the law concerning Common Recoveries, and to explain and amend an Act made in the twenty-ninth year of the reign of King Charles the Second, intituled, "An Act for the prevention of Frauds and Perjuries."	Section 9.
25 Geo. 2, cap. 6 (Imperial Act).	An Act for avoiding and putting an end to certain doubts and questions relating to the attestation of Wills and Codicils concerning real estates in that part of Great Britain called England, and in His Majesty's colonies and plantations in America.	The whole Act.

ACTS REPEALED.	TITLE OF ACTS REPEALED.	EXTENT OF REPEAL.
Con. Stat. U. C., cap. 73.	An Act respecting certain separate rights of mar- ried women.	Section 16.
Con. Stat. U. C., cap. 82.	An Act respecting real property.	Sections 11, 12 and 13.
29 Vic., cap. 28, (Province of Canada).	An Act respecting the Law of Property and Trusts.	Sections 13, 14, 15, 16, 17 and 33.
32 Vic., cap. 8 (Ontario).	An Act to amend the law as to Wills.	The whole Act.
33 Vic., cap. 18 (Ontario).	An Act to amend the law respecting the powers of Executors and Adminis- trators.	The whole Act.
35 Vic., cap. 15 (Ontario).	An Act further to amend the law relating to Pro- perty and Trusts.	The whole Act.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

An Act to consolidate and amend the law as
to Wills.

1st Reading, 23rd January, 1873.

2nd Reading, 10th February, 1873.

3rd Reading, 17th March, 1873.

Mr. ALFRED DITH.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend "The Assessment Act of 1869."

WHEREAS it is expedient, except in cities, towns, and villages, to postpone, beyond the period now allowed by law, the time for making and completing assessment rolls, and for the final revision thereof, and deciding on petitions regarding the same, and the returns to be made after hearing of appeals from the decision of the court of revision :

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

- 10 **1.** Section forty-nine of the Act passed in the thirty-second year of the reign of Her Majesty, and chaptered thirty-six, is hereby amended by erasing the first five lines thereof, and by inserting in lieu of such five lines the following words, namely:—^{32 V., c. 36, s. 49 amended.}
- 15 "the assessors shall make and complete their rolls in every year as follows, namely:—In incorporated villages, between the first day of February and such day, not later than the fifteenth day of April, as the municipal council thereof may appoint; And in cities and towns, between the first day of February and such day, not later than the first day of May, as the municipal council thereof may appoint; And in townships, between the first day of April and such day, not later than the fifteenth day of May, as the municipal council thereof may appoint and the assessors shall":
- 20 **2.** Section fifty-nine of the said Act is hereby amended, by adding thereto the words following, namely:—"except in townships, and therein, before the first day of July in every year":^{S. 59 amended.}
- 3.** Section sixty-two of the said Act is hereby amended, by inserting after the word "also" in the first line, the following words, namely:—"in townships, before or after the first day of July, and in other municipalities, except counties":^{S. 62 amended.}
- 30 **4.** Clause six of section sixty-three is hereby amended, by adding the following words, namely:—"in municipalities other than townships, and therein, before the fifteenth day of August":^{Clause 6, s. 63, amended.}

No. 59.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Assessment Act of
1869.

First Reading, 23rd January, 1873.

MR. WOOD (*Victoria*).

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

BILL.

An Act to provide that any Act in alteration of or in amendment or addition to any Act or in repeal of any portion of any Act shall re-enact the whole law.

WHEREAS the number of Acts in alteration of and in amendment and addition to Acts have become so numerous; And whereas it is expedient to render the law less complicated:

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

5 **1.** After the passage of this Act every Public Act in alteration of or in amendment, or addition to any Public Act, or in repeal of any portion of any Public Act shall re-enact the whole Public Act.

Amendments, &c., of public Acts to re-enact the whole Act.

10 **2.** Whenever a law shall be repealed which repealed a former law, the former law shall not be thereby revived unless specially provided.

Repeal of an Act not to revive former Act.

BILL.

An Act to provide that any Act in alteration of or in amendment, or addition to any Act, or in repeal of any portion of any Act, shall re-enact the whole law.

First Reading, 23rd January, 1873.

MR. McLEOD.

TORONTO :

PRINTED BY HUNTER, ROSE & CO

An Act respecting institutions for the Education and Instruction of the Deaf and Dumb and the Blind in the Province of Ontario.

WHEREAS an institution has been founded and established at Belleville, in the Province of Ontario, for the education and instruction of the deaf and dumb, and also an institution at Brantford in the said Province, for the education and instruction of the blind; And whereas it is expedient to define the object and design of these institutions, and to make provision for their management;

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

1. The institution founded and established at Belleville, with all the lands, buildings, real estate, and appurtenances thereunto attached, and whatever lands or real estate that may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon shall be for the public use of the Province, and shall be known and designated as the "Ontario Institution for the Education and Instruction of the Deaf and Dumb."

The institu-
tion at Belle-
ville to be for
the public use
of the Pro-
vince, &c.

2. The institution founded and established at Brantford, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate that may hereafter be purchased or acquired for the same; and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province; and shall be known and designated as the "Ontario Institution for the Education and Instruction of the Blind."

The institu-
tion at Brant-
ford to be for
the public use
of the Pro-
vince, &c.

3. Such institutions respectively shall be for the purpose of educating and imparting instruction in some manual art to such deaf and dumb persons and to such blind persons as are born of parents, or are wards of a person *bona fide* resident of, and domiciled in, the Province of Ontario; and no person shall be admitted to either of such institutions except for the purposes of education and instruction, nor if over the age of twenty-one years, except upon the assent in writing of the inspector, and his report to the Provincial Secretary of the particulars and special circumstances which in the opinion of the inspector justify such admission: And the maintenance and support of any person admitted shall be in the discretion of the inspector, who, on exercise thereof in favour of such person, shall report every six months to the Provincial Secretary the particulars and special circumstances which justify such maintenance and support: and the Secretary in either case may annul the right of admission

Object of the
institutions.

Admittance.

Maintenance.

or of continuance in such institutions, and annul or vary the terms of continuance, support or maintenance.

Appoin'tment
of officers.

4. The Lieutenant Governor may appoint to the said institutions respectively, to hold office during pleasure, a principal who shall be the chief executive officer of the same, a bursar, a physician, a matron, and such other officers, instructors, and servants as he may deem necessary; and may also fix and determine the salary of every such officer and servant. 5

Salaries.

Inspector and
his powers.

5. The inspector appointed or to be appointed under the first clause of "The Prison and Asylum Inspection Act, 1868" shall be the inspector of the said institutions, and shall have and perform the same powers and duties in respect to the said institutions as are conferred upon him in respect of asylums for the insane by the said "The Prison and Asylum Inspection Act, 1868." 15

Inspector to
make rules
for manage-
ment &c.

6. The inspector shall have power, and it shall be his duty to make such rules and by-laws, as he may deem expedient for the government, discipline and management of the said institutions; for prescribing and regulating the duties of the principals, bursars, physicians, matrons, and every other officer, instructor and servant employed in or about such institutions; for the education and instruction of the pupils admitted to the same; and, subject to the provisions hereinbefore contained, for fixing the terms and conditions upon which pupils shall be admitted to, and remain in, the said institutions respectively, and the period they shall be allowed to remain therein, and their discharge therefrom; Provided always that no such rules or by-laws shall have any effect until and unless they be first approved by the Lieutenant Governor in Council. 20 25

BILL.

An Act respecting institutions for the education and instruction of the Deaf Dumb, and the Blind in the Province of Ontario.

First Reading, 23rd January, 1871

Hon. Mr. PARR

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act relating to Christ Church, Ottawa.

WHEREAS the Rev. J. S. Lauder, rector, and the Honourable John Simpson and Charles Magee, Esquires, churchwardens of Christ Church, in the City of Ottawa, in pursuance of resolutions passed at special meetings of the vestry of said church, held after due notice on the thirtieth day of January, and the nineteenth day of November, in the year of our Lord one thousand eight hundred and seventy-two, have petitioned for an Act authorizing them to issue debentures for such an amount as will be sufficient, with the funds otherwise realized, to defray the cost of completing their new church now in course of construction, and for other purposes in the said petition mentioned; And whereas it is expedient to grant the prayer of the petitioners;

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

1. The rector and churchwardens of the church aforesaid, and their successors as such, are hereby authorized and empowered to execute and issue debentures, in currency or sterling, to such an amount as may be necessary to defray the cost of completing their new church, not exceeding in the whole the sum of twenty thousand dollars, in such sums, at such rate of interest, and redeemable at such times and places, as they may determine; and the money to be raised by the issue of the said debentures shall be applied solely to the completion of the said new church, and the redemption of the mortgage hereinafter mentioned on the parsonage lots.

Power to rector and churchwardens to issue debentures to complete new church.

2. The debentures so issued as aforesaid shall, without registration or formal conveyance, be taken and considered to be charges upon the property of the said vestry as hereinafter specified; and each holder of any of the said debentures shall be deemed to be a mortgagee and incumbrancer *pro ratâ* with the other holders thereof upon the now unencumbered church lots numbered twenty-one on the south side of Sparks Street, and number twenty-one on the north side of Queen Street, in the City of Ottawa aforesaid; and, so soon as a mortgage thereupon of two thousand six hundred dollars shall have been redeemed as aforesaid out of the proceeds of the said debentures, upon the parsonage lots number twenty-two on the south side of Sparks Street and number twenty-two on the north side of Queen Street, in the city aforesaid, with all buildings and edifices which now are, or hereafter may be, erected upon the four lots above mentioned, and also upon a policy or policies of insurance for the full amount of the debentures issued, to be effected upon the said buildings and edifices.

Security of the debenture holders.

Interest how
secured.

3 The interest of the said debentures shall be the first charge upon the assessments of proprietary and the rents of vestry pews, and it shall be the duty of the churchwardens in each year, out of the revenues of the church, to pay the whole interest falling due in such year, and also to lay by and invest safely such sum yearly as may be required to form a sinking fund sufficient to pay off the principal of the said debentures as it becomes due. 5

Sinking fund.

29 V, c. 99,
repealed.

4 The provisions of the Act of the Legislature of the late Province of Canada, passed in the twenty-ninth year of the reign of Her Majesty Queen Victoria, chaptered ninety-nine, for preventing the minister and churchwardens of Christ Church from borrowing a larger sum than three thousand dollars upon the security of the parsonage lots hereinbefore mentioned is hereby repealed. 10 15

Liability of
the debenture
holders

5. No person advancing money on the debentures authorized by this Act to be issued shall be in any way bound to see to the application of the money so advanced.

An Act to incorporate the Yorkville Loop Line Railway Company.

WHEREAS Frank Turner, Hugh C. Barwick, Alfred Hoskin, William Patrick, William Russell Bartlett, Edmund Wragge, and James Thorburn have petitioned for an Act to incorporate a company to construct a Railway from some point at or near the Carleton station of the Grand Trunk Railway of Canada in the Township of York, to some point in the Township of York on the Grand Trunk Railway of Canada, near the line dividing the Townships of York and Scarborough, with power to connect with other railways, and for other purposes: and whereas it is expedient to grant the prayer of said Petitioners: Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Frank Turner, of the Township of York, civil engineer; Hugh C. Barwick, of the Township of St. Catharines, banker; Alfred Hoskin, of the City of Toronto, barrister-at-law; William Patrick, of the Town of Prescott, esquire; William Russell Bartlett, of the Township of York, esquire; Edmund Wragge, of the City of Toronto, member of Institute of Civil Engineers; James Thorburn, of the City of Toronto, doctor of medicine, together with such other person or persons, corporation or corporations as shall under the provisions of this Act become shareholders in the company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of "The Yorkville Loop Line Railway Company."

Incorporation.

Corporate name.

2. The several clauses of "The Railway Act" and amendments thereto, with respect to the first, second, third, fourth, fifth and sixth clauses thereof, with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "President and Directors, their election and duties," "Calls," "Shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the Railway to be constructed by them, except only so far as they 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 so incorporated with this Act.

Certain clauses of the Railway Act to apply.

3. The said company hereby incorporated and their servants and agents shall have full power under this Act to construct a

Location of line.

railway with all its stations, sidings and accessories, from any point at or near the Carleton station of the Grand Trunk Railway of Canada, in the Township of York, with power to connect at such point with the Grand Trunk Railway of Canada and the Toronto, Grey and Bruce Railway, from thence crossing the Davenport road to a point at or near the Davenport station of the Northern Railway Company of Canada, with power to connect at such point with the said Northern Railway, from thence to the Village of Yorkville, in the County of York, with power to connect there with the Toronto Street Railway, from thence in an easterly direction to a point in the said Township of York on the said Grand Trunk Railway, at or near the line dividing the Townships of York and Scarboro, with power to connect at such point with the said Grand Trunk Railway and the Toronto and Nipissing Railway.

Extension of line.

4. The said company shall have full power under this Act to extend their said railway to and to connect with the Credit Valley Railway, and the Ontario and Quebec Railway, so soon as the said last-mentioned railways shall respectively be in operation.

Gauge of railway.

5. The said company shall be at liberty to make gauges so that the rolling stock of all or any of the above-mentioned railways shall be able to pass over the same.

Provisional directors.

6. From and after the passing of this Act the said Frank Turner, Hugh C. Barwick, Alfred Hoskin, William Patrick, William Russell Bartlett, Edmund Wragge, and James Thorburn shall be provisional directors of the said company, and the said Frank Turner shall be chairman of the said provisional directors.

Conveyances of land.

7. Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the schedule hereunder written or to the like effect; and such conveyances shall be received by the several registrars and be registered by duplicate thereof 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 fifty cents for registering the same including all entries and certificates thereof and certificates endorsed on the duplicate thereof.

Powers of provisional directors.

8. The persons named in the sixth clause hereof are constituted the board of provisional directors of the said company and shall hold office as such until the first election of the directors under this Act and shall have power and authority immediately after the passing of this Act to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks previous notice, by advertisement in at least three of the Toronto daily newspapers and in the *Ontario Gazette* of the time and place of their meeting; to receive subscriptions of stock; and the said provisional directors may in their direction exclude any person from subscribing who in their judgment would hinder or delay the company from proceeding with the railway; and may allot and apportion the stock amongst the subscribers as to the said provisional directors may seem meet; and the said provisional directors may cause surveys and plans to be made and executed and to acquire any plans or surveys now existing; and may enter into a contract for the building of the said rail-

way; and it shall be their duty as hereinafter provided to call a general meeting of shareholders for the election of directors.

9. The capital of the company hereby incorporated shall be five hundred thousand dollars, (with power to increase the same in manner provided by the Railway Act) to be divided into ten thousand shares of fifty dollars each; and shall be raised by the persons and corporations who may become shareholders in such company; and the money so paid shall be applied in the first place to the payment of all costs, charges and expenses of and incidental to the obtaining of this Act, and of all expenses 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 to no other purpose whatever.

10. 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, the directors shall call a general meeting of the subscribers for the said capital stock who shall have so paid up ten per centum thereof for the purpose of electing directors of the said company.

11. No subscription for stock in the capital of the company shall be valid unless ten per centum shall have been actually paid thereon within five days after subscription into some one of the chartered banks of this Province to be designated by the said provisional directors; and which said money shall not be taken out of the said Bank, except for the purposes of the company.

12. In case the provisional directors neglect to call a meeting for the space of three months after fifty thousand dollars of the capital stock shall have been subscribed and ten per centum thereof so paid up, the 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.

13. In either case notice of the time and place of holding such general meeting shall be given by publication in at least three of the daily newspapers in the City of Toronto once in each week for the space of at least one month, and in the *Ontario Gazette*; and such meeting shall be held in the City of Toronto at such place therein and on such day as may be named by such notice.

14. 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 five persons to be 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.

15. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least one hundred shares of stock in the company and unless he has paid up all calls thereon.

Rights of
aliens.

16. Aliens 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 in the said company.

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Annual
meetings.

17. Hereafter the general annual meeting of the shareholders of the said company shall be held at such place in the City of Toronto, 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 thirty days previously in the *Ontario Gazette* and once in each week in at least three of the daily newspapers published in the City of Toronto.

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Special
meetings.

18. Special general meetings of the shareholders of the said company may be held at such places in the City of Toronto and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company and after due notice shall be given as aforesaid.

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Aid may be
given by
municipalities
to the com-
pany.

19. Municipal corporations may grant to the said railway company such sums of money or debentures as may by the said municipal corporation be thought advisable, in the way of bonus or donation or by way of loan or guarantee, to aid in the construction or equipment of said railway or of any of the works authorised under this Act to be undertaken; and it shall or may be lawful for the said company to accept such bonus or donation, and to apply any such sums of money or the proceeds of such debentures to the special purpose if any for which the sums were so granted: Provided always, that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose to be passed in conformity with the provisions of the Act respecting municipal institutions for the creation of debts; and all such by-laws so passed shall be valid notwithstanding that the annual rate of assessment may exceed the aggregate rate of two cents on the dollar on the actual value of the whole ratable property within the municipality or portion of municipality creating such debt: Provided always that in no case shall such rate exceed for all purposes three cents in the dollar on the actual value of such ratable property.

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If a portion of
a municipality
desire to aid
the council to
pass a by-law:

20. In case the majority of the persons rated on the last assessment roll as freeholders or twenty persons so rated, who may be qualified voters under the Municipal Act, in any portion of the municipality, do petition the council of such municipality to pass a by-law, as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the petitioners to aid in the construction of the said railway, by granting a bonus to the said company for this purpose, and stating the amount they so desire to grant and to be assessed therefor, the council of such municipality shall pass a by-law, provided the said by-law shall be approved of by the majority of the qualified voters voting thereon in the portion of the municipality petitioning as aforesaid, in the manner required by the Municipal Act:—

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For issuing
debentures.

1. 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, and for the delivery to the trustees of the debentures issued for the

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amount of said bonus, at the times and on the terms specified in said petition :

2. For assessing and levying upon all the ratable property lying within the section defined by said petition an equal annual special rate, sufficient to include a sinking fund for the repayment of the debentures with interest thereon; such interest to be payable yearly or half-yearly; which debentures the municipal councils and the Reeves and other officers thereof are hereby authorized to execute and issue; and the provisions of the Municipal Acts shall apply to any bonus so granted, or by-law so passed, by or for a portion of the municipality.

For assessing and levying a special rate.

21. The said company may receive either from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same in aid of the construction, equipment, and maintenance of the said railway, bonuses, loans, or gifts of money, or securities for money.

Aid from other persons.

22. 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, but limited to the terms of this Act, 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 property of the company, real and personal, and 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 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 two hundred and fifty thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the actual paid up bonuses and cash instalment on its share capital, and which has actually been expended in preliminary expenses, surveys, and in works of construction on the line: 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.

Power to borrow money.

23. All such bonds 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.

Bonds may be payable to bearer.

24. 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 made or endorsed, or any such bill of exchange drawn,

Bills of exchange, &c.

accepted 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 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 or vice-president, or the secretary or treasurer, 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 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 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.

Scale of vote. **25.** Every shareholder of one or more shares of the said capital stock, and bond-holders as provided in section nineteen of this Act in the same ratio as shareholders, shall at any general meeting of the shareholders be entitled to one vote for every share held by him.

Corporations, how represented. **26.** At all meetings of the shareholders of the company, the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by law; and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Quorum of directors. **27.** Any meeting of the directors of the said company regularly summoned, at which not less than three directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Ten per cent. to be paid on stock. **28.** 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 this Province to the credit of the said company, and not to be taken out therefrom except for the purposes of the company.

Calls. **29.** Calls on the subscribed capital of the said company may be made by the directors for the time being as they shall see fit: Provided, that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month.

Arrangement with other lines. **30.** The said company shall have power to make running arrangements with any of the above mentioned lines or crossing or connecting with the same upon terms to be approved of by two-thirds of the shareholders at a special general meeting to be held for that purpose, in accordance with this Act.

Leasing the railway, &c. **31.** It shall be lawful for the said company to enter into any agreement with all or any of the above mentioned railway com-

panies for leasing the said Yorkville Loop Line Railway, or any part thereof, or the use thereof at any time or times; or for leasing or hiring from such other companies, or any of them, any railway or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or either or of both, or any part thereof; or for the conveyance or transit of traffic for or with the said companies, or any of them, or touching any service to be rendered by the one company to the other, and the compensation therefor; if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding and shall be enforced by courts of law and equity, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred.

32. Whenever it shall be necessary for the purpose of procuring sufficient lands for the extension of stations, or for additional stations, or for gravel, or sand pits, or stone quarries, or other purposes for the use of the said railway, it is enacted that the said company may purchase, hold, use or enjoy such lands, and also the right of of way thereto, if the same be separated from their railway, in such manner and for such purposes connected with the construction, maintenance or use of the said railway as they may deem expedient, and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient.

33. Where stone, sand, gravel or any other material is or are required for the construction or maintenance of said railway or any part thereof, or further land is required for the extension of stations or for additional stations, the company may, in case they cannot agree with the owner of the lands on which the same are situated or which are required, 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 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, and to the obtaining materials and land as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple to the land which shall be taken, or for the right to the fee simple of the part taken for the purposes of stations, and 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.

34. When said gravel, sand, 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 siding and track over any lands which may inter-

Procuring
lands.

Procuring
stone, gravel,
&c.

Sidings to
gravel pits.

vene 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, 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, and the extension and additions to the stations thereof.

Warehouses,
&c.

35. The company shall have full power to purchase land for and erect warehouses, elevators, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose.

Commence-
ment and com-
pletion of rail-
way.

36. This Act and all the provisions thereof shall become null and void unless the construction of the said railway be commenced within three years, and be completed within five after passing of the same.

SCHEDULE "A."

Know all men by these presents that I (*or we*) [*insert also the name of the wife or any other person who may be a party*] in consideration of _____ dollars paid to me (*as the case may be*) by the Yorkville Loop Line Railway, the receipt whereof is hereby acknowledged, do grant and convey [and I the said _____ do grant and release *or do bar my dower in, as the case may be*] all that certain parcel [*or those certain parcels, as the case may be*] of land situate [*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 Yorkville Loop Line Railway," their successors and assigns.

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.

An Act to incorporate the Yorkville Loop Line Railway Company.

WHEREAS Frank Turner, Hugh C. Barwick, Alfred Hoskin, William Patrick, William Russell Bartlett, Edmund Wragge, and James Thorburn have petitioned for an Act to incorporate a company to construct a Railway from some point at or near the Carleton station of the Grand Trunk Railway of Canada in the Township of York, to some point in the Township of York on the Grand Trunk Railway of Canada, near the line dividing the Townships of York and Scarboro', with power to connect with other railways, and for other purposes; and whereas it is expedient to grant the prayer of said Petitioners: Preamble

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

1. Frank Turner, of the Township of York, civil engineer; Hugh C. Barwick, of the Township of St. Catharines, bank manager; Alfred Hoskin, of the City of Toronto, barrister-at-law; William Patrick, of the Town of Prescott, esquire; William Russell Bartlett, of the Township of York, esquire; Edmund Wragge, of the City of Toronto, member of the Institute of Civil Engineers; James Thorburn, of the City of Toronto, doctor of medicine, together with such other person or persons, corporation or corporations as shall under the provisions of this Act become shareholders in the company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of "The Yorkville Loop Line Railway Company." Incorporation.
name.

2. The several clauses of "The Railway Act" with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "President and Directors, their election and duties," "Calls," "Shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," and all amendments thereto, shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the Railway to be constructed by them, except only so far as they 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 so incorporated with this Act. Certain clauses
of the Railway
Act to apply.

3. The said company hereby incorporated and their servants and agents shall have full power under this Act to construct a Location of
line

railway with all its stations, sidings and accessories, from any point at or near the Carleton station of the Grand Trunk Railway of Canada, in the Township of York, with power to connect at such point with the Grand Trunk Railway of Canada and the Toronto, Grey and Bruce Railway, from thence crossing the Davenport road to a point at or near the Davenport station of the Northern Railway Company of Canada, with power to connect at such point with the said Northern Railway, from thence to the Village of Yorkville, in the County of York, with power to connect there with the Toronto Street Railway, from thence in an easterly direction to a point in the said Township of York on the said Grand Trunk Railway, at or near the line dividing the Townships of York and Scarboro, with power to connect at such point with the said Grand Trunk Railway and the Toronto and Nipissing Railway: provided that the said Yorkville Loop Line Railway Company shall at all times when trains shall be running over their line, erect, maintain, and keep suitable gates, and watchmen at the several points where the said railway shall cross the Devonport Road, the Avenue Road, and Yonge-street.

Extension of line.

4. The said company shall have full power under this Act to extend their said railway to some point on the line of the Great Western Railway Company of Canada, between the Queen's Wharf in the City of Toronto and the Mimico station of the said last-mentioned railway, to connect at such point with the said last-mentioned railway.

Gauge of railway.

5. The said company shall be at liberty to make gauges so that the rolling stock of all or any of the above-mentioned railways shall be able to pass over the same.

Provisional directors.

6. From and after the passing of this Act the said Frank Turner, Hugh C. Barwick, Alfred Hoskin, William Patrick, William Russell Bartlett, Edmund Wragge, and James Thornburn shall be provisional directors of the said company, and the said Frank Turner shall be chairman of the said provisional directors.

Conveyances of land.

7. Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the schedule hereunder written or to the like effect; and such conveyances shall be received by the several registrars and be registered by duplicate thereof 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 one dollar for registering the same including all entries and certificates thereof and certificates endorsed on the duplicate thereof.

Powers of provisional directors.

8. The persons named in the sixth clause hereof are constituted the board of provisional directors of the said company and shall hold office as such until the first election of the directors under this Act and shall have power and authority immediately after the passing of this Act to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks previous notice, by advertisement in at least two of the Toronto daily newspapers and in the *Ontario Gazette* of the time and place of their meeting; to receive subscriptions of stock; and the said provisional directors may in their discretion exclude any person from subscribing who in their judgment would hinder or delay the company from proceeding with the railway;

and may allot and apportion the stock amongst the subscribers as to the said provisional directors may seem meet; and the said provisional directors may cause surveys and plans to be made and executed and to acquire any plans or surveys now existing; and may enter into a contract for the building of the said railway; and it shall be their duty as hereinafter provided to call a general meeting of shareholders for the election of directors.

9. The capital of the company hereby incorporated shall be five hundred thousand dollars, (with power to increase the same in manner provided by the Railway Act) to be divided into ten thousand shares of fifty dollars each; and shall be raised by the persons and corporations who may become shareholders in such company; and the money so paid shall be applied in the first place to the payment of all costs, charges and expenses of and incidental to the obtaining of this Act, and of all expenses 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 to no other purpose whatever.

10. 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 to the credit of the company, the directors shall call a general meeting of the subscribers for the said capital stock who shall have so paid up ten per centum thereof for the purpose of electing directors of the said company.

11. No subscription for stock in the capital of the company shall be valid unless ten per centum shall have been actually paid thereon within five days after subscription into some one of the chartered banks of this Province to be designated by the said provisional directors, to the credit of the company, and which said money shall not be taken out of the said Bank, except for the purposes of the company.

12. In case the provisional directors neglect to call a meeting for the space of three months after fifty thousand dollars of the capital stock shall have been subscribed and ten per centum thereof so paid up, the 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.

13. In either case notice of the time and place of holding such general meeting shall be given by publication in at least two of the daily newspapers in the City of Toronto once in each week for the space of at least one month, and in the *Ontario Gazette*; and such meeting shall be held in the City of Toronto at such place therein and on such day as may be named by such notice.

14. 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 five persons to be 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.

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 one hundred shares of stock in the company and unless he has paid up all calls thereon.

Rights of
aliens.

16. Aliens 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 in the said company.

Annual
meetings.

17. Thereafter the general annual meeting of the shareholders of the said company shall be held at such place in the City of Toronto, 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 thirty days previously in the *Ontario Gazette* and once in each week in at least two of the daily newspapers published in the City of Toronto.

Special
meetings.

18. Special general meetings of the shareholders of the said company may be held at such places in the City of Toronto and, at such times and in such manner and for such purposes as may be provided by the by-laws of the said company and after due notice shall be given as aforesaid.

Aid may be
given by
municipalities
to the com-
pany.

19. Municipal corporations may grant to the said railway company such sums of money or debentures as may by the said municipal corporation be thought advisable, in the way of bonus or donation or by way of loan or guarantee, to aid in the construction or equipment of said railway or of any of the works authorised under this Act to be undertaken; and it shall or may be lawful for the said company to accept such bonus or donation, and to apply any such sums of money or the proceeds of such debentures to the special purpose if any for which the sums were so granted: Provided always, that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose to be passed in conformity with the provisions of the Act respecting municipal institutions for the creation of debts; and all such by-laws so passed shall be valid notwithstanding that the annual rate of assessment may exceed the aggregate rate of two cents on the dollar on the actual value of the whole ratable property within the municipality or portion of municipality creating such debt: Provided always that in no case shall such rate exceed for all purposes three cents in the dollar on the actual value of such ratable property.

If a portion of
a municipality
desire to aid
the council to
pass a by-law:

20. In case the majority of the persons rated on the last assessment roll as freeholders or twenty persons so rated, who may be qualified voters under the Municipal Act, in any portion of the municipality, do petition the council of such municipality to pass a by-law, as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the petitioners to aid in the construction of the said railway, by granting a bonus to the said company for this purpose, and stating the amount they so desire to grant and to be assessed therefor, the council of such municipality shall pass a by-law, provided the said by-law shall be approved of by the majority of the qualified voters voting thereon in the portion of the municipality petitioning as aforesaid, in the man-

ner required by the Municipal Act :—

1. For raising the amount so petitioned for by such free-
holders in such portion of the municipality by the issue of de-
bentures of the municipality, payable in twenty years, and for
5 the delivery to the trustees of the debentures issued for the
amount of said bonus, at the times and on the terms specified
in said petition :

For issuing
debentures.

2. For assessing and levying upon all the ratable property
lying within the section defined by said petition an equal
10 annual special rate, sufficient to include a sinking fund or for the
repayment of the debentures with interest thereon by instal-
ments, such interest to be payable yearly or half-yearly; which
debentures the municipal councils and the reeves and other offi-
cers thereof are hereby authorized to execute and issue; and the
15 provisions of the Municipal Institutions Act shall apply to any
bonus so granted, or by-law so passed, by or for a portion of the
municipality.

For assessing
and levying a
special rate.

21. The said company may receive either from any persons
or bodies corporate, municipal or politic, who may have power
20 to make or grant the same in aid of the construction, equip-
ment, and maintenance of the said railway, bonuses, loans, or
gifts of money, or securities for money.

Aid from
other persons.

22. The directors of the said company, after the sanction of
the shareholders shall have been first obtained at any special
25 general meeting to be called from time to time for such purpose,
but limited to the terms of this Act, 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
30 purpose of raising money for prosecuting the said under-
taking; and such bonds shall, without registration or formal
conveyance, be taken and considered to be the first and pre-
ferential claims and charges upon the undertaking, and the
real property of the company, including rolling stock and
35 equipments, and then existing and at any time thereafter acquir-
ed; 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 property of the company,
as aforesaid: Provided, however, that the whole amount of such
40 issue of bonds shall not exceed in all the sum of two hundred and
fifty thousand dollars, nor shall the amount of such bonds
issued at any one time be in excess of the amount of the actual
paid up bonuses and cash instalments on its share capital, and
which has actually been expended in preliminary expenses, sur-
45 veys, and in works of construction on the line: 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 qualifica-
50 tions for directors and for voting as are attached to share-
holders: 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.

Power to
borrow money.

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

Bills of ex-
change, &c.

note made or endorsed, or any such bill of exchange drawn, accepted 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 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 or vice-president, or the secretary or treasurer, 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 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 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.

Scale of vote. **24.** Every shareholder of one or more shares of the said capital stock, and bond-holders as provided in section nineteen of this Act in the same ratio as shareholders, shall at any general meeting of the shareholders be entitled to one vote for every share held by him.

Corporations, how represented. **25.** At all meetings of the shareholders of the company, the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation; and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Quorum of directors. **26.** Any meeting of the directors of the said company regularly summoned, at which not less than three directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Calls. **27.** Calls on the subscribed capital of the said company may be made by the directors for the time being as they shall see fit: Provided, that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month.

Arrangement with other lines. **28.** The said company shall have power to make running arrangements with any of the above mentioned lines or for crossing or connecting with the same upon terms to be approved of by a majority of the shareholders present at a special general meeting to be held for that purpose, in accordance with this Act.

Leasing the railway, &c. **29.** It shall be lawful for the said company to enter into any agreement with all or any of the above mentioned railway companies for leasing the said Yorkville Loop Line Railway, or any part thereof, or the use thereof at any time or times; or for leasing or hiring from such other companies, or any of them, any railway or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or either or of both, or any part thereof; or for

the conveyance or transit of traffic for or with the said companies, or any of them, or touching any service to be rendered by the one company to the other, and the compensation therefor; if the arrangements and agreements shall be approved of by a majority of the shareholders voting in person or by proxy at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding and shall be enforced by courts of law and equity, according to the terms and tenor thereof.

10 **30.** Whenever it shall be necessary for the purpose of procuring sufficient lands for the extension of stations, or for additional stations, or for gravel, or sand pits, or stone quarries, or other purposes for the use of the said railway, it is enacted that the said company may purchase, hold, use or enjoy such
15 lands, and also the right of way thereto, if the same be separated from their railway, in such manner and for such purposes connected with the construction, maintenance or use of the said railway as they may deem expedient, and to sell and convey the same, or parts thereof, from time to time, as they
20 may deem expedient.

Procuring
lands.

31. Where stone, sand, gravel or any other material is or are required for the construction or maintenance of said railway or any part thereof, or further land is required for the extension of stations or for additional stations, the company
25 may, in case they cannot agree with the owner of the lands on which the same are situated or which are required, 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 as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the
30 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, and to the obtaining materials and land as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple to the land
40 which shall be taken, or for the right to the fee simple of the part taken for the purposes of stations, and 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.

Procuring
stone, gravel,
&c.

45 **32.** When said gravel, sand, 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 siding and track 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, 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
50 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

Sidings to
gravel pits.

respects after the railway is constructed for the purpose of repairing and maintaining the said railway, and the extension and additions to the stations thereof.

Warehouses,
&c.

33. The company shall have full power to purchase land for and erect warehouses, elevators, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose. 5

Commence-
ment and com-
pletion of rail-
way.

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

SCHEDULE "A."

Know all men by these presents that I (*or we*) [*insert also the name of the wife or any other person who may be a party*] in consideration of _____ dollars paid to me (*as the case may be*) by the Yorkville Loop Line Railway, Company, the receipt whereof is hereby acknowledged, do grant and convey [and I the said _____ do grant and release *or* do bar my dower in, *as the case may be*] all that certain parcel [*or those certain parcels, as the case may be*] of land situate [*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 Yorkville Loop Line Railway Company," their successors and assigns.

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.

BILL.

To incorporate the Yorkville Lo
Railway Company.

Reprinted as amended in Comm

1st Reading, 24th January, 18

(PRIVATE BILL.

Mr. BOUR

An Act to consolidate the Public School Law for
Ontario.

CONTENTS OF BILL.

- Part
- I. Preliminary Enacting Clauses.
 - II. Trustees of Rural School Sections.
 - III. Township Councils and their Duties.
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 - V. Cities, Towns, and Incorporated Villages.
 - VI. Public School Teachers and their Duties.
 - VII. Public School Inspectors' Qualifications and Duties.
 - VIII. County and City Boards of Examiners.
 - IX. School Trustees and their Duties.
 - X. Chief Superintendent of Education.
 - XI. Council of Public Instruction.
 - XII. Special Grants and Financial Provisions.
 - XIII. Special Provisions.
 - XIV. Penal and Interpretation Clauses.

WHEREAS it is expedient to consolidate the several Acts relating to Public Schools in Ontario: Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PART I.—PRELIMINARY ENACTING CLAUSES.

1. EXISTING SCHOOL ARRANGEMENTS CONTINUED.
2. PUBLIC SCHOOL ELECTIONS.

5 **1.** This Act shall take effect from the passing thereof, and shall be known and cited as the "Consolidated Public School Act of 1873."

1. EXISTING SCHOOL ARRANGEMENTS CONTINUED.

10 **2.** 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 continue subject to the provisions of this Act. 22 V., c. 64, s. 1.

Existing
school
arrangements
continued.

15 **3.** The term, for which each school trustee who holds office at the time this Act takes effect, shall continue as if such term had commenced by virtue of an election under this Act; and on the second Wednesday in January next after this Act takes effect, the trustee or trustees whose term of office then expires, shall retire from office, but may, with his or their own consent, be re-elected under the provisions of this Act. 22
20 V., c. 64, s. 2.

Trustees' term
office.

2. PUBLIC SCHOOL ELECTIONS.

Annual election on the second Wednesday in January.

4. The annual meetings for the election of school trustees, as hereinafter provided, shall be held in all the cities, towns, townships, and villages of Ontario, on the second Wednesday in January, in each year, commencing at the hour of ten of the clock in the forenoon. 22 V., c. 64, s. 3.

5

PART II.—TRUSTEES OF RURAL SCHOOL SECTIONS.

1. POLL FOR RURAL SCHOOL TRUSTEE ELECTIONS.
2. THE OFFICE OF TRUSTEE.
3. ELECTIONS IN NEW SCHOOL SECTIONS.
4. ANNUAL RURAL SCHOOL MEETINGS.
5. RURAL SCHOOL TRUSTEE CORPORATIONS.
6. VALIDITY OF CORPORATE ACTS—CONTRACT RESTRICTIONS.
7. POWERS AND DUTIES OF RURAL TRUSTEES.
8. RURAL SCHOOL SECTION AUDITORS.
9. SELECTION OF RURAL SCHOOL SITES.

1. POLL FOR RURAL SCHOOL TRUSTEE ELECTIONS.

When poll shall close.

5. The poll at every election of a rural school trustee or trustees shall not close before eleven of the clock in the forenoon, and shall not be kept open later than four of the clock in the afternoon of the day on which the election is commenced. 10 23 V., c. 49, s. 4.

2. THE OFFICE OF TRUSTEE.

Trustees' term of office.

6. 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. 22 V., c. 64, s. 4.

Trustees not to hold certain offices.

7. No trustee of a school section shall hold the office of public school inspector, or of a teacher, within the section of which he is a trustee; nor shall the master or teacher of any school, or an inspector, hold the office of trustee; and a continuous non-residence or absence of six months from his school division by any trustee, shall cause the vacation of his office. 22 V., c. 64, s. 6; 23 V., c. 49, s. 11.

Vacation of office.

Term for vacancies.

8. Any trustee elected to fill an occasional vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. 22 V., c. 64, s. 5.

Trustees must make a declaration of office.

9. 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 be elected trustee, he shall 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." 23 V., c. 49, s. 18; 34 V., c. 33, s. 24.

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10. Any person chosen as trustee may resign, with the consent, expressed in writing, of his colleagues in office, and of the School Inspector. 22 V., c. 64, s. 24. Trustees may resign.

3. ELECTION OF TRUSTEES IN NEW SCHOOL SECTIONS.

11. Whenever a new school section is formed in any township, as provided in the thirty-ninth section of this Act, the clerk of the township shall give notice of the description and number of such school section to the person appointed to call the first school meeting in it for the election of trustees. 22 V., c. 64, s. 7. Proceedings on the formation of a new School Section.

12. The person so appointed shall, within twenty days after receiving such notice, prepare a notice in writing, describing such section, and appointing a time and place for the first school section meeting, and shall cause copies of such notice to be posted in at least three public places in the new school section, at least six days before the time of holding the meeting. 22 V., c. 64, s. 8. A Meeting in New Section to be called within twenty days.

13. The resident or non-resident assessed freeholders and householders of such school section present at such first 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 all such other duties as may be required of him by this Act. 22 V., c. 64, ss. 9 and 126.—23 V., c. 49, s. 3.—34 V., c. 33, s. 24. Chairman and Secretary to be appointed at Meeting. Duties.

14. The chairman of such meeting shall decide all questions of order, subject to an appeal to the meeting; and, in case of an equality of votes, he shall give the casting vote—but he shall have no vote except as chairman. 22 V., c. 64, s. 10. Duties of Chairman—His casting vote.

15. The chairman shall take the votes in the manner desired by a majority of the electors present; but he shall, at the request of any two electors, grant a poll for recording by the secretary the names of the voters present. 22 V., c. 64, s. 11. Made of Recording votes at school meeting.

16. At such first school section meeting, the electors present shall, by a majority of votes, elect from the resident assessed freeholders or householders in such section, three trustees; but no person shall be eligible to be elected, or to serve as school trustee, who is not a resident assessed freeholder or householder in the school section for which he is elected. 22 V., c. 64, s. 12: 23 V., c. 49, ss. 3 and 11. Three resident trustees to be elected at first school meeting

17. The trustees elected at a first school section meeting shall respectively continue in office as follows:— Terms of office 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. 22 V., c. 64, s. 13. Third.

18. 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 Copy of Proceedings to be sent to the County Inspector.

by the chairman of such meeting to the County Inspector of schools. 22 V., c. 64, s. 14.

4. ANNUAL RURAL SCHOOL SECTION MEETINGS.

A school trustee to be annually elected in each section.

19. A resident assessed freeholder or householder shall be elected to the office of trustee at each ensuing annual school meeting, in place of the one whose term of office is about to expire : and the same individual, if willing, may be re-elected ; but no school trustee shall be re-elected, except by his own consent, during the four years next after his going out of office. 22 V., c. 64, s. 15 : 23 V., c. 49, s. 11. 5

Mode of Proceeding at annual school meetings.

20. At every annual rural school section meeting, as authorized and required to be held by the fourth section of this Act, the assessed freeholders and householders of such section present at such meeting, or a majority of them— 10

Appointment of chairman and secretary

1. Shall elect a chairman and secretary, who shall perform the duties required of the chairman and secretary, by the thirteenth, fourteenth and fifteenth sections of this Act. 22 V., c. 64, s. 16, No. 1 : 23 V., c. 49, ss. 3 and 11. 15

Trustees' and Auditors' general Report to be submitted

2. Shall receive and decide upon the school report of the trustees, and shall receive, or otherwise deal with, (as provided by the thirtieth section of this Act,) the financial report of the auditor or auditors of the school accounts of the previous year laid before the meeting, as required by the thirty-third section of this Act. 22 V., c. 64, s. 16, No. 2 : 23 V., c. 49, s. 8 : 34 V., c. 33, s. 21. 20

Annual election of school trustees.

3. Shall elect a resident assessed freeholder or householder, or freeholders or householders, to be a trustee or trustees, to fill any vacancy or vacancies in the trustee corporation. 22 V., c. 64, s. 16, No. 3 : 23 V., c. 49, s. 8. 25

School section Auditor to be appointed.

4. Shall appoint a fit and proper person to be auditor of the school accounts of the section for the then current year. 23 V., c. 49, s. 8. 30

Who are legal voters at School Meeting.

21 No person shall be entitled to vote in any school section for the election of trustee, or on any school question whatsoever, unless he shall have been assessed, and shall have paid county, township, or rural section school-rates as a freeholder or householder of such section : and in case an objection be made to the right of any person to vote at a school section meeting, the chairman or presiding officer at the meeting shall, at the request of any ratepayer, require the person, whose right of voting is objected to, to make the following declaration : 40

Form of declaration required from school electors.

“ I do declare and affirm that I have been rated on the assessment roll of this school section, as a freeholder (*or* householder, *as the case may be*), and that I have paid a public-school tax due by me in this school section, imposed within the last twelve months, and that I am legally qualified to vote at this meeting.” 45

Effect of declaration.

Whereupon the person making such declaration shall be permitted to vote on all questions proposed at such meeting ; but if any person refuses to make such declaration, his vote shall be rejected. 22 V., c. 64, s. 126 : 23 V., c. 49, s. 3. 50

Meetings to be called in default of first or annual meetings.

22. 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

County Inspector, or any two assessed freeholders or householders in such section may, within twenty days after the time at which such meeting should have been held, call a meeting, by giving six days' notice, to be posted in at least three public places in such 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. 22 V., c. 64, ss. 22, 25.

5. RURAL SCHOOL TRUSTEE CORPORATIONS.

23. The trustees in each school section shall be a corporation, under the name of "The Trustees of School Section No.— in the Township of——, in the County of——." And no such corporation shall cease by reason of the want of trustees; but in case of such want, any two assessed freeholders or householders of the section, or the county inspector, may, by giving six days' notice, to be posted in at least three public places in the section, call a meeting of the assessed freeholders or householders, who shall proceed to elect three trustees, in the manner prescribed in thirteenth and three following sections of this Act; and the trustees thus elected shall hold and retire from office in the manner prescribed for trustees by the seventeenth section of this Act. 22 V., c. 64, ss. 25 and 26.

Trustees to be a school corporation—its powers.

Filling vacancies.

6. VALIDITY OF CORPORATE ACTS—RESTRICTION AS TO CONTRACTS.

24. No act or proceeding of a school corporation shall be valid or binding on any party concerned which is not adopted at a regular or special meeting of the trustees, of which notice 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 by sending a written notice to their residences; and a record of the proceedings of such trustee meetings shall be entered in a book of the corporation kept for that purpose, and signed by the senior or presiding trustee: Provided always, that a majority of the trustees, present at a meeting thus called, shall have full authority to perform any lawful business. 23 V., c. 49, s. 7: 34 V., c. 33, s. 22.

Corporate acts must be performed at lawful trustee meetings.

25. It shall not be lawful for any public school trustee to enter into a contract with the corporation of which he is a member, or have any pecuniary claim on, or receive recompense from, such corporation, except for a school site, or as collector of school rates, and in the latter case only when he shall be appointed, and the warrant to him as collector shall be signed by the other two members of the corporation, with the seal of the corporation attached to the same. 23 V., c. 49, s. 6.

Certain trustee contracts between themselves unlawful.

7. POWERS AND DUTIES OF RURAL SCHOOL TRUSTEES.

1. *Secretary-Treasurer—Collector—Auditor.*
2. *Sites and School Property—Building.*
3. *Second School—Adequate Accommodations—High School.*
4. *Teachers—Employment and Salaries.*
5. *Obtaining School Moneys—Assessments.*
6. *Admit Residents to School—Visits to it.*
7. *Text and Library Books—Corporate Powers.*
8. *Annual and other School Meetings—Section Report.*
9. *Half-yearly Returns—Annual Reports to Inspectors.*
10. *Powers of Rural School Collector.*

1.—*Secretary-Treasurer—Collector—Auditor.*

Appointment
and duties of
secretary-
treasurer.

26. It shall be the duty of the trustees of each rural school section, and they are hereby empowered: 22 V., c. 64, s. 27.

1. To appoint one of themselves, or some other person, to be secretary-treasurer to the corporation, who shall give proper security, such as shall be required by a majority of the trustees; and the trustees shall deposit such security for safe keeping with the township council; and such security shall be for:— 22 V., c. 64, s. 27, No. 1: 34 V., c. 33, ss. 23 and 46.

Security.

a. The correct and safe keeping and forthcoming (when called for by the trustees, or other competent authority) of the papers and moneys belonging to the corporation. 22 V., c. 64, s. 27, No. 1*a*—23 V., c. 49, s. 8—34 V., c. 33, s. 46.

Records.

b. The correct keeping of a record of all the proceedings of the trustees in a book procured by them for that purpose 22 V., c. 64, s. 27, No. 1*b*: 23 V., c. 49, s. 7.

Moneys.

c. The receiving and accounting for all school moneys collected by school rate, subscription or otherwise, from the inhabitants or ratepayers of such school section. 22 V., c. 64, s. 27, Nos. 1*c* and 10—14: 34 V., c. 33, ss. 23 and 46.

Disbursing.

d. And for the disbursing of such moneys in the manner directed by the majority of the trustees. 22 V., c. 64, s. 27, No. 1*d* and 9, 10: 34 V., c. 33, ss. 23 and 46.

Appointment
and Duty of
School Col-
lector.

2. To appoint one of themselves, if they think it expedient, or some other person, 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; and to pay such collector, at the rate of not less than five, or more than ten, per cent. 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 township council by the trustees. 22 V., c. 64, s. 27, Nos. 2 and 10: 23 V., c. 49, s. 21: 34 V., c. 33, s. 46.

Auditor.

3. To appoint, before the first day of December in each year, a fit and proper person to be auditor of their school accounts for the then current year; provided that if the trustees neglect to appoint such auditor, or appoint one who refuses to act, the county inspector shall appoint one for them. 23 V., c. 49, s. 8.

2.—*Sites and School Property—Buildings. etc.*

Trustees to ac-
quire and
hold School
Property.

4. 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 such section; and to acquire and hold as a corporation, by any title whatsoever, any land, movable property, moneys or income for public school purposes, and to apply the same according to the terms on which the same were acquired or received. 22 V., c. 64, s. 27, No. 3.

Trustees may
sell School
Site or other
Property.

5. 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, to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes. 23 V., c. 49, s. 10.

Building, or
otherwise
providing
School Pre-
mises.

6. To do whatever they may judge expedient with regard to building, repairing, renting, warming and furnishing, the section school house, and keeping in order its furniture, appendages, and the school lands and enclosures held by them; and for procuring apparatus, library and text books for their school. 22 V., c. 64, s. 27, Nos. 4 and 19.

7. To rent, repair, furnish, warm, and keep in order a house, and its appendages, to be used as a school house, when there is no suitable school house belonging to such section, or when a second school house is required. 22 V., c. 64, s. 27, Nos. 5 and 6.

3.—*Second School—Adequate Accommodations—High School.*

8. To establish, if they deem it expedient, with the consent of the county inspector of schools, both a female and male school in the section; each of which schools shall be subject to the same regulations and obligations as public schools generally. 22 V., c. 64, s. 27, No. 6. May establish a Second or Female School in the Section.

9. To provide adequate accommodations for all children of school age in their school section. 34 V., c. 33, s. 2.

10. To take such steps as they may judge expedient to unite their school with any high school, which may be within or adjacent to the limits of their section. 22 V., c. 63, s. 7; 29 V., c. 23, s. 5; 22 V., c. 64, s. 27, No. 7. May unite with High School.

4.—*Employment and Payment of Teachers.*

11. To contract with in writing, and employ teachers for their school section, and determine the amount of their salaries. 22 V., c. 64, s. 27, No. 8; 23 V., c. 49, s. 12. Enter into written contracts with Teachers.

12. To give teachers employed by them the necessary orders upon the county inspector for the school fund apportioned and payable to their school section; but they shall not give such order in behalf of any teacher, except for the actual time during which said teacher, while employed, held a legal certificate of qualification. 22 V., c. 64, s. 27, No. 9; 34 V., c. 33, s. 30, No. 4. To give orders to qualified Teachers for School Fund.

5.—*Obtaining School Moneys—Assessments.*

13. To provide for the salaries of teachers and all other expenses of the school, by voluntary subscriptions, or rate upon property, in such manner as may be directed by a majority of the assessed freeholders or householders of the section present at a school meeting called for that purpose; and to employ all lawful means to collect or otherwise obtain the sums required for such salaries and other expenses. 22 V., c. 64, ss. 20 and 27, No. 10, and ss. 34 and 125; 23 V., c. 49, s. 3; 33 V., c. 34, s. 1. Provide for Salaries and other expenses of the School.

14. To apply to the township council at or before its meeting in August, or to employ their own lawful authority, as they may judge expedient, for the levying and collecting by rate, according to the valuation of taxable property, as expressed in the assessor's or collector's roll, all sums for the support of their school, for the purchase of school sites, the erection of school houses and teacher's residence, and for any other school purposes authorized by this Act to be collected from the freeholders and householders of such section. 22 V., c. 64, s. 27, No. 12, and s. 34; 34 V., c. 33, ss. 1 and 20. Apply to Municipality or may levy Rate themselves.

15. To assess and cause to be collected an additional rate, in order to pay the balance of the teacher's salary, and other expenses of such school, should the sums provided be insufficient to defray all the expenses of their school or schools. 22 V., c. 64, s. 27, No. 2, 6 and 10; 34 V., c. 33, s. 1. Deficiencies to be made up by additional Rate on Property.

16. To make out a list of the names of all persons rated by them for the school purposes of such section, and the amount payable by each, and to annex to such list a warrant directed to the collector of the school section, for the collection of the Make out School Rate and Collector's Warrant.

several sums mentioned in such list. 22 V., c. 64, s. 27, No. 11. 34 V., c. 33, ss. 1 and 30, No. 2, and s. 31.

Trustees may exempt indigent persons. 17. To exempt in their discretion from the payment of school rates, wholly or in part, any indigent persons, and to charge the amount of such exemption upon the other ratable inhabitants of the school section, but the same shall not be deducted from the salary of a teacher. 22 V., c. 64, s. 27, No. 13. 5

Defaulting residents

18. To sue for and recover by their name of office the amounts of school rates or subscriptions due from persons residing outside of the limits of their school section who may make default in payment to the collector. 22 V., c. 64, s. 27, No. 14: 34 V., c. 33, s. 30, No. 2, and s. 31. 10

Make Return of Uncollected Rates to Township Clerk.

19. To make a return to the clerk of the township of the amount of any rate imposed by them for school purposes whenever so imposed; and also, before the end of the then current year, to make a return to the clerk of the municipality of the parcels of land of non-residents of their section, and the rates due thereon, which they have been unable to collect. 22 V., c. 64, s. 27, No. 15, and s. 127. 15

6.—Admit Residents to the School—Visit it themselves.

Admit to School residents—Exception as to Separate Schools.

20. To permit all residents in such section between the ages of five and twenty-one years to attend the school, so long as they conform to the general regulations and the rules of such school, but such permission shall not extend to the children of persons in whose behalf a separate school has been established, according to the provisions of the Acts respecting the establishment of separate schools. 22 V., c. 64, s. 27, Nos. 16 and 17: 34 V., c. 33, ss. 2 and 3. 20 25

22 V., c. 65
26 V., c. 5.

Visit Schools, and for what.

21. To visit, from time to time, each school under their charge, and see that it is conducted according to the authorized regulations, and that each school is, at all times, duly provided with Registers and a Visitors' Book, of the forms prepared according to law. 22 V., c. 64, s. 27, No. 17, and s. 82, No. 2. 30

7.—Text and Library Books—Exercise Corporate Powers.

Proper Text-Books to be used in Schools.

22. 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 and recommended by the Council of Public Instruction, and to procure annually, for the benefit of their school section, some periodical devoted to education. 22 V., c. 64, s. 27, No. 18, and s. 119, No. 5. 35

Establish School Section Library.

23. To appoint a librarian; and to take such steps as are authorized by law, and as they may judge expedient, for the establishment, safe keeping and proper management of a school library in their section, provision having now been made and carried into effect for the establishment of school libraries. 22 V., c. 64, s. 27, No. 19, and s. 119, No. 5. 40

Personal Responsibility of Trustees in case of neglect to exercise Corporate Powers.

24. To exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them; and in case they or any of them wilfully neglect or refuse to exercise such powers, the trustee or trustees so neglecting or refusing shall be personally responsible for the fulfilment of such contract or agreement. 22 V., c. 64, s. 27, No. 20. 45 50

8.—Annual and other School Meetings—Section Report.

25. To appoint the place of each annual school meeting of

- the assessed freeholders and householders of the section, or of a special meeting of the same for the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal, or other cause, or of a special meeting for the selection of a new school site, or the appointment of a school auditor, and shall cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of such section, at least six days before the time of holding such meeting. They may also call and give like notices of any special meetings, for any school purpose, which they may think proper; and each such meeting shall be organized, and its proceedings recorded in the same manner as provided for in the thirteenth and three following sections of this Act. 22 V., c. 64, ss. 9—12 and 20; 23 V., c. 49, ss. 3 and 8.
26. To cause to be prepared and read at the annual meeting of the ratepayers their school report for the year then terminating, which report shall include, among other things, a summary of their proceedings and state of the school 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 such section, for any purpose whatever, during such year; which report shall be signed by the trustees and by either or both of the school auditors of the section. 22 V., c. 64, s. 27, No. 21; 34 V., c. 33, s. 21.

Place of annual school meeting to be appointed by the trustees.

Notices.

Prepare and Read Report at Annual Meeting.

9.—*Half-yearly Returns and Annual Report to Inspectors.*

27. To transmit to the County Inspector, on or before the *thirtieth day of June*, and the *thirty-first day of December* in each year, a correct return of the average attendance of the resident and non-resident pupils in the school or schools under their charge during the *six* months then immediately preceding. 22 V., c. 64, s. 27, Nos. 6 and 22, and ss. 126, and 138.
28. To ascertain the number of children between the ages of five and sixteen years residing in their section on the *thirty-first day of December* in each year, and to prepare and transmit annually, on or before the *fifteenth day of January*, a report to the County Inspector, signed by a majority of the trustees, and made according to a form provided by the Chief Superintendent of Education, and shall specify therein among other things:
- (1) The whole time the school in their section was kept by a qualified teacher, during the year ending on the *thirty-first day of the previous December*.
- (2) The amount of moneys received for the school fund, from local rates or contributions, and from other sources, distinguishing the same; and the manner in which all such moneys were expended.
- (3) The whole number of children residing in the school section, over the age of *five* years, and under the age of *sixteen*; the number of children and young persons taught in the school in winter and summer, distinguishing the sexes, and those who were over and under *sixteen* years of age; and the average attendance of pupils in both winter and summer; but the trustees of the public school sections, within the limits of which, one or more separate school sections are established, as hereinafter provided, shall not, in their return of children of school age residing in their school sections, include the children attending such separate school or schools.
- (4) The branches of education taught in the school; the numbers of pupils in each branch; the text-books used; the numbers

Make Half-Yearly Report to County Inspector.

Yearly report to Inspector.

Contents.

of public school examinations; visits and lectures, and by whom made or delivered, and such other information respecting the school premises and library as may be required. 22 V., c. 64, s. 27, No. 23.

10.—Powers of Rural School Collector.

Power of rural school collector.

27. Each rural school collector, by virtue of a warrant signed by a majority of the trustees, shall have the same powers, in collecting the school-rate 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 Corporation and Assessment Acts. 22 V., c. 64, s. 27, Nos. 2 and 10—12: 23 V., c. 49, s. 21: 34 V., c. 33, s. 30, No. 2, and s. 31.

RURAL SCHOOL SECTION AUDITORS.

Annual Appointment of Auditors of School Section Accounts.

28. In order that there may be accuracy and satisfaction in regard to the school accounts of school sections, there shall be two auditors of school accounts for each section, appointed as provided by this Act; and the auditors thus 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. 23 V., c. 49, s. 8.

Trustees to submit their School Accounts to the Auditors.

29. 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, books, &c., in their possession, and to afford to the auditors, or either of them, all the information in their power as to their receipts and expenditures of school moneys in behalf of their school section. 23 V., c. 49, s. 8: 34 V., c. 33, s. 46.

POWERS AND DUTIES OF THE AUDITORS.

Powers and Duties of School Section Auditors.

30. It shall be the duty of the auditors to examine into and decide upon the accuracy of the accounts of such section, and whether the trustees have truly accounted for and expended for school purposes the moneys received by them, and to submit the said accounts, with a full report thereon, at the next annual school meeting; and if both of the auditors object to the lawfulness of any expenditures made by the trustees, they shall submit the matters in difference to such meeting, which may either determine the same, or submit the matter to the Chief Superintendent, whose decision shall be final, and the auditors shall remain in office until their audit is completed; and 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. 23 V., c. 49, s. 8: 34 V., c. 33, s. 21.

Difference of opinion.

Power of Auditors to Examine.

31. The auditors, or either of them, may 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 the auditor or auditors may administer oaths to such parties and witnesses. 23 V., c. 49, s. 8: 22 V., c. 64, s. 85.

32. The said auditors, or any one of them, may 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 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. 23 V., c. 49, s. 8; 22 V., c. 64, s. 86.

Warrant of Auditor equivalent to Execution of Division Court.

33. It shall be the duty of the auditors, or that of either of them, to report the result of their examination of the accounts of the year to the annual school meeting next after their appointment, when the annual report of the trustees, signed by the trustees and auditors, shall be presented to such meeting. 23 V., c. 49, s. 8; 34 V. c. 33, s. 21.

Auditors to present report to meeting.

9. SELECTION OF RURAL SCHOOL SITES.

1. *Two modes of selecting School Sites.*
2. *Compulsory Sale of School Site in certain cases.*
3. *Arbitrations—Provisions in regard to them.*

1. *Two modes of selecting School Site.*

34. No steps shall be taken by the trustees of any school section for procuring a school site on which to erect a new school house, or for changing the site of an established school house, without calling a special meeting of the assessed freeholders and householders of their section to consider the matter. 22 V., c. 64, s. 30.

New School site to be authorized by Special Meeting.

35. In case of a difference as to the choice of a site for a school house between a majority of the trustees and a majority of the assessed freeholders and householders at such special meeting, each party shall 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, shall finally decide the matter. 22 V., c. 64, s. 30.

Differences between Trustees and people to be referred to Arbitration.

2. *Compulsory Sale of School Site in certain Cases.*

36. On the selection of land, as provided by this Act, for a rural school site, on which to erect a school house and necessary buildings, or for enlarging existing school premises, if the owner of such land shall refuse to sell the same, or shall demand therefor a price deemed unreasonable by the trustees of any section, the proprietor of such land, and the trustees, shall each forthwith select an arbitrator; and the arbitrators thus chosen and the County Inspector, or any two of them, shall appraise the damages to the owner of such land, and upon the tender of payment of the amount of such damages to the owner by the school trustees, the land shall be taken and used for the purpose aforesaid; provided nothing herein contained, shall authorize the selection in a township of a site within a hundred yards of a garden, orchard, pleasure ground or dwelling house of the owner of such site, without the consent of such owner. 34 V., c. 33, s. 17.

Owner of land must sell School Site selected.

Except, on

3. *Arbitrations—Remedial Provisions.*

37. Should the majority of the school trustees, or the Appointment

of School Site Arbitrators.—
Their powers. majority of a public school meeting, neglect or refuse, in case of a difference in regard to a school site, to appoint an arbitrator, as provided in the thirty-fifth section of this Act, or should the owner of land selected as a school site, as provided by the thirty-sixth section of this Act, refuse 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, provided they should not agree. 34 V., c. 33, s. 25. 5

Proceedings where an arbitrator is absent.

38. Should only a majority of the arbitrators appointed to 10 decide any case arising under the authority of this Act be present at any lawful meeting, in consequence of the neglect or the refusal of their colleague 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 15 meeting for any period not exceeding ten days, and give the absent arbitrator notice of such adjournment. 34 V., c. 33, s. 26.

PART III.—DUTIES AND POWERS OF TOWNSHIP COUNCILS.

I. DUTIES OF TOWNSHIP COUNCILS.

1. *Form or Unite Rural School Sections.*
2. *Rural School Assessments and Loans.*

39. It shall be the duty of each township council :—

I. FORM OR UNITE RURAL SCHOOL SECTIONS.

Council to form new School Sections, their size.

1. To form portions of the township, where no schools have 20 been established, into school sections; Provided, that no school section shall be formed which shall contain less than fifty resident children, between the ages of five and sixteen years, unless the area of such section shall contain more than four square miles. 22 V., c. 64, s. 39 : 34 V., c. 33, s. 15. 25

Union of existing sections; Meetings to be called.

2. To unite two or more sections into one, in case, (at a public meeting in each of such sections called by the trustees or County Inspector for that purpose), a majority present at said meeting of the assessed freeholders and householders of each of the sections to be affected request to be united. 22 V., 30 c. 64, ss. 20, 25 and 41.

3. To appoint a person in each new or united school section to call its first school section meeting; and cause such person to be notified by the township clerk in the manner prescribed in the eleventh section of this Act. 22 V., c. 64, ss. 39 and 42. 35

2. RURAL SCHOOL ASSESSMENTS AND LOANS.

Township clerk to furnish information to county inspector.

4. To cause the clerk of the township to furnish the County Inspector of schools with a copy of all the proceedings of the council relating to the formation or alteration of school sections, all school assessments, and other educational matters. 22 V., c. 64, s. 48.

Council to impose certain

5. To levy, by assessment upon the taxable property in any 40 school section, such sum as may be required by the trustees of such school section, for the purchase of a school site, the crec-

tion, repair, rent, and furniture of a school house, or the erection of teacher's residence, the purchase of apparatus and text-books for the school, books for the library, and salary of the teacher, as may be determined by such trustees. 22 V., c. 64, s. 34; 23 V., c. 49, s. 3; 34 V., c. 33, ss. 1 and 20.

ments as re-
quired by
Trustees,

School loans.

6. To cause to be levied in each year, upon the taxable property in the school section concerned, (should the council, under the authority of sub-section (2) of section forty-one of this Act, grant to the trustees authority to borrow money,) 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 off the principal at any time within ten years. 22 V., c. 64, s. 35.

40. No township council shall levy and 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; and no such council shall give effect to any application of trustees for the levying or collecting of rates for school purposes, unless the trustees of the school section make the application to such council at or before its meeting in August of the year in which such application is made. 22 V., c. 64, s. 36.

Council not to
levy more
than one rate
except in cer-
tain cases

II. POWERS OF TOWNSHIP COUNCILS.

1. *Establish Township School Boards.*
2. *Authorize, or make Loans to School Trustees.*
3. *Provide School Houses, Library, Model School, etc.*
4. *Alteration of School Boundaries.*
5. *Township Assessors and Clerk.*

41. Each township council shall have authority to pass by-laws for the following purposes:—

1. *Establish Township School Boards.*

(1) To abolish school section divisions and to authorize the establishment of a Public School Board for the township, in case a majority of the resident assessed freeholders and householders in at least two-thirds of the several school sections of the township, (at public meetings in such school sections separately called for that purpose by the trustees of each such section, or by the County Inspector.) express a desire that such local school sections should be abolished, and that all their schools should be conducted under one system and one management, like the schools in cities and towns; in which event all the Public schools of such township shall be managed by one board of five trustees, one of which trustees shall be chosen in and for each ward, if the township be divided into wards, and if not so divided, then the whole number of such trustees shall be chosen in and for the whole township, and the election of such trustees shall be held at the time and in the manner prescribed in the fourth, eleventh, and four following sections of this Act; and such trustees shall be a corporation, under the name of "The Public School Board of the Township of _____, in the County of _____," and shall be invested with the same powers, and be subject to the same obligations, as trustees in cities and towns, by the eighteenth section of this Act. 22 V., c. 64, ss. 29, 25, No. 2, and s. 32; 23 V., c. 49, s. 3; 34 V., c. 33, s. 14.

All the sections
of a Township
may be united,
and a Town-
ship Board
elected.

2. *Authorize or make Loans to School Trustees.*

- Council may authorize Trustees to borrow money for special purposes, or provide for payment.
2. To grant to the trustees of any school section, on their application, authority to borrow any sums of money which they may think necessary for the purchase of a school site, the erection, furniture, rent, and repairs of a school house and their appendages, or for the purchase or erection of a teacher's residence. 22 V., c. 64, s. 27, Nos. 4 and 10, and s. 35: 34 V., c. 33, s. 20. 5
3. To set apart surplus moneys for educational purposes, and to invest the same either in a loan or loans to school trustees or otherwise, as authorized by the one hundred and forty-third section of this Act. 29-30 V., c. 51, ss. 272 and 275. 10

3. *Provide School Houses—Library—Model School.*

- Real property. Support schools.
4. To provide for obtaining such real property as may be required for the erection thereon of public school houses, and for other public school purposes; and for providing any additional sums for the establishment and support of public schools, according to this Act. 29-30 V., c. 51, s. 269, No. 2. 15
- Council may establish Libraries.
5. To levy such sums as it judges expedient for purchasing books for a township library, under the regulations provided in that behalf. 22 V., c. 64, s. 37.
- Council may establish, and be Trustees of Model School.
6. To 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. 22 V., c. 64, s. 37. 20
- Public Schools may be united with Township Model School.
7. To give its consent to the merging, by the trustees of any one or more public schools, at their discretion, of their schools into such model schools; Provided that tuition to student teachers in such model school shall be free. 22 V., c. 64, s. 38. 25
- Correct mistakes.
8. To correct any omission or mistake in the assessor's or collector's school roll. 34 V., c. 33, s. 30, No. 5. 30

ALTERED, UNITED AND UNION SCHOOL SECTIONS.

- Alteration of existing sections; Notice to be given.
9. To alter the boundaries of a school section, in case it clearly appears that all parties to be affected by the proposed alteration in such boundaries have been duly notified of the proposed alteration by the council, or of any application made to it to do so. 22 V., c. 64, s. 40. 35
- Union section may be dissolved by either township council.
10. To separate (under the restrictions imposed by this Act in regard to the alterations of school sections) such part of any union school section as may be situated within the limits of its jurisdiction, from the union section, and to form the part so separated into a distinct school section, or attach it to one or more existing school sections, or parts of sections, within its jurisdiction, as such council may judge expedient. 22 V., c. 64, s. 47. 40
- Formation and alteration of Union School Sections.
42. Under the conditions prescribed in the ninth clause of the forty-first section, and in the forty-ninth section of this Act, in respect to alterations in the boundaries of rural school sections, union school sections, (consisting of parts of two or more townships) may, at a meeting called by the County Inspector or by any two reeves, be formed and altered by the reeves and County Inspector, or inspectors, in whose district or districts the townships are situated, out of parts of which such sections are proposed to be formed. 23 V., c. 49, s. 5: 34 V., c. 33, s. 18. 45 50

43. Each union school section or division, composed of portions of adjoining townships, or of portions of a township or townships, and of a town or incorporated village, shall, for the purpose of the election of trustees, be deemed one school section, and shall, for the purposes of this Act, be considered as belonging to the township, town, or village in which the school-house or school-houses of the union may be situated. 22 V., c. 64, s. 46: 23 V., c. 49, s. 5.

Effect of such union in township, town or village

44. On the formation or alteration of a union school section or division, under the authority of this Act, it shall be the duty of the County Inspector concerned, forthwith to transmit a copy of the resolution, by which the formation or alteration was made, to the clerk of the municipality affected by such resolution. 34 V., c. 33, s. 18.

Formation and alteration of Union Sections—Inspector's Duty.

45. It shall be lawful for, and be the duty of, the reeves of the townships, out of which union school sections are formed, and the County Inspector, to equalize the assessment of such sections. 34 V., c. 33, s. 18.

Assessment equalized.

Election—New or United Section.

46. The first election in a new, or united section shall be appointed and held in the same manner as is provided for in the eleventh and five following sections of this Act. 22 V., c. 64, s. 42.

First election in such united sections.

Share of fund—Disposal of School Property.

47. The several parts of any altered or united school sections shall have respectively the same right to a share of the public school fund for the year of the alteration or union, as if they had not been altered or united. 22 V., c. 64, s. 43.

Share of school fund not affected.

48. In case a school site, or school house, or other school property be no longer required in the section concerned, in consequence of the alteration or the union of school sections, the same shall be disposed of by sale or otherwise, in such manner as a majority of the assessed freeholders and householders 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 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. 22 V., c. 64, s. 44.

Disposal of school property when not wanted.

Altered section.

United sections.

49. No alteration in the boundaries of a school section, union section or other school division, shall take effect before the twenty-fifth day of December next, after the alteration has been made. 22 V., c. 64, s. 40: 23 V., c. 49, s. 5.

Alterations not to take effect before the 25th December.

4. TOWNSHIP ASSESSORS AND CLERK.

1. School Section Assessment Rolls—Mistakes.

Assessors to value lands situated in each section.

Undivide

50. Whenever the lands or property of any individual or company are 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 lands or property, according to the divisions of the school sections within the limits of which such lands or property may be situate; but 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. 22 V., c. 64, s. 33. 5

Township Roll to be furnished to the Trustees.

Mistakes and omissions.

51. Any township officer, having possession of the assessor's or collector's roll is hereby required to allow any one of the trustees, or their authorized collector, to make a copy of such roll, as far as it relates to their school section: and in case of any omission or mistake in such roll, the Township Council shall have authority to correct it. 22 V., c. 64, s. 27, No. 12: 15 34 V., c. 33, s. 30, No. 5. 10

2. Duties of Township Clerks.

Township clerk to prepare maps of school sections. Information to county clerk.

To school inspector.

To county treasurer.

To county clerk.

To rural school trustees.

New section.

52. It shall be the duty of each Township Clerk:—
 1. To prepare in duplicate, a school map of the township, shewing the divisions of the township into school sections and parts of union school sections. 22 V., c. 64, s. 49. 20
 2. To furnish one copy of such map to the county clerk, for the use of the county council, and he shall retain the other in the township clerk's office, for the use of the township corporation. 22 V., c. 64, s. 49. 25
 3. To furnish the County Inspector with the information required by the fourth clause of the thirty-ninth section of this Act. 22 V., c. 64, s. 48.
 4. To make a return to the county treasurer of any parcel of land liable to assessment, and of the uncollected school rates thereon, as returned to him by the rural school trustees of any section, as provided by this Act. 22 V., c. 64, s. 127. 30
 5. To make the returns to the clerk of his county, within one week after the first day of January, of the total expenditure of the township on account of schools and education, including the information given to him by rural school trustees, as required by the nineteenth clause of the twenty-sixth section of this Act. 29-30 V., c. 51, s. 156. 35
 6. To allow any one of the rural school trustees, or their authorized collector, to make a copy (so far as it relates to their section) of the township assessor's or collector's roll, if he have possession of such roll. 22 V., c. 65, s. 27, No. 12.
 7. To give notice to the person appointed by the Council to call the first school meeting in a new or united section, as provided in the thirty-ninth section of this Act. 22 V., c. 64, ss. 7, 39 and 42.

PART IV.—DUTIES AND POWERS OF COUNTY MUNICIPAL COUNCILS.

I. DUTIES OF COUNTY COUNCILS.

1. *Levy Equivalent to Legislative Grant.*
2. *Appoint County Public School Inspectors.*
3. *Appoint County Board of Examiners.*
4. *Appoint Auditors.*
5. *Exact Security, and allow no Deduction from School Fund*

53. It shall be the duty of each county council:—

To raise equivalent to Legislative school grant.

1 To cause to be levied yearly upon the several townships of the county, such sums of money for the payment of the salaries of legally qualified public school teachers, as at least equal 5 (clear of all charges of collection) the amount of school money apportioned by the Chief Superintendent of Education to the several townships thereof for the year, and notified by him to such council through the county clerk. 22 V., c. 64, s. 50.

2. To appoint one or more persons holding the necessary 10 certificate of qualification (as prescribed by this Act), to be inspector or inspectors of public schools in such county, who shall each have charge of not more than one hundred and twenty, or less than fifty, schools each; Provided always, that it shall not be necessary to appoint more than one inspector in each 15 riding of a county; And provided also, that 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; and in counties where there are or shall be more than fifty 20 public schools, the county council may appoint two or more persons (according to the number of schools), holding such certificates, to be inspectors, and prescribe and number the territorial limits of each. And provided furthermore, that in a county where there are two or more county inspectors, the council 25 of such county may, from time to time, change or remove such inspectors from one circuit or riding of the county to another. 34 V., c. 33, ss. 5 and 8.

Appointment of School Inspectors in Counties.

French or German.

Change Inspectors.

3. To fill up, from the list of those legally qualified, any 30 vacancy in the office of County Inspector caused by death, resignation, or dismissal: Provided always, that no inspector dismissed shall be reappointed, without the concurrence of the party who has dismissed him. 22 V., c. 63, s. 89: 34 V., c. 33, s. 8.

Dismissal of County Inspectors.

4. To appoint a county board of examiners, (for the ex- 35 amination and licensing of public school teachers, in accordance with the regulations provided by law,) consisting of the County Inspector and not more than four other competent persons, whose qualifications shall, from time to time, be prescribed by the Council of Public Instruction. 34 V., c. 33, s. 11.

Examination of Public School teachers.

40 5. To appoint annually, or oftener, auditors, who shall audit the accounts of the county treasurer and other officers to whom Public or High School moneys have been entrusted, and who shall report to such council. 22 V., c. 64, s. 58: 34 V., c. 33, s. 45.

Auditors of school moneys to be appointed.

45 6. To see that sufficient security is given by all officers of the council to whom school moneys are entrusted. 22 V., c. 64, s. 56.

To obtain security from all persons entrusted with school moneys.

50 7. To see that no deduction is made from the school fund by the county treasurer or sub-treasurer for the receipt and payment of school moneys. 22 V., c. 64, s. 56.

2. DISCRETIONARY POWERS OF COUNTY COUNCILS.

1. *Raise or Loan School Moneys.*
2. *Appoint Township sub-Treasurers.*
3. *Appoint Committee on Appeals on School Boundaries.*
4. *Aid new and needy School Sections.*

Council may establish County Library.

54. Each county council shall have authority:—

1. To raise by assessment such sums of money as it may judge expedient, for the establishment and maintenance of a county public school library. 22 V., c. 64, s. 52.

2. To set apart surplus moneys, as authorized by the one hundred and forty-third section of this Act, for educational purposes, and to invest the same either by loan to school trustees or otherwise, as provided in that section. 29-30 V., c. 51, ss. 272: 31 V., c. 30, s. 27: 32 V., c. 43, s. 21.

School sub-treasurers for townships may be appointed.

3. To appoint, if deemed expedient, one or more sub-treasurers of school moneys for one or more townships of the county; in which event each such 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 within the parts of the county for which he is appointed sub-treasurer, as are imposed by this Act upon each county treasurer, in respect to the paying and accounting for school moneys. 22 V., c. 64, s. 57.

Appeal to the County Council against by-law of Township Council.

4. To appoint a committee of not more than five, or less than three competent persons (two of whom shall be the County Judge and a County Inspector), and the majority of whom shall form a quorum, to investigate the matter of any appeal or complaint which a majority of the trustees, or any five rate-payers of a school section, may make to the county council against any by-law or resolution which has been passed, or may be passed, by their township council for the formation or alteration of their school section; and the Committee shall confirm or disallow the by-law or resolution complained of. 34 V., c. 33, s. 16.

Appeal to County Council against Township by-law in committee.

5. To appoint a committee of not less than five competent persons (two of whom shall be the County Judge and a County Inspector,) and a majority of whom shall form a quorum, who shall revise and alter the boundaries of the school sections of a township, so far as to settle the matters complained of in any representation and petition to the council of a majority of the trustees or of the rate-payers of two or more school sections in a township, present at special meetings called for that purpose: Provided always, that no person shall be competent to act on either of the committees mentioned in this and the next preceding clause of this Act, who was then a member of the township council which passed the by-law or resolution complained of; And provided also, that the alterations made in the boundaries of any school section by such committee, shall not take effect before the end of the year during which they shall be made, and of which alterations due notice shall be given by the inspector to the clerk of the township and to the trustees of the school sections concerned. 34 V., c. 33, s. 16.

Such equipment may be increased for poor schools, &c.

6. To increase the sums of money levied yearly upon the several townships for the payment of duly qualified teachers, either in aid of the county school fund, or, on the recommendation of one or more county inspectors, to give special or additional aid to new or needy school sections. 22 V., c. 64, s. 50.

7. To dismiss at pleasure any County Inspector, as provided in this Act. 34 V., c. 33, s. 8.

Remuneration of County Inspectors.

55. The local remuneration of each county inspector shall not be less than five dollars per school per annum, to be paid quarterly, by the county council, which shall also have authority to determine and provide for the allowance of travelling expenses. 34 V., c. 33, s. 10.

SALARIES OF TEACHERS—OFFICERS.

Such county-rate to be collected by 11th December

56. The sum annually required to be levied in each county, for the salaries of legally qualified teachers, shall be collected and paid into the hands of the county treasurer, on or before the fourteenth day of December, in each year. 22 V., c. 64, s. 51.

- 5 **57.** Notwithstanding the non-payment to the county treasurer in December of any part of the sum levied in the county, as aforesaid, no teacher shall be refused the payment of the sum to which he may be entitled from such year's county school assessment, but the county treasurer shall pay the county inspector's lawful order in behalf of such teacher, in anticipation of the payment of the county school assessment; and the county council shall make the necessary provision to enable the county treasurer to pay the amount of such order. 22 V., c. 64, s. 51.

Teachers not to be refused payment.

Duties of the County Clerk.

- 15 **58.** The county clerk shall forthwith notify the Chief Superintendent of Education of the appointment and address of each County Inspector and of the county treasurer; and shall likewise furnish him with a copy of all proceedings of the council relating to school assessments and other educational matters. 22 V., c. 64, s. 55.
- 20 **59.** The county clerk shall transmit to the Chief Superintendent of Education, on or before the first day of March in each year, a certified copy of the abstract of the report of the auditors, and shall also give any explanation relating thereto, as far as he is able, which may be required by the Chief Superintendent. 22 V., c. 64, s. 59.

Clerk to report appointments and proceedings to Chief Superintendent.

Clerk to transmit audited accounts to Chief Superintendent.

PART IV.—CITIES, TOWNS AND INCORPORATED VILLAGES.

1. POWERS AND DUTIES OF MUNICIPAL COUNCILS.
2. ELECTION OF SCHOOL TRUSTEES.
 - (1.) *In Cities and Towns divided into Wards.*
 - (2.) *In Towns and Villages divided into Wards.*
3. WHO ARE VOTERS—DISPUTED ELECTIONS—OFFICE OF TRUSTEE.
4. UNION WITH TOWNSHIP OF TOWN OR VILLAGE.
5. PUBLIC SCHOOL BOARDS AND THEIR DUTIES.
 - (1.) *Appoint Officers—Meetings.*
 - (2.) *Possession and Management of Property—School Houses.*
 - (3.) *Kinds of Schools, and their Teachers.*
 - (4.) *Union with High School—Committee for each School.*
 - (5.) *Financial Estimate for Municipal Council.*
 - (6.) *Fees for Books and Stationery—Annual Meeting and Report—Teachers' Salaries.*
6. CITY AND TOWN INSPECTORS, AND CITY BOARD OF EXAMINERS.
7. COMPULSORY SALE OF SCHOOL SITE.

DUTIES AND POWERS OF MUNICIPAL COUNCILS.

- 60.** The municipal council of each city, town and village in

Powers of councils in cities, towns and villages.

Ontario is hereby invested, within its limits, with the same powers, and shall be subject to the same obligations as the municipal council of each county and township by the fourth and fifth clauses of the thirty-ninth, the first, fifth and sixth clauses of the fifty-third, and by the fifty-sixth and four following sections of this Act. 22 V., c. 64, s. 60 : 34 V., c. 33, s. 1. 5

Pupils competing for High School prizes.

61 The council of every city and town separated, may pass by-laws for the following purpose:—
For making a permanent provision for defraying the expenses of the attendance at the High School, of such of the pupils of the Public Schools of the city or town as are unable to bear the expense but are desirous of, and, in the opinion of the respective masters of such Public and High Schools, possess competent attainments for competing for any scholarship, exhibition, or other similar prize, offered by such High School. 29-30 V., c. 51, s. 288, Nos. 3 and 4. 10 15

ELECTION OF TRUSTEES IN CITIES AND TOWNS DIVIDED INTO WARDS.

First Election in Cities and Towns.

First election of school trustees in cities and towns.

62. On the incorporation of any city or town, and the division thereof into wards, two fit and proper persons shall, at the first election of school trustees, be elected school trustees of each such ward by a majority of the votes of the assessed freeholders and householders thereof; and one of such 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; but each such trustee shall continue in office until his successor has been elected. 22 V., c. 64, s. 63. 20 25

Term of office

Two trustees to be annually elected in each ward.

63. For each ward into which any city or town is divided, there shall be two school trustees, each of whom after the first election of trustees, shall continue in office two years, and until his successor has been elected, and one of such trustees shall retire on the second Wednesday in January yearly in rotation. 22 V., c. 64, s. 62. 30

Annual Election of One Trustee in each Ward.

Annual election of trustees.

64. In every city and town, on the second Wednesday in January, an election shall be held in each ward at the place of the last municipal election, and under the direction of the same returning officer, and conducted in the same manner as an ordinary municipal ward election; but in case of the default of such returning officer, then under the direction of such person as the electors present may choose; and at such election one fit and proper person to be a trustee shall be elected by a majority of the votes of the assessed freeholders and householders in and for each such ward respectively, and such trustee shall continue in office for two years, and until his successor has been elected. 22 V., c. 64, ss. 3 and 64 : 34 V., c. 33, ss. 31 and 32. 40 45

One trustee in each ward.

Hours of School Election.

Time and hours for school elections in rural sections, towns &c.

65. The poll at every election of a school trustee or trustees shall not close before eleven of the clock in the forenoon, and in cities, towns, and incorporated villages, the same time shall

be allowed for the election of school trustees which is allowed by the Municipal Act (which may be in force at the time), for the election of municipal councillors in such municipalities. 23 V., c. 49, s. 4: 34 V., c. 33, s. 31.

Act 32 V., c. 44, applies to Toronto alone.

- 5 **66.** The Act relating to school trustee elections, passed in the thirty-second year of Her Majesty's reign, and chaptered forty-four, except the ninth and tenth sections thereof, shall apply to the City of Toronto alone. 32 V., c. 44, applies to Toronto alone. 34 V., c. 33, s. 47.

ELECTION OF TRUSTEES IN VILLAGES AND TOWNS NOT DIVIDED INTO WARDS.

- 10 **67.** The school boundaries of a village rural school section, existing at the time of its incorporation, shall continue in force, and be considered as the school boundaries of the newly incorporated village, notwithstanding its incorporation, until altered under the authority of this Act. New village boundaries. 34 V., c. 33, s. 16.

- 15 **68.** In each town, not divided into wards, and in each village, there shall be six school trustees, two of whom, after the first election, shall retire yearly on the second Wednesday in January. Six trustees. 22 V., c. 64, s. 65.

First Election of Trustees where no Wards exist.

- 20 **69.** On the incorporation of any town or village, the returning officer appointed to hold the first municipal election in such town or village, shall call a meeting for the election of school trustees to take place on the second Wednesday in January, on giving six days' notice in at least three public places in the town or village, or in case of his neglect for one month, any two freeholders in such town or village may, on giving like notice, call a meeting for such purpose, and at such meeting six trustees shall be elected, who shall hold office during the periods mentioned in the next succeeding section. First election of school trustees in a village or town. 22 V., c. 64, ss. 3 and 66.

Classification of Elected Trustees.

- 30 **70.** The trustees of every such town and village shall be divided by lot into three classes of two individuals each, to be numbered one, two, three; the first of which classes shall hold office one year, the second two years, and the third three years, and until their successors respectively be elected. Trustees when first elected to be classified. 22 V., c. 64, s. 67: 34 V., c. 33, ss. 32 and 33.

- 35 **71.** The trustees composing one of such classes shall retire yearly in rotation, the order of such rotation of the trustees first elected being determined by lot at the first meeting after their election, and, except the trustees elected at the first election, the trustees so to retire shall be those who have held the office for the then next preceding three years, or who have been elected to supply any vacancy in the retiring class. Such trustees to retire yearly by rotation. 22 V., c. 64, s. 68.

Annual Election of School Trustees.

- 40 **72.** A school meeting shall be held annually on the second Wednesday in January, in each such town and village, at the place of the then last annual election of councillors, at which Annual election of two trustees in towns and villages.

meeting the assessed freeholders and householders of the town or village shall elect two persons to be trustees in the place of the two retiring from office, which trustees elect shall continue in office three years, and until their successors have been elected. 22 V., c. 64., s. 69. 5

WHO ARE VOTERS—DISPUTED ELECTIONS—OFFICE OF TRUSTEE.

Challenging
voters at
school elec-
tions.

73. In case an objection be made to the right of any person to vote at an election in any city, town or village, or upon any other subject connected with school purposes therein, the returning officer presiding at the election shall require the person whose right of voting is objected to, to make the following declaration: 10

Declaration.

“I do declare and affirm that I have been rated on the assessment roll of this city (town or village division, *as the case may be*), “as a freeholder (or householder, *as the case may be*), and that “I have paid a public school tax in this ward, (town or village “*as the case may be*), within the last twelve months, and that I “am legally qualified to vote at this election.” Whereupon the person making such declaration shall be permitted to vote. 22 V., c. 64., s. 70. 15

Terms for
which persons
are elected to
fill vacancies.

74. Any trustee elected to fill an occasional vacancy in a public school board, shall hold office only for the unexpired term of the person in whose place he is elected to serve. 22 V., c. 64., s. 75. 25

Re-election of
any trustee
lawful.

75. 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. 22 V., c. 64., s. 76. 25

Contested School Elections in Cities, Towns and Villages.

Contested
elections in
cities, towns,
and villages.

76. The judge of the county court shall, within twenty days after the election of a public school trustee or trustees in any city, town, or incorporated village within his county, receive and investigate any complaint respecting the mode of conducting the election, and confirm it or set it aside, and appoint the time and place of holding a new election, as he may judge right. 22 V., c. 64., s. 72. 30

Costs of con-
tested elec-
tions.

77. The expenses of any school election contest shall be paid by the parties concerned in it, as may be decided by the County Judge. 22 V., c. 64., s. 74. 35

UNION OF TOWNSHIP WITH TOWN OR VILLAGE.

School union
in town or
village.

78. Part of a township, or parts of townships, and a town or village, may be united by the reeves, county inspector and public school board concerned, and, when united, shall, for the purposes of this Act, be considered as the school division of said town or village: Provided that the boundaries of such town or village school division may be altered by the reeves, county inspector, and Public School Board concerned, upon due notice thereof being given to the ratepayers; and provided also that said alteration shall not go into effect until the twenty-fifth day of December next after having been made. 22 V., c. 64., s. 40; 23 V., c. 49. s. 5. 40 45

PUBLIC SCHOOL BOARDS AND THEIR DUTIES.

Trustees to be
a Corporation.

79. The school trustees for each city, town, and incorporated village, shall be a corporation, under the name of "The Public School Board of the City [Town or Village] of ———, in the County of ———," and shall succeed to all the corporate property, rights and powers, and be subject to all the corporate obligations and liabilities of the preceding trustees. 22 V., c. 64, s. 17; 34 V., c. 33, s. 32.

80. It shall be the duty of the Public School Board of every city, town, and village respectively, and they are hereby authorized: 22 V., c. 64, s. 79.

Duties of the
public school
board.*Appoint Officers—Meetings.*

1. To elect annually, or oftener, from among their own members, a chairman, who shall have a right to vote at all times; and in case of an equality of votes, the questions shall be held to be decided in the negative. 22 V., c. 64, s. 79, No. 1. Election of chairman and his vote.
2. To appoint the times and places of their meetings and the mode of calling them, and of conducting and recording their proceedings, and of keeping all their school accounts: Provided that the first meeting of the Board may be called by any trustee to take place in the city, town or village council-room. 22 V., c. 64, ss. 78 and 79, No. 3. Time and place of meeting of Board
3. To appoint a secretary, and, if requisite, one or more collectors of such school fees as the Board may have authority to charge, which collector or collectors may be of their own number, and one of whom may also be secretary-treasurer, who shall be subject to the same duties, obligations and penalties as the same officer in rural school sections. 22 V., c. 64, s. 27, No. 1, and s. 79, No. 2; 34 V., c. 33, ss. 1 and 46. Appointment of secretary, collector and treasurer.

Possession and Management of Property—School Houses.

4. To take possession of all public school property, and to accept and hold as a corporation all property acquired or given for public school purposes, in the city, town, or village, by any title whatsoever. Board to take possession of all public school property.
5. To manage or dispose of such property, and all moneys or income for public school purposes. To manage or dispose of it.
6. To apply the same, or the proceeds, to the objects for which they have been given or acquired. To apply proceeds.
7. To do whatever they may judge expedient with regard to purchasing or renting school-sites and premises; building, repairing, furnishing, warming, and keeping in order the school houses and appendages, lands, enclosures, and movable property; for procuring suitable apparatus and text-books, and for establishing and maintaining school libraries. 22 V., c. 64, s. 79, Nos 3 to 7, inclusive. To provide school premises, apparatus, text-books and library.

Kinds of Schools, and their Teachers.

8. To determine—
 - a. The number, sites, kind and description of schools (such as male, female, infant, central, or ward schools) to be established and maintained in the city, town, or village: Provided that each Public School Board may establish one or more Industrial Schools for otherwise neglected children, and make all needful

regulations and employ the means requisite to secure the attendance of such children, and for the discipline of such school or schools. 22 V., c. 64, s. 79, No. 8 (a) : 34 V., c. 33, s. 42. also—

b. The teacher or teachers to be employed; the terms of employing them; the amount of their remuneration, and the duties which they are to perform. 22 V., c. 64, s. 79, No. 8 (b). 5

c. The salary of the inspector of schools appointed (in cities and towns only) as provided by the eighty-first section of this Act. 22 V., c. 64, s. 79, No. 8, (c) : 34 V., c. 33, ss. 6 and 10. 10

To unite with High School if expedient.

9. To adopt, at their discretion, such measures as they may judge expedient, in concurrence with the trustees of the High School, for uniting one or more of the public schools of the city, town, or village, with such High School. 22 V., c. 64, s. 79, No. 9. 15

To appoint a committee for each school.

10. To appoint annually or oftener, if they judge it expedient, 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. 22 V., c. 64, s. 79, No. 10. 20

Financial Estimate for Municipal Council—Teachers' Salaries.

To lay before municipal council estimate for moneys.

11. 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 salaries of teachers—procuring school premises.

a. For paying the whole or part of the salaries of the Inspector, (in cities and towns only), and of Public and Industrial School teachers in cities, towns and villages. 22 V., c. 64, s. 79, No. 11 (a) : 34 V., c. 33, ss. 10 and 42. 25

b. For purchasing or renting public and industrial school premises.

For building, repairing, and keeping in order school-houses.

c. For building, renting, repairing, warming, furnishing, and keeping in order the public and industrial school-houses and their appendages and grounds ; 30

For procuring apparatus, text books, and libraries, &c.

d. For procuring suitable apparatus and text-books for such schools ; 22 V., c. 64, s. 79, No. 11 (b), (c) and (d) : 34 V., c. 33. 35

e. For the establishment and maintenance of school libraries ; and

f. For all other necessary expenses of the schools under their charge. 22 V., c. 64, s. 79, No. 11 (e) and (f).

Council required to provide necessary funds.

And the council of the city, town, or village, shall provide such sums in the manner desired by the said public school board. 22 V., c. 64, s. 79, No. 11 : 34 V., c. 33, s. 1. 40

Fees for Books and Stationery Annual Meeting and Report.

Trustees may collect a discretionary fee from parents.

12. 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 month, per pupil, to defray the cost of text-books, stationery and other contingencies, and to employ the same means for collecting such sum as public school trustees in rural sections in townships ; and all moneys thus collected shall be paid into the hands of the chamberlain or treasurer of the city, town, or village, or of the secretary-treasurer, for the public school purposes of the same, subject to the order of the board. 22 V., c. 64, s. 79, No. 12 : 34 V., c. 33, s. 1. 45

- 13. To give, with the School Inspector, orders to duly qualified teachers only on the chamberlain or treasurer of the municipality for salaries due to them. 22 V., c. 64, s. 78, No. 13; and 91, No. 2. Trustees' and Inspector's orders to teachers.
- 5 14. To give orders to other school officers and creditors for the sums due to them, on the chamberlain or treasurer of the city, town, or village, or on their own secretary-treasurer. 22 V., c. 54, s. 79, No. 13, s. 27, No. 9, and ss. 80 and 91, No. 2; 34 V., c. 33, s. 6. Trustees to give orders for sums due to Creditors.
- 10 15. To call and give notice of annual and special school meetings of the assessed freeholders and householders 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 and under the regulations prescribed by this Act. 22 V., c. 64, ss. 20 & 79, No. 14. Trustees to give Notice of Annual and Special Meetings.
- 15 16. To see that all the pupils in the schools are duly supplied with a uniform series of authorized text-books, and to appoint a librarian to take charge of the school library or libraries established under this Act. 22 V., c. 64, s. 79, No. 15. To see that authorized books are used, and appoint Librarian.
- 20 17. To provide adequate accommodations for all children of school age in their municipality. 34 V., c. 33, s. 2. Adequate accommodation.
- 25 18. To see that all the schools under their charge are conducted according to the authorized regulations; and at the close of each year, to prepare and publish, in one or more of the public papers, or otherwise, for the information of the inhabitants of the city town or village, an annual report of their proceedings, and of the progress and state of the schools under their charge, and of the receipts and expenditure of all school moneys. 22 V., c. 64, s. 79, No. 16. To see that regulations are observed—to publish Report
- 30 19. To prepare and transmit annually, before the fifteenth of January, to the Chief Superintendent of Education, in the form provided by him, a report signed by a majority of the trustees, containing all the items of information which may be required therein. 22 V., c. 64, s. 79, No. 17. To prepare Annual Report for Chief Superintendent.
- 35 20. To invest, as they may see fit, any surplus moneys for educational purposes, as provided in the one hundred and forty-third section of this Act. 29-30 V., c. 51, s. 274. Invest surplus.
- 40 21. To exercise as far as they judge expedient, in regard to their city, town or village, all the powers vested in the trustees of each school section in regard to such school section. 22 V., c. 64, s. 79, No. 18 and s. 27. May exercise same powers as Rural Trustees.

CITY AND TOWN INSPECTOR—CITY BOARD OF EXAMINERS.

- 45 **81.** The Public School Board in each city and town shall from time to time appoint from among those holding the necessary certificates of qualification one person to be inspector of Public Schools in such city or town, who shall possess all the powers, and be subject to all the obligations enumerated in the one hundred and second section of this Act: Provided that any city or town inspector shall be subject to dismissal at pleasure by the board appointing him, and any vacancy caused by dismissal, death or resignation, shall be filled by the board by the appointment of some legally qualified person: Provided also that the remuneration of each city and town inspector shall be determined and provided for by the Board appointing him 22 V., c. 64, s. 79, No. 2: 34 V., c. 33, ss. 6-10. City and town inspector.
- 50 **82.** The Public School Board of each city shall appoint a City Board of Examiners of School Teachers, as provided by the one hundred and third section of this Act. 34 V., c. 33, s. 11. Dismissal.
- 55 Remuneration of inspector.

Remuneration of examiners.

83. The payment of the expenses of the members of the City Board of Examiners shall be provided for by the Public School Board appointing them, as required by the one hundred and fourth section of this Act. 23 V., c. 49, s. 16: 34 V., e. 33, ss. 6 and 11.

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COMPULSORY SALE OF SCHOOL SITE.

Owner of land must sell school site selected.

84. On the selection of land for a school site on which to erect a school house and necessary buildings, or for enlarging school premises, if the owner of such land shall refuse to sell the same, or shall demand therefor a price deemed unreasonable by the Public School Board of any city, town or village, the proprietor of such land, and the Board, shall each forthwith select an arbitrator; and the arbitrators thus chosen and the County Inspector, or any two of them (as provided in the thirty-sixth and thirty-eighth sections of this Act), shall appraise the damages to the owner of such land, and upon the tender of payment by the Board of the amount of such damages to the owner, the land shall be taken and used for the purpose aforesaid; provided that in cities, towns and incorporated villages, vacant land only shall be taken for a school site without the consent of the owner or owners. 34 V., e. 33, s. 17.

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Exception.

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PART VI.—PUBLIC SCHOOL TEACHERS AND THEIR DUTIES.

1. QUALIFIED TEACHER DEFINED.
2. TEACHER CANNOT BE TRUSTEE OR INSPECTOR.
3. SPECIFIC DUTIES OF TEACHERS.
4. PROTECTION IN REGARD TO SALARIES.
5. SUPERANNUATION OF PUBLIC SCHOOL TEACHERS.

Qualified teacher defined.

85. No male or female teacher shall be deemed a qualified teacher who does not at the time of his or her engaging with the trustees, and during the period of the engagement with the trustees, hold a certificate of qualification, as provided in this Act. 22 V., c. 64, ss. 80 & 141: 34 V., e. 33, s. 30, No. 4.

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Teacher not to hold certain offices.

86. No master or teacher of a Public or High School shall hold the office of a school trustee or school inspector. 22 V., c. 64, s. 81: 23 V., c. 49, s. 11.

Duties of Public School Teacher.

87. 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. 30

To keep the Register of the School.

2. To keep the daily, weekly, and other registers of the school.

To maintain proper order and discipline.

2. To maintain proper order and discipline in his school according to the authorized forms and regulations. 53

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 such book to each visitor, and request him to make therein any remarks suggested by his visit. 40

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; and upon his leaving the school to deliver up the same to the order of the trustees. 22 V., c. 64, s. 52, Nos. 1-5.

To give access to Registers and Visitors' Book.

6. To deliver up any school registers or school house key, or other school property in his possession on the demand of the majority of the trustee corporation employing him; and in case of his wilfully refusing to do so, he shall be deemed guilty of a misdemeanor, and shall not be deemed a qualified teacher until restitution be made; and shall also forfeit any claim which he may have against the said trustees. 23 V., c. 49, s. 1.

Deliver up registers and key.

7. To have at the end of each quarter 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 such school, and through the pupils to their parents and guardians.

To hold public quarterly examinations.

8. To furnish to the Chief Superintendent of Education, or to the School Inspector, when desired, 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. 22 V., c. 64, s. 82, Nos. 6-7.

To furnish information to the Chief Superintendent and Inspector

PROTECTION IN REGARD TO SALARY.

88. Any teacher shall be entitled to be paid at the same 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. 22 V., c. 64, s. 83, :23 V., c. 49, s. 12.

Protection of teachers in regard to salary.

89. 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: Provided always that the decision of any county judge in all such cases may be appealed from, as provided in the one hundred and sixteenth and five following sections of this Act. 22 V., c. 64, s. 83: 34 V., c. 33, s. 27.

Provision in case of difference between teacher and trustees.

SUPERANNUATION OF PUBLIC SCHOOL TEACHERS.

90. Each male teacher of a public school holding a certificate of qualification under this Act shall pay into the fund for the support of superannuated school teachers, through the Public School Inspector, the sum of four dollars annually in half-yearly sums; provided that each female teacher holding a like certificate may also pay into the fund a like sum annually. 34 V., c. 33, s. 43.

Annual payments to Superannuated School Teachers' Fund.

91. Any teacher retiring from the profession shall be entitled to receive back from the Chief Superintendent one half of any sums paid in by him or her to the fund, through the Public School Inspector, or otherwise; Provided also, that on the decease of any teacher, his wife, or other legal representative, shall be entitled to receive back the full amount paid into the superannuation fund by such teacher, with interest at the rate of seven per centum per annum. 34 V., c. 33, c. 43.

Teachers retiring to be paid back.

92. No teacher shall be entitled to share in the superan-

Condition of pension. nuated public school teachers' fund, unless he has contributed to said fund the sum of four dollars, or more, per annum, for the period of his teaching school, or of his receiving aid from said fund, nor unless he furnishes satisfactory proof to the Council of Public Instruction, of inability, from age, or loss of health in teaching, to pursue that profession any longer. 22 V., c. 64, s. 119, No. 6. 5

Rate **93.** No annual allowance to any superannuated or worn out teacher shall exceed the rate of six dollars for each year that such teacher has taught a public school in Ontario. 22 V., c. 64, s. 119, No. 6. 10

PART VII.—INSPECTORS OF PUBLIC SCHOOLS.

1. QUALIFICATIONS OF INSPECTORS—RESTRICTION.
2. APPOINTMENT, REMOVAL, AND SALARY OF COUNTY INSPECTOR.
3. DUTIES OF COUNTY INSPECTOR.
 - (1.) *Oversight of Schools—Apportionment of Moneys.*
 - (2.) *Checks to Teachers—Superannuation Money.*
 - (3.) *Visitation and Inspection of Schools—Lectures.*
 - (4.) *Management of Schools—Meetings of Managers, Reeves, etc.*
 - (5.) *Settlement of Complaints and Differences.*
 - (6.) *Suspending and giving Teachers' Certificates.*
 - (7.) *Guided by Instructions—Annual Report.*
 - (8.) *Apportionment to Union School Sections.*

Qualifications of Inspectors. **94.** The qualifications of county, city and town inspectors shall, from time to time, be prescribed by the Council of Public Instruction, which shall determine the time and manner of examination of candidates for certificates of qualification as inspectors, and grant such certificates. 34 V., c. 33, s. 7. 15

School Inspector shall not hold certain offices. **95.** No inspector shall be a teacher or trustee of any public, high or separate school while he holds the office of inspector. 22 V., c. 64, s. 90: 23 V., c. 49, s. 11.

APPOINTMENT, REMOVAL, AND SALARY OF INSPECTORS.

Appointment and dismissal of Inspectors. **96.** Each county, city or town inspector of public schools shall be appointed or removed at pleasure by the council or board appointing him; Provided always, that county inspectors shall be subject to dismissal by the Governor in Council for misconduct or inefficiency; Provided also, that no inspector dismissed shall be re-appointed without the concurrence of the party who has dismissed him; Provided further, that no person shall be eligible to be appointed an inspector who does not hold a legal certificate of qualification as required by the ninety-fourth section of this Act. 34 V., c. 33, ss. 7, 8. 20 25

Qualification. 30

Salary and remuneration of Inspectors. **97.** The remuneration of each county inspector shall not be less than five dollars per school per annum, to be paid quarterly, by the county council, which shall also have authority to determine and provide an allowance for his travelling expenses; Provided also, that it shall be lawful the Lieutenant-Governor in Council to direct the payment, out of the Consolidated Revenue, of an additional sum, not exceed- 35

ing five dollars per school per annum, to each county inspector.
34 V., c. 33, s. 10.

98. In the event of any county inspector resigning his office, 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. 22 V., c. 64, s. 89: 34 V., c. 33, s. 7.

Warden may supply vacancies in the office.

DUTIES OF COUNTY INSPECTOR

99. It shall be the duty of each public school inspector in a county, and he is hereby empowered:—

Duties of School Inspectors.

1. Oversight of Schools—Apportionment of Moneys.

1. To have the oversight of all public schools in the townships and villages within the county or union of counties, or part of the county or union of counties for which he shall be appointed; and he shall have all the powers in each municipality within his jurisdiction, and be subject to all the obligations which are conferred or imposed upon him by this Act, according to such instructions as may be given to him, from time to time, by the Chief Superintendent of Education. 34 V., c. 33, s. 9.

Jurisdiction, obligations, &c.

2. To distribute, unless otherwise instructed by the Chief Superintendent of Education, among all of the school sections under his jurisdiction, their respective portions of the public school money apportioned to the townships within the limits of his charge, (as soon as notified by the county clerk of the amount so apportioned to such townships,) according to the rates of the average attendance of pupils at each public school (the mean attendance of pupils for each half year being taken) as compared with the whole average number of pupils attending the public schools of each such township. 22 V., c. 64, s. 91, No. 1, and s. 106, No. 3: 34 V., c. 33, s. 30, No. 6.

To apportion School and according to average attendance.

3. To apportion the school fund to, but not give a cheque to pay any portion of such fund to any school section which has not been conducted according to law and the regulations provided by it, or whose trustees have neglected to transmit to him their return of average attendance for the last preceding half-year. 22 V., c. 64, s. 91, No. 2: 34 V., c. 33, s. 30, No. 6 and s. 37.

To apportion, but not pay unless trustees make half-yearly return.

2. Cheque to Teachers—Superannuation Money.

4. To give to any qualified teacher (but to no other person), on the order of the trustees of any school section, a cheque upon the county treasurer or sub-treasurer, for any sum of money apportioned and due to such section, after deducting any moneys payable by the male teacher of such section for the then last preceding six months, as provided in the next succeeding clause of this section. 22 V., c. 64, s. 91, No. 2: 34 V., c. 33, s. 43.

Give cheques to none but qualified teachers.

5. To deduct two dollars semi-annually for the superannuated teachers fund, from any half-yearly payments made by him to any male teacher holding a certificate of qualification within his jurisdiction, and transmit the same to the Education Department. 34 V., c. 33, s. 43.

Deduct half-yearly payments.

6. To give no cheque upon any trustees' 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

Condition of giving or less to teachers.

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. 22 V., c. 64, s. 91, No. 2.

3. *Visitation and Inspection of Schools—Lectures.*

7. To visit each public school within his jurisdiction twice in each year, unless oftener required by the county council which appointed him, or for the adjustment of disputes; and one of such half-yearly visits shall be made between the first of April and the first of October, and the other between the first of October and the first of April. 22 V., c. 64, s. 91, Nos. 3 and 8. 5 10
8. To examine at each half-yearly visit, into the state and 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 as he may judge proper. 15
9. To deliver in each of his school sections, at least once a year, a public lecture on some subject connected with the objects, principles, and means of practical education; and to do all in his power to persuade and animate parents, guardians, trustees and teachers, to improve the character and efficiency of the public schools, and to secure the sound education of the young generally. 20
- Make two visits a year to each school.*
- Examine the state of the school.*
- Deliver annual lecture in each section.*

4. *Management of Schools—Meetings of Examiners, Reeves, etc.*

10. To see that all the schools are managed and conducted according to law—to prevent the use of unauthorized, and to recommend the use of authorized, books in each school—and to acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantage of using them. 25 30
11. To attend and take part in the meetings of the Board of Examiners of public school teachers, of the Board of Examiners for the admission of pupils to any high school in a township or village, and meetings for arbitrations appointed under the authority of this Act; and to meet and confer with the Chief Superintendent of Education at such time and place as he may appoint when making official visits to the county. 22 Vic., c. 64, s. 91, Nos. 3-8; 34 V., c. 33, ss. 11, 12, 1, 25 and 2. 35
12. To call and attend the meetings authorized to be held by this Act, for the formation or alteration of the boundaries of union school sections or divisions, and for the equalization of their assessments. 34 V., c. 33, s. 18. 40
13. To give the notice to the township clerk and to the school trustees in regard to the formation or any alteration in the boundaries of union school sections or divisions, as required by the forty-fourth and seventy-eighth sections of this Act. 34 V., c. 33, ss. 16, 18. 45
- See to observance of lawful regulations.*
- Attend certain meetings.*
- Aid in forming Union Sections.*

5. *Settlement of Complaints and Differences.*

14. To receive, investigate and decide upon any complaint, in regard to the election of school trustees, made to him within twenty days after holding any public school meeting for the election of a trustee or trustees in any rural section, within the
- Mode of proceeding in contested elections in school sections.* 50

limits of his charge, or respecting the mode of conducting such election, or in regard to the proceedings at any rural school meeting, and according to the best of his judgment confirm or set it or them aside, and appoint the time and place for a new election; and may—

a. In his discretion, at any time for any lawful purpose, appoint the time and place for a special school section meeting. Call meetings

b. 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. 22 V., c. 64, s. 25; 23 V., c. 49, s. 13. Complaint within twenty days

15. To decide upon any difference of opinion between the auditors of the school accounts of any school section which may be referred to him; and also upon any questions submitted to him which arise between interested parties under the operation of this Act; or, if he deems it advisable, to refer any such question for settlement to the Chief Superintendent of Education. 22 V., c. 64, s. 61, No 8; 23 V., c. 49, ss. 13 and 14. To decide disputes, appeals

6. *Suspending and giving Teachers' Certificates.*

20 16. To suspend the certificate of qualification of any class or grade of any master or teacher, for any cause which may appear to him to require it: Provided that the suspension of a provincial certificate shall continue until the case be reported to and decided by the chief superintendent; and other certificates suspended shall remain so until the next ensuing meeting of the County Board of Examiners of public school teachers, of which meeting due notice shall be given to the teacher whose certificate is suspended: Provided also, that the suspension or cancelling of a teacher's certificate of qualification shall release his school trustees from any obligation to continue him in their employment. 22 V., c. 64, s. 91, No. 9; 23 V., c. 49, s. 22. May suspend Teacher's Certificate.

35 17. To report forthwith to the Chief Superintendent the suspension by him of a teacher's provincial certificate of qualification, notifying in writing to the teacher whose certificate is suspended the reasons of such suspension; and the Chief Superintendent shall finally decide the case. 23 V., c. 49, s. 22. Report to chief superintendent

40 18. To give any candidate, on due examination, according to the programme authorized for the examination of teachers, 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; but no such certificate shall be given a second time, or be valid, if given a second time, to the same person in the same county. 22 V., c. 64, s. 91, No. 10. May give temporary certificate to teachers

7. *Guided by Instructions—Annual Report*

50 19. To act in accordance with the regulations and instructions provided for his guidance; to give any information in his power (when desired to the Chief Superintendent of Education respecting any public school matter within his jurisdiction; to furnish the county auditors, when required, with the trustees' orders as the authority for his cheques upon the county or sub-treasurer for school moneys. 22 V., c. 64, s. 91, No. 11. Observing regulations—giving information to the Chief Superintendent and county auditors.

55 20. To deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, to the order of the county council. 22 V., c. 64, s. 91, No. 11. Hand over papers on retiring from office.

Transmit annual report to the Chief Superintendent.

21. To prepare and transmit to the Chief Superintendent of Education, on or before the first day of March, an annual report, in the form provided by the said Chief Superintendent, and which shall state—

a. The whole number of schools and school sections, or parts of sections in each township within his jurisdiction; 5

b. The number of pupils taught in each school over the age of five and under the age of sixteen; the number between the ages of sixteen and twenty-one years; the whole number of children residing in each section, or part of a section, over the age of five and under the age of sixteen years; 10

c. The length of time a school has been kept by a qualified teacher in each of such sections or parts of sections; the branches taught; the number of pupils in each branch; the books used; and the average attendance of pupils, both male and female, in each half-year; 15

d. The amount of moneys received and collected in each section or part of a section—(distinguishing the amount apportioned by the Chief Superintendent of Education; the amount received from county assessment; the amount raised by trustees; and the amount from any other and what sources; also how such moneys have been expended, or whether any part remains unexpended, and from what causes; and the annual salary of teachers, male and female, with and without board; 20

e. The number of school visits made by himself and others during the year; the number of school lectures delivered; the whole number of school-houses, their sizes, description, furniture and appendages; the number rented; the number erected during the year; of what description; and by what means; 25

f. The number of qualified teachers; their standing, sex and religious persuasions; the number, so far as he can ascertain, of private schools; the number of pupils and subjects taught therein; the number of libraries, their extent, and how established and supported; also, any other information which he may possess respecting the educational state, wants and advantages in each township of his charge, and any suggestions which he thinks proper to make with a view to the improvement of schools and diffusion of useful knowledge. 22 V., c. 64, s. 91, No. 12. 30 35 40

8. Apportionment to Union School Sections.

How union sections shall be paid.

100. The School Inspectors of adjoining townships shall determine the sums to be paid from the public school fund of each township in support of the schools of union school sections consisting of portions of such townships, and shall also determine the manner in which such sums shall be paid; but in the event of one person being inspector of the townships concerned, he shall act in behalf of such townships. 22 V., c. 64, s. 92. 40 45

Warden to decide in case of dispute.

101. In the event of the School Inspectors thus concerned not being able to agree as to the sum to be paid to each such township, the matter shall be referred to the warden of the county for final decision. 22 V., c. 64, s. 93. 50

DUTIES OF CITY AND TOWN INSPECTORS OF SCHOOLS.

- (1.) *Oversight and Examination of Schools.*
- (2.) *Lectures—Management of Schools—Text Books.*
- (3.) *Meetings of Examiners—Teachers' Certificates.*
- (4.) *Miscellaneous Duties.*

102. It shall be the duty of each Public School Inspector in a city or town, and he is hereby empowered:—

1. *Oversight and Examination of Schools.*

1. To have the oversight of all the public schools in the municipality for which he shall be appointed, and to have all the powers and be subject to all the obligations conferred and imposed upon him by this Act, according to such instructions as may from time to time be given to him, by the Chief Superintendent of Education. 34 V. c. 33, ss. 6 and 9.

2. To visit each public school within his jurisdiction, from time to time, and as often as may be required of him by the public school board. 22 V., c. 64, s. 79, No. 8 (c), s. 91, Nos. 3 and 8: 34 V., c. 33, ss. 6, 8 and 9. Make two visits a year to each school.

3. To examine, at his visits of inspection, into the state and condition of each 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, the pupils and officers of the school as he may judge proper. 22 V., c. 64, s. 91, No. 4: 34 V., c. 33, ss. 6, 8, and 9. Examine the state of the school.

2. *Lectures—Management of Schools—Text Books.*

4. To deliver in each of the school divisions, at least once a year, a public lecture on some subject connected with the objects, principles, and means of practical education; and to do all in his power to persuade and animate parents, guardians, trustees and teachers, to improve the character and efficiency of the public schools, and to secure the sound education of the young generally. 22 V., c. 64, s. 91, No. 5: 34 V., c. 33, ss. 6, 8 and 9. Deliver annual lecture in each section.

5. To see that all the schools are managed and conducted according to law—to prevent the use of unauthorized, and to recommend the use of authorized, books in each school—and to require and give information as to the manner in which such authorized books can be obtained, and the economy and advantage of using them. 22 V., c. 64, s. 91, No. 6: 34 V., c. 33, ss. 6, 8 and 9. See to observance of lawful regulations.

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4. *Meetings of Examiners—Teachers' Certificates.*

6. To attend the meetings of the Board of Examiners, and act on it as an examiner of pupils for admission to the high school; and (if he be a city inspector of schools) to attend the meetings of the City Board of Examiners, and act on it as an examiner of public school teachers; and each inspector shall meet and confer with the Chief Superintendent of Education at such time and place as he may appoint when making official visits to the county. 22 V., c. 64, s. 91, No. 7: 34 V., c. 33, ss. 6, 8, 9 and 38. Attend certain meetings.

7. To give, in conjunction with the Public School Board, to any qualified teacher (but to no other person) an order upon the chamberlain or other treasurer, for any salary due to such teacher: Provided that the Inspector shall deduct two dollars from the amount payable each half-year to any male teacher, as such teacher's contribution to the superannuated teachers' fund. 22 V., c. 64, s. 91, No. 2: 34 V., c. 33, ss. 6, 8, and 43. Give cheques to none but qualified teachers.

8. To suspend the certificate of qualification of any class or grade, of any master or teacher, for any cause which may appear to him to require it; Provided always, that the suspension May suspend teacher's certificate.

of a Provincial certificate shall continue until the case be referred to and decided by the Chief Superintendent; other certificates shall remain suspended until the next ensuing meeting of the City or County Board of Examiners, of which meeting due notice shall be given by such Inspector to the teacher whose certificate of qualification has been suspended; and the cancelling or suspension of a teacher's certificate of qualification shall release his school trustees from any obligation to continue him in their employment. 22 V., c. 64, s. 91, No. 9: 23 V., c. 49, s. 22: 34 V., c. 33, ss. 6, 8 and 9.

Report Suspension.

9. To report forthwith to the Chief Superintendent the suspension by him of a teacher's provincial certificate of qualification, notifying the teacher, whose certificate is suspended, in writing, of the reasons of such suspension; and the Chief Superintendent shall finally decide the case. 23 V., c. 49, s. 22: 34 V., c. 33, ss. 6, 8 and 9.

May give temporary certificates to teachers.

10. To give any candidate, on due examination, according to the programme authorized for the examination of teachers, 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 the city or county, but no such certificate shall be given a second time, or be valid if given a second time, to the same person in the same municipality. 22 V. c. 64, s. 91, No. 10: 34 V. c. 33, ss. 6, 8 and 9.

Observing regulations— Giving information to the Chief Superintendent and county auditors.

4. *Miscellaneous Duties.*

11. To act in accordance with the regulations and instructions provided for his guidance; to give any information in his power, when desired, to the Chief Superintendent of Education respecting any public school matter within his jurisdiction. 22 V., c. 64, s. 91, No. 11: 34 V., c. 33, ss. 6, 8 and 9.

Hand over papers on retiring from office.

12. 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 Public School Board. 22 V., c. 64, s. 91, No. 11: 34 V., c. 33, ss. 6, 8 and 9.

Transmit annual report to the Chief Superintendent.

13. To prepare and transmit to the Chief Superintendent of Education, on or before the first day of March, an annual report, in the form provided by the said Chief Superintendent. 22 V., c. 64, s. 91, No. 12: 34 V., c. 33, ss. 6, 8 and 9.

Decide questions.

14. To decide upon any questions submitted to him which may arise between interested parties under the operation of this Act, or, if he deem it advisable, to refer any such question to the Chief Superintendent. 22 V., c. 64, s. 91, No. 8.

Perform other duties.

15. To perform such other duties as may be required of him by the Public School Board, or the Chief Superintendent of Education. 22 V., c. 64, s. 79, No. 8 (c): s. 91, No. 11: 34 V., c. 45 33, s. 9.

PART VIII. — COUNTY AND CITY BOARDS OF EXAMINERS.

CONSTITUTION AND REMUNERATION OF THE BOARD.
 POWERS AND DUTIES OF THE BOARD.
 PROVISIONS IN REGARD TO GRANTING CERTIFICATES.
 OLD COUNTY BOARD CERTIFICATES.

1. *Appointment—Members—Quorum—Remuneration.*

County Boards of Examiners **103.** Each county council, and the public school-board trustees in each city, shall appoint a county or city board of

examiners, (for the examination and licensing of teachers, in accordance with the regulations provided by law,) consisting of the county or city Inspector (*as the case may be,*) and two or more other competent persons, whose qualifications shall, from time to time, be prescribed by the Council of Public Instruction; provided always, that in no such county or city board of examiners shall the number of members exceed five; and in all cases, the majority of the members appointed shall constitute a quorum for the transaction of business. 34 V., c. 33, s. 11.

10 **104.** The county council and each city public school board shall provide for the incidental expenses connected with the meeting and proceedings of such county or city Board of Examiners; and each of its members shall be entitled to the same recompense for his time and expenses as are
 15 members of the county corporation for their attendance at county council meetings; and the incidental expenses attending the meetings of such board, shall include the recompense to its members, the stationery, room, fuel, light, printing of notices, examination papers, and certificates, and such remuneration to the secretary of such board, as the board may deem just and expedient. 22 V., c. 64, s. 97, : 23 V., c. 49, s. 16 :
 20 34 V., c. 33, ss. 6 and 11.

2. Duties of the Board.

105. It shall be the duty of each county and city board of examiners, and they shall have authority:—

25 **1.** To examine and give certificates of qualification to teachers of public schools, according to their attainments and abilities, as prescribed in the authorized programme of examination and instructions under this Act; Provided always, that every certificate of qualification, issued by any board of examiners, shall have the signature of at least one inspector of schools. 22 V., c. 64, s. 99 : 34 V., c. 33, ss. 11 and 12.
 30 **2.** To dispose of any case of suspension by an inspector, of any county or city board certificate (not being a provincial one), in such manner as a majority of the members present may think proper. 22 V., c. 64, s. 91, No. 9; 23 V., c. 49, s. 22; 34 V., c. 33, s. 12.

3. Conditions of Granting Certificates.

106. No certificate shall be given to any person as a teacher, who does not furnish satisfactory proof of good moral character, or, who, at the time of applying for such certificate, is not a natural born or naturalized subject of Her Majesty, or who does not produce a certificate of having taken the oath of allegiance to Her Majesty, before a Justice of the Peace for the municipality in which such person resides. 22 V., c. 64, s. 99.

4. Who shall Issue Certificates.

45 **107.** First-class certificates of qualifications shall be awarded to teachers by the Council of Public Instruction only, and second and third-class certificates by county and city boards of examiners only; provided also, that first and second class Provincial certificates, given under the authority of this Act, shall be
 50 permanent during the good behaviour of the holders, and valid in all the municipalities of the Province. 34 V., c. 33, s. 12.

5. *Certain Old Certificates Valid.*

Former certificates continued.

108. All certificates of qualification of teachers granted before the fifteenth day of February, 1871, 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 suspension, they shall be renewed from time to time under the regulations and programmes prepared under the authority of this Act. 34 V., c. 33, s. 12. 5

PART IX.—SCHOOL VISITORS AND THEIR DUTIES.

Public School Visitors defined.

109. 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 reside: but persons holding the commission of the peace for the county only, shall not be school visitors within towns and cities; and each clergyman shall be a school visitor only in the township, town, or city where he has pastoral charge. 22 V., c. 64, s. 100. 10

Their authority to visit the Public Schools

110. Each of the school visitors may visit the public school in the township, city, town, or village; and may attend the quarterly examination of schools, and, at the times 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 he thinks advisable, in accordance with the regulations and instructions provided in regard to school visitors. 22 V., c. 64, s. 101. 20 25

General Meeting of School Visitors.

111. 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; and 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. 22 V., c. 64, s. 102. 30

PART X.—THE CHIEF SUPERINTENDENT OF EDUCATION, AND HIS DUTIES.

1. APPOINTMENT—SALARY—RESPONSIBILITY.

2. POWERS AND DUTIES OF CHIEF SUPERINTENDENT.

(1.) *Apportionment of School Grants.*(2.) *Give Necessary Instructions—Decide Complaints and Appeals.*(3.) *Normal School—School Architecture—Teachers' Institutes.*(4.) *Council of Public Instruction—Report and Returns.*

3. APPEAL FROM DIVISION COURT DECISIONS.

4. SPECIAL CASES TO BE SUBMITTED TO SUPERIOR COURTS.

APPOINTMENT—SALARY—RESPONSIBILITY.

A Chief Superintendent to be appointed.

112. The Governor may, from time to time, by Letters Patent under the Great Seal of the Province, appoint a fit and proper person to be Chief Superintendent of Education for Ontario, who shall hold the office during pleasure, and shall receive a 35

salary of the same amount as the Superintendent of Education in Quebec. 22 V., c. 64, s. 103.

113. The Chief Superintendent shall be responsible to, and subject to the direction of the Governor, communicated through any department of the Provincial Government. 22 V., c. 64, s. 104.

His responsibility to the government.

114. The Chief Superintendent shall account for the contingent expenses of his office, as provided in respect to other public offices. 22 V., c. 64, s. 105.

He shall account.

POWERS AND DUTIES OF THE CHIEF SUPERINTENDENT.

10 115. It shall be the duty of the Chief Superintendent of Education, and he is hereby empowered :—

Duties of the Chief Superintendent.

1. Apportionment of School Grants.

1. To apportion annually, on or before the first day of May, all moneys granted or provided by the Legislature for the support of public schools in Ontario, (and not otherwise appropriated by law) to the several counties, townships, cities, towns, and incorporated villages, according to the ratio of population in each, as compared with the whole population of Ontario; but when the census or returns upon which such an apportionment is to be made, are so far defective in respect of any county, township, city, town, or village, as to render it impracticable for the Chief Superintendent to ascertain therefrom the share of school moneys which ought to be so apportioned, he shall make the apportionment according to the ratio in which, by the best evidence in his power, the same can be most fairly and equitably made. 22 V., c. 64, s. 106, No. 1.

Apportioning Legislative Grant.

2. To certify to the Provincial Treasurer the apportionments made by him, so far as they relate to the several counties, cities, towns and incorporated villages in Ontario, and to give immediate notice thereof to the clerk of each county, city, town, and village interested therein, stating the time when the amount of moneys so apportioned will be payable to the treasurer of the county, city, town or village. 22 V., c. 64, s. 106, No. 2.

Notice to the provincial treasurer and county clerks.

3. To direct the county inspector, if he shall deem it expedient, as to the distribution of the public school fund of any township among the several school sections or parts of section, entitled to share in the same, according to the length of time in each year, during which a school has been kept open by a legally qualified teacher in each of such sections or parts of sections. 22 V., c. 64, s. 91, No. 1, and s. 106, Nos. 3 and 7: 34 V., c. 33, s. 9.

Distribution by school inspectors.

4. To apportion the moneys provided by the Legislature for the establishment and support of high and public school libraries, and in providing high and public schools with maps and apparatus: but no aid shall be given towards the establishment or support of any school library, and in providing maps and apparatus, unless an equal amount be contributed and expended from local sources for the same object. 22 V. c. 64, s. 106, No. 4, s. 120, No. 2 (C and D).

Apportioning library grant.

2. Give necessary Instructions—Decide Complaints and Appeals.

50 5. To prepare suitable forms, and to give such instructions as

Preparing forms and regulations.

- he may judge necessary and proper, for making all reports, and conducting all proceedings under this Act. 22 V., c. 64, s. 106, No. 5: 34 V., c. 33, s. 9.
6. To cause such forms and instructions, together with such general regulations as may be approved of by the Council of Public Instruction for the better organization and government of public schools, to be transmitted to the officers required to execute the provisions of this Act. 22 V., c. 64, s. 106, No. 5. 5
- Distributing Act and forms.** 7. To cause to be printed, from time to time, in a convenient form, so many copies of this Act, with the necessary forms, instructions, and regulations to be observed in executing its provisions, as he may deem sufficient for the information of all officers of public schools, and to cause the same to be distributed for that purpose. 22 V., c. 64, s. 106, No. 6. 15
- Disagreement between Roman Catholic school trustees and officials.** 8. To equitably decide, subject to an appeal to the Governor in Council, whose award shall be final, upon any case of dispute or disagreement between trustees of Roman Catholic separate schools and inspectors of public schools, or other municipal authorities, which may be referred to his equitable arbitration. 26 V., c. 5, s. 27. 20
- Protecting school moneys.—Deciding complaints.** 9. To see that all moneys apportioned by him are applied to the objects for which they are granted; and for that purpose, and when not otherwise provided for by law, to decide upon all matters, disputes and complaints submitted to him, which involve the expenditure of any part of the school fund. 22 V., c. 64, s. 106, No. 7, s. 120, No. 2, and ss. 123 and 124: 34 V., c. 33, s. 9. 25
10. To decide upon all other 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. 22 V., c. 64, s. 91, 91, No. 8, and s. 106, No. 7: 23 V., c. 49, ss. 8 and 14. 30
- Application of balances of the school fund.** 11. To direct the application of the balances of the school fund apportioned for any year, which may be forfeited according to the provisions of this Act, towards making up the salaries of teachers in the county to which the same has been apportioned. 22 V., c. 64, s. 106, No. 8, and ss. 120-124. 35
- Appointing a deputy and special inspectors.** 12. To appoint one of his clerks to be his deputy, to perform the duties of his office in his absence; and to appoint one or more persons, as he, from time to time, deems necessary, to inspect any school, or to examine into and report to him upon any school matter in the county where such person or persons reside; but no allowance or compensation shall be made to such special inspector or inspectors for any services performed by him or them. 22 V., c. 64, s. 106, No. 9. 40 45
3. *Normal School—Libraries—School Architecture—Teachers' Institutes.*
- To have the supervision of the normal school.** 13. To take the general superintendence of the Normal school; and use his best endeavours to provide for and recommend the use of uniform and approved text-books in the schools generally. 22 V., c. 64, s. 106, No. 10. 50
14. To give, on the recommendation of the teachers in the Normal School, to any teacher of public schools, a certificate of qualification which shall be valid in any part of Ontario until revoked; but no such certificate shall be given to any person who has not been a student in the Normal School. 22 V., c. 64, s. 107. 55

- 15. To be responsible for all moneys paid through him in behalf of the Normal and Model Schools, and to give such security for the same as the Governor may require. 22 V., c. 64, s. 106, No. 15, and s. 120. Responsibility for moneys.
- 5 16. To employ all lawful means in his power to procure and promote the establishment of school libraries for general reading, in the several counties, townships, cities, towns, and villages. 22 V., c. 64, s. 106, No. 11, and s. 120, No. 2 (c and d). Establishing school libraries.
- 10 17. To provide and recommend the adoption of suitable plans of school-houses, with the proper furniture and appendages; and to collect and diffuse among the people of Ontario useful information on the subject of education generally. 22 V., c. 64, s. 106, No. 12, and s. 120, No. 2, G. To provide plans for school houses, and to disseminate useful information.
- 15 18. To appoint proper persons to conduct county teachers' institutes, and to furnish such rules and instructions as he may judge advisable in regard to the proceedings of such institutes, and the best means of promoting and elevating the profession of school teaching, and increasing its usefulness. 22 V., c. 64, s. 106, No. 14, and s. 120, No. 2, F. Appoint conductors of teachers' institutes.

4. Council of Public Instruction—Report and Returns.

- 20 19. To provide a place for the meetings of the Council of Public Instruction, and he may call a special meeting at any time by giving due notice to the other members. 22 V., c. 64, s. 115. Provide place and call Meetings.
- 25 20. To prepare and lay before the Council of Public Instruction, for its consideration, such general regulations for the organization and government of public schools, and the management of school libraries, as he may deem necessary and proper. 22 V., c. 64, s. 106, No. 13.
- 30 21. To submit to the Council of Public Instruction, all books or manuscripts which, with the view of obtaining the recommendation or sanction of such council for their introduction as text-books or library books, are placed in his hands. 22 V., c. 64, s. 106, No. 13. To submit books, manuscripts, and general regulations to the council of public instruction.
- 35 22. To prepare and transmit all correspondence directed or authorized by the Council of Public Instruction for Ontario. 22 V., c. 64, s. 106, No. 16. Correspondence of the council.
- 40 23. To make annually to the Governor, on or before the first day of July, a report of the actual state of the Normal, Model, High and Public Schools throughout Ontario, showing the amount of moneys expended in connection with each, and from what sources derived, with such statements and suggestions for improving the schools and the school laws, and promoting education generally, as he may deem useful and expedient. 22 V., c. 64, s. 106, No. 17, and s. 120, No. 1. To make annual report to the Governor.
- 45 24. To lay before the Legislature at each sitting thereof, a correct and full account of the disposition and expenditure of all moneys which come into his hands as Chief Superintendent. 22 V., c. 64, s. 106, No. 18, and s. 120, No. 2. To make financial report to Parliament.

APPEALS FROM DIVISION COURT DECISIONS.

- 50 **116.** It being highly desirable that uniformity of decision should exist in cases within the cognizance of the Division Courts and tried in such courts, in which the school inspectors, trustees, teachers, and others acting under the provisions of this Act are parties, the Judge of any Division Court wherein any such action may be tried, may, at the request of either party, order the entering of judgment to be delayed for a suf- Uniformity of Decisions in Division Courts.

sufficient time to enable such party to apply to the Chief Superintendent of Education to appeal the case, and 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 a Superior Court. 22 V., c. 64, s. 108: 34 V., c. 33, s. 27. 5

Chief Superintendent may appeal from such Court to the Superior Courts of Law.

117. The Chief Superintendent may, within one month after the rendering of judgment in any such case, appeal from the decision of the 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 Chief Superintendent of Education for Ontario, Appellant, in the matter between (A. B. and C. D.)" 22 V., c. 64, s. 109. 10

Judge to send Papers to Superior Court, and Chief Superintendent.

118. The Judge, whose decision is thus appealed from, shall thereupon certify under his hand, to the Superior Court appealed 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; and on receiving an intimation of appeal from his decision (under the authority of this Act,) shall also thereupon certify under his hand, to the Chief Superintendent of Education, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto. 22 V. c. 64, s. 110: 34 V., c. 33, s. 28. 15 20 25

Superior Court to give such Order as Law and Equity require.

119. The matter shall be set down for argument at the next term of such Superior Court, and 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, and shall 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. 22 V., c. 64, s. 111. 30

Proceedings in Division Court thereon.

120. Upon receipt of such order, direction, and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith. 22 V., c. 64, s. 112. 35

Costs of Appeal

121. All costs awarded against an appellant, and all costs incurred by him, shall be paid by the Chief Superintendent, and charged as contingent expenses of his office. 22 V., c. 64, s. 113.

SPECIAL CASE TO BE SUBMITTED TO SUPERIOR COURTS.

122. It shall be competent for the Chief Superintendent of Education, should he deem it expedient, to submit a case on any question arising under the High or Public School Acts, 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. 23 V., c. 49, s. 23. 40 45

PART XI.—THE COUNCIL OF PUBLIC INSTRUCTION.

1. CONSTITUTION, MEETINGS AND PROCEEDINGS.
2. POWERS AND DUTIES OF THE COUNCIL.
 - (1.) *Management of Normal School.*

(2.) *School Regulations and Qualifications of Inspectors and Examiners.*

(3.) *Teachers' Examination and Certificates.*

(4.) *Text and Library Books—Superannuated Teachers—Report.*

CONSTITUTION, MEETING, AND PROCEEDINGS.

123. The Governor may appoint a Council of Public Instruction for Ontario, to consist of not more than nine persons (of whom the Chief Superintendent of Education shall be one) to hold office respectively during pleasure, and such Council shall, in the exercise of its duties, be subject to all lawful orders and directions from time to time issued by the Governor. 22 V., c. 64, s. 114.

Council of Public Instruction to be appointed.

124. At any lawful meeting of the Council of Public Instruction, three members shall form a quorum for the transaction of business, and in case of an equality of votes on any question, the chairman shall be entitled to a second or casting vote. 22 V., c. 64, s. 118.

Quorum of three and casting vote of chairman.

125. The senior clerk in the Education Office shall be recording clerk to the said council—he shall enter all its proceedings in a book kept for that purpose—and shall, as may be directed, procure the books and stationery for the normal and model schools, and keep all the accounts of the said council. 22 V., c. 64, s. 117.

Recording clerk and his duties.

126. The expenses attending the proceedings of the said council shall be accounted for by the Chief Superintendent as part of the contingent expenses of the Education Office. 22 V., c. 64, ss. 105 and 116.

Contingent expenses of council provided for.

POWERS AND DUTIES OF THE COUNCIL.

127. It shall be the duty of such Council, and it is hereby empowered:—

1. To appoint a chairman, and determine the times of its meetings, and the mode of conducting its proceedings. 22 V., c. 64, s. 119, No. 1.

Duties of council.

To appoint chairman, &c.

Management of the Normal School.

2. To adopt all needful measures for the permanent establishment and efficiency of the Normal School for Ontario, containing one or more Model Schools, for the instruction and training of teachers of Public Schools in the science of education and the art of teaching. 22 V., c. 64, s. 106, No. 10, and s. 119, No. 2.

and efficiency of Normal and Model Schools.

3. To make from time to time the rules and regulations necessary for the management and government of such Normal School; to prescribe the terms and conditions on which students will be received and instructed therein; to select the location of such school, and erect or procure and furnish the buildings therefor; to determine the number and compensation of teachers, and of all others who may be employed therein; and to do all lawful things which such council may deem expedient to promote the objects and interests of such school. 22 V., c. 64, s. 119, No. 3.

Regulations for Normal and Model schools.

Make School Regulations and fix Qualifications of Inspectors and Examiners.

- To make regulations for Public School teachers and libraries. 4. To make such regulations, from time to time, as it deems expedient, for the organization, government, and discipline of public schools, for the classification of schools and teachers, and for school libraries throughout Ontario. 22 V., c. 64, s. 106, Nos. 11 and 13, and s. 119, No. 4. 5
- Provision for teaching of natural history, agricultural chemistry and mechanics. 5. To provide, by the training of teachers, the programme of studies, the selection of text books, and special regulations, for the teaching in the public schools of the elements of natural history, of agricultural chemistry, of mechanics, and of agriculture. 22 V., c. 64, s. 106, No. 13, and s. 119, Nos. 4 and 5: 34 V., c. 33, s. 13. 10
- Fix qualifications of Inspectors and examiners. 6. To prescribe from time to time the qualifications of county, city, or town inspectors (and of members of county or city boards of examiners); to determine the time and manner of examination of candidates for certificates of qualification as inspectors or examiners, and to grant such certificates of qualification. 34 V., c. 33, s. 7. 15

Teachers' Examination and Certificates.

- Examination of Public School teachers. 7. To prepare and prescribe, from time to time, by a committee of its appointment, or otherwise, a programme, examination papers and regulations for the uniform examination and classification of public school teachers. 34 V., c. 33, s. 12. 20
- Give certificates. 8. To give first-class certificates of qualification to teachers under such regulations and programme as may be prescribed by said council, under the authority of this Act. 34 V., c. 33, s. 12. 25

Text and Library Books—Superannuated Teachers—Report.

- 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. 22 V., c. 64, s. 106, Nos. 11 and 13, and s. 119, Nos. 4 and 5.
- To make Regulations for granting Pensions to Superannuated Teachers. 10. To prescribe such regulations, with the approbation of the Governor in Council, as it, from time to time, deems expedient, within the restrictions imposed by this Act, for granting pensions to superannuated or worn out teachers of public schools. 22 V., c. 64, s. 119, No. 6. 30
- Annual Report to the Governor. 11. And to transmit annually, through the Chief Superintendent of Education to the Governor, to be laid before the Legislature, a true account of the receipt and expenditure of all moneys granted for the establishment and support of the normal school. 22 V., c. 64, s. 119, No. 7, s. 120, No. 1. 35

PART XII.—SPECIAL GRANTS AND FINANCIAL PROVISIONS.

1. SPECIAL GRANTS AUTHORIZED.
2. APPORTIONMENT PAYABLE ANNUALLY.
3. PUBLIC SCHOOL FUND DEFINED.
4. CONDITION OF PAYING LEGISLATIVE GRANT.

Certain grants authorized. 128. Out of the sums of money from time to time granted in aid of public schools, or in aid of public and high schools in 40

Ontario, and not otherwise expressly appropriated by law, the Governor in Council may authorize the expenditure of the following sums annually:—

1. *Under the authority of the Council of Public Instruction*

- | | | |
|----|---|---|
| 5 | 1. For the salaries of officers and other contingent expenses of the normal school, a sum not exceeding six thousand dollars. | Under the regulations of the Council of Public Instruction.
\$6,000. |
| | 2. To facilitate the attendance of teachers in training at the normal school, a sum not exceeding four thousand dollars. | \$1,000. |
| 10 | 3. In support of the normal and model schools, a sum not exceeding two thousand two hundred dollars. | \$2,200 |
| | 4. For the establishment and maintenance of a model High school in connection with the normal and model schools for Ontario, including also any expenses which may be incurred in the examination of candidates for masterships of High Schools, a sum not exceeding four thousand dollars. | \$4,000. |
| 15 | 5. For the payment of inspectors of High Schools, a sum not exceeding one thousand dollars. | \$1,000. |
| | 6. For the support of superannuated public school teachers, a sum not exceeding four thousand dollars. | \$4,000. |

2. *Through the Chief Superintendent of Education.*

- | | | |
|----|---|--|
| 20 | 7. In the purchase, from time to time, of books, publications, specimens, models, and objects, suitable for a Canadian library and museum, to be kept in the normal school buildings, and to consist of books, publications, and objects relating to education and other departments of science and literature, and specimens, models, and objects illustrating the physical resources and artificial productions of Canada, especially in reference to mineralogy, zoology, agriculture, and manufactures, a sum not exceeding two thousand dollars. | Through the Chief Superintendent of Education.
\$2,000. |
| 30 | 8. In supplying a copy of the <i>Journal of Education</i> to each school corporation, and each school inspector, a sum not exceeding one thousand eight hundred dollars. | \$1,800. |
| | 9. For the establishment and support of public school libraries in connection with the public and high schools, a sum not exceeding twenty-six thousand dollars. | \$26,000. |
| 35 | 10. In providing the high and public schools with maps and apparatus upon the same terms, and in the same manner as books are provided for public school libraries, a sum not exceeding ten thousand dollars. | \$10,000. |
| 40 | 11. For the payment of two assistant clerks, and a salesman of the public library, map and school apparatus depositories, in connection with the department of public instruction, a sum not exceeding one thousand four hundred dollars. | \$1,400. |
| | 12. For the encouragement of a teachers' institute, a sum not exceeding one hundred dollars in any county or riding. | \$100. |
| 45 | 13. In procuring plans and publications for the improvement of school architecture and practical science in connection with public schools, a sum not exceeding eight hundred dollars. | \$800. |
| 50 | 14. In special aid of public schools in new and poor townships, a sum not exceeding two thousand dollars. 22 V., c. 64, s. 120. | \$2,000 |

129. The whole of the remainder of the grants in the one hundred and twenty-eighth section mentioned, and not exclusively appropriated, shall be expended in aid of the public

Balance appropriate.

schools, according to the provisions of this Act. 22 V., c. 64, s. 121.

2. APPORTIONMENT PAYABLE ON FIRST OF JULY.

Grant payable in the first of July in each year.

130. The sum of money apportioned annually by the Chief Superintendent of Education to each county, township, city, town, or village, in aid of public schools therein respectively, shall be payable by the Provincial Treasurer on the certificate of the Chief Superintendent, on or before the first day of July in each year, to the treasurer of each county, city, town, and village, in such way as the Governor in Council from time to time directs. 22 V., c. 64, s. 123. 5 10

3. PUBLIC SCHOOL FUND DEFINED.

Public School Fund defined.

131. The legislative school grant, together with, at least, an equal sum, raised annually by local assessment shall constitute and be called the public school fund of such county, township, city, town or village; and no part of the salaries of the Chief Superintendent, school inspectors, nor of any other persons, except teachers employed, or of any expenses incurred in the execution of this Act, shall be paid out of the said public school fund, but such fund shall wholly, and without diminution, be expended in the payment of teachers' salaries, as herein provided. 22 V., c. 64, s. 123. 15

4. CONDITION OF PAYING LEGISLATIVE GRANT.

Conditions of receiving share of Grant.

132. 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; and 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 Chief Superintendent of Education shall deduct a sum equal to the deficiency, from the apportionment to such county, city, town or village, in the following year. 22 V., c. 64, s. 124. 20 25 30

PART XIII.—GENERAL AND SPECIAL PROVISIONS

1. PROVISIONS OF GENERAL APPLICATION.

- (1.) *Public Schools to be Free Schools.*
- (2.) *Religious Exercises—Protection of Pupils.*
- (3.) *No Foreign Books to be used without permission.*
- (4.) *Non-resident Children—Exemption.*
- (5.) *Allowance to Arbitrators and Inspectors.*
- (6.) *Written Agreements between Trustees and Teachers.*
- (7.) *Vacation and Holidays in Public Schools.*

2. UNION OF PUBLIC AND HIGH SCHOOLS.

3. PROVISIONS RELATING TO MUNICIPAL COUNCILS

- (1.) *Municipal Councils may Invest Educational Moneys.*
- (2.) *Township Councils to Pay Non-resident Rates.*

4. RIGHT OF CHILDREN TO ATTEND SCHOOL.

PROVISIONS OF GENERAL APPLICATION.

1. *Public Schools to be Free Schools.*

133. All public schools, shall be free schools ; and the trustees of rural school sections, and the municipal councils of cities, towns, villages and townships, shall, in the manner provided by this Act, levy and collect the rate upon the taxable property of the school division (or municipality *as the case may be*), to defray the expenses of such schools, as determined by the trustees thereof. 34 V., c. 33, s. 1.

Public schools to be free.— Fees in cities, Ac. for textbooks.

2. *Religious Exercises—Protection of Pupils.*

134. No person shall require any pupil in any such school to read or study in or from any religious book, or to join in any exercise of devotion or religion objected to by his or her parents or guardians ; but within this limitation, pupils shall be allowed to receive such religious instruction as their parents and guardians desire, according to any general regulations provided for the organization, government and discipline of public schools. 22 V., c. 64, s. 119, No. 4, and s. 129.

Pupils' not to be required to observe religious exercises objected to by their parents.

3. *No Foreign Books to be Used without permission.*

135. No person shall use any foreign books in the English branches of education, in any model or public school, without the express permission of the Council of Public Instruction ; and no portion of the Legislative School Grant shall be applied in aid of any such school in which any book is used that has been disapproved of by the Council of Public Instruction, and public notice given of such disapproval. 22 V., c. 64, s. 128.

Foreign books not to be used without the permission of the council of public instruction.

4. *Non-Resident Children—Exception.*

136. 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 ; and such 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 such child or children reside ; But this clause shall not apply to persons sending children to or supporting separate schools ; or prevent any person who may be taxed for public school purposes on property situate in a different school section, or division, from that in which he resides, from sending his children to the school of the section, or division, in which such property may be situate, on as favourable terms as if he resided in such section, or division. 22 V., c. 64, s. 126.

A resident in one section sending his children to another section.

Exception as to separate schools and non-resident ratepayers.

5. *Allowance to Arbitrators and Inspectors.*

137. Arbitrators appointed under the authority of this Act, and School Inspectors engaged in investigating and deciding upon school complaints and disputes, shall be entitled to the same remuneration per diem for the time thus employed as are members of the municipal council of their county for their attendance at council meetings : Provided always that the parties concerned in such disputes shall pay all the expenses in-

Special allowance to School Inspectors and Arbitrators.

curred in them, according to the award or decision of the arbitrators and School Inspectors respectively. 23 V., c. 49, s. 15.

6. *Written Agreements between Trustees and Teacher.*

Valid agreement with teacher.

General business.

138. 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, and may lawfully include any stipulation to provide the teacher with board and lodging; and such agreements shall be authorized, and all other acts and proceedings of any school corporation shall be adopted, as provided in the twenty-fourth section of this Act. 22 V., c. 64, s. 27, No. 8: 23 V., c. 49, ss. 7 and 12: 34 V., c. 33, s. 30 (3). 5 10

7. *Holidays and Vacations in Public Schools.*

Public School Holidays and Vacations.

139. Every Saturday shall be a holiday in the public schools; and the summer vacation in the schools shall be from the fifteenth day of July to the fifteenth day of August inclusive. 23 V., c. 49, s. 17: 34 V., c. 33, s. 29. 15

2. UNION OF HIGH AND PUBLIC SCHOOLS.

Case of union of High and Public School Trustees provided for.

Disposal of property.

Sale of site. And case of dissolution of such union.

140. In all cases of the union of high and public school trustee corporations authorized by this Act, all the members of both corporations shall constitute the joint board, seven of whom shall form a quorum. 29 V., c. 23, s. 5.

141. Any united board of high and public schools may dispose by sale, or otherwise, of any school site or school property belonging to the united board, or to the high or public school trustees respectively, when not required by them in consequence of a change of site, and convey the same under their corporate seal and apply the proceeds thereof for their lawful school purposes; and all school sites and other property given and acquired for school purposes shall vest absolutely in the trustees for this purpose. 23 V., c. 49, s. 10: 29 V., c. 23, s. 5. 20 25

142. The union of high and public school corporations may be dissolved at the end of any year by resolution of a majority present at any lawful meeting of the joint board called for that purpose; On the dissolution of such union between any high and public school, or department thereof, the school property held or possessed by the joint board shall be divided or applied to general school purposes, as may be agreed upon by a majority of the members of each trustee corporation; or if they fail to agree within the space of six months after such dissolution, then the division or application of such property shall be made by the municipal council of the city, town or incorporated village within the limits of which such schools are situated, and, in the case of unincorporated villages, by the county council. 29 V., c. 23, s. 5. 30 35 40

3. PROVISIONS RELATING TO MUNICIPAL COUNCILS.

1. *Municipal Councils, City and Town Public School Boards, may Invest Educational Monies.*

Loan to board of school trustees by municipalities.

143. Any municipal corporation having surplus money derived from the Ontario Municipalities Fund, or other source, and set apart for educational purposes may, by by-law invest

the same in a loan or loans to any board or boards of school trustees within the limits of the municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon, by and between the parties to such loan or loans respectively, and set forth in such by-law: Provided always that the public school board of any city or town, or any municipal corporation may invest such surplus, as well as any other moneys held by such municipal or school corporation for, or by it lawfully appropriated to educational purposes, in public securities of the Dominion, or in first mortgages on real estate, held and used for farming purposes, and being the first lien on such real estate, and from time to time as such securities mature, may invest in other like securities, or in the securities already authorized by law, as may be directed by such by-law, or by other by-laws passed for that purpose: Provided also, that no municipal corporation shall invest in such real estate securities within the limits of its own municipality, nor shall any sum so invested exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it was invested. 29-30 V. c. 51, ss. 272 and 275: 31 V., c. 30, s. 27: 32 V., c. 43, s. 21.

School or
municipal cor-
poration may
invest.

Proviso.

2. *Township, Village, Town or City Councils to Pay Non resident Rates.*

144. If the collector appointed by the trustees of any public school be unable to collect that portion of any school rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the trustees shall make a return to the clerk of the municipality, before the end of the then current year, of all such parcels of land, and the uncollected rates thereon, and the clerk shall make a return to the county, city, town or village treasurer of all such lands, and the arrears of school rates thereon, and such arrears shall be collected and accounted for by such treasurer in the same manner as the arrears of other taxes; and the township, village, town, or city in which such public school is situate, shall make up the deficiency arising from uncollected rates on lands liable to assessment, out of the general funds of the municipality. 22 V., c. 64, s. 127.

Rates on lands
of non-resi-
dents to be re-
turned to the
clerk of the
municipality.

4. RIGHT OF CHILDREN TO ATTEND SCHOOL.

145. Every child, from the age of seven to twelve years inclusive, shall have the right to attend some school, or be otherwise educated, for four months in each year; and any parent or guardian who does not provide that each child between the ages aforesaid under his care shall attend some school, or be otherwise educated, as thus of right declared, shall be subject to the penalties hereinafter provided by this Act: Provided that 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. 34 V., c. 33, s. 3.

Right of chil-
dren to be edu-
cated—Com-
pulsory atten-
dance.

PART XIV.—VARIOUS PENAL CLAUSES.

1. COMPULSORY EDUCATION OF CHILDREN.
2. PROVISIONS RELATING TO MUNICIPALITIES.

- (1.) *Personal Responsibility of Councillors and Trustees in Investing Money.*
- (2.) *Municipal Responsibility to Her Majesty.*
- (3.) *Treasurer, Chamberlain, and Sureties Responsible to the Municipality.*
- (4.) *Bond of Treasurer and Chamberlain to apply to School Moneys.*
- (5.) *Parties Aggrieved may Recover from Municipality.*
- (6.) *Township Clerk to Keep Township School Map in Duplicate.*
- (7.) *Trustees Not Liable for Acting under Municipal By-Laws.*

3. PROVISIONS AFFECTING PUBLIC SCHOOL TRUSTEES AND OFFICERS.

- (1.) *Personal Responsibility of Trustees for Money Lost to the Section.*
- (2.) *Trustees to Exact Security from Secretary-Treasurer, and Collector.*
- (3.) *Remedy in case of Embarrassment and Loss.*
- (4.) *Secretary-Treasurer and Trustees to Account for Moneys.*
- (5.) *Refusal to Account to Rural School Auditors.*
- (6.) *Neglect to Send Half-Yearly Returns to Inspector.*
- (7.) *Neglect to Send Annual Report to Inspector.*
- (8.) *Penalty for False Report and Registers.*
- (9.) *How to Deal with Refractory Pupils.*

4. PUBLIC SCHOOL MEETINGS, THEIR OFFICERS AND ELECTORS.

- (1.) *Person Chosen as Trustee Refusing to Serve.*
- (2.) *Separate School Supporters Not to Vote at Public School Meetings.*
- (3.) *False Declaration of Right to Vote at School Meetings.*
- (4.) *Returning Officer at School Trustee Elections.*
- (5.) *Chairman to Send Report of School Meeting to Inspector.*
- (6.) *Failure of Trustee-Elect to make Declaration of Office.*
- (7.) *Neglect to give Notice of School Meetings.*
- (8.) *Disturbing a Public School or School Meeting.*

Penalty for not sending Children to School.

Penalty for non-attendance at some school.

146. It shall be competent for the police magistrate of any city or town, and for any magistrate 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 next preceding section of this Act, and to impose a fine not exceeding five dollars for the first wilful offence, and double that penalty for each subsequent offence; which fine and penalty shall be enforced as provided in the one hundred and seventy-seventh section of this Act: Provided, nevertheless, that the police magistrate or justice shall not be bound to, but may, in his discretion, forego to issue the warrant for the imprisonment of the offender, as in said section is provided. 34 V., c. 33, s. 4.

Further direction of magistrate to enforce penalty.

147. It shall be the duty of the police magistrate, or any magistrate, where there is no police magistrate, to ascertain, as far as may be, the circumstances of any party complained of for not sending his child or children to some school, or otherwise

educating him or them, and whether such 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 rural school section or division in which the offence has occurred. 34 V., c. 33, s. 4.

2. PROVISIONS RELATING TO MUNICIPALITIES.

1. *Personal Responsibility of Councillor or School Trustee.*

148. No member of any municipal corporation or school board shall take part in, or in any way be a party to, the investment of any of the moneys which are mentioned in the one hundred and forty-third section of this Act, by or on behalf of the corporation of which he is a member, otherwise than is authorized by that section, or by the eleventh section of the Act respecting clergy reserves, or by any other law authorizing such investments; and any such person violating any of these statutes shall be held personally liable for any loss sustained by such corporation or board, and shall also be guilty of misdemeanour, and be liable to conviction in any court of competent jurisdiction in Ontario, and, upon conviction, may be sentenced to fine or imprisonment, or both, at the discretion of such court. 29-30 V., c. 51, s. 277.

Liability of members of corporation or school trustees investing money other wise than authorized by this Act.

2. *Municipal Responsibility to Her Majesty.*

149. Every county, city, town and village shall be responsible to Her Majesty, and to all other parties interested, that all school moneys coming into the hands of the treasurer or chamberlain of the county, city, town or village in virtue of his office, shall be by him duly paid over and accounted for, according to law. 22 V., c. 63; 29-30 V., c. 53, s. 198.

Municipality responsible on default of chamberlain, etc.

3. *Treasurer, Chamberlain and Sureties Responsible to Her Majesty.*

150. The treasurer or chamberlain, and his sureties, shall be responsible and accountable for such moneys in like manner to the county, city, town or village; 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, town or village, shall be taken to apply to all such moneys as are mentioned in the one hundred and thirtieth and following sections of this Act, and may be enforced against the treasurer or chamberlain, or his sureties, in case of default on his part. 22 V., c. 63, ss. 56 and 60; 29-30 V., c. 53, s. 199.

Treasurer, etc., responsible to county, etc. Bonds to apply.

4. *Bond of Treasurer and Chamberlain to apply to School Moneys.*

151. The bond of the treasurer or chamberlain and his sureties shall apply to school moneys, and all public money of the Province; and, in case of any default, Her Majesty may enforce the responsibility of the county, city, town, or village, by stopping a like amount out of any public money which would otherwise be payable to the county, city, town or village or to the treasurer or chamberlain thereof, or by suit or action against the corporation. 22 V., c. 63, s. 124; 29-30 V., c. 53, s. 200.

Bonds to apply to school moneys, etc.

5. *Parties Aggrieved may Recover from Municipality.*

City, etc., responsible for default of chamberlain, etc.

152. Any person aggrieved by the default of the chamberlain or treasurer may recover from the corporation of any city, county, town or village, the amount due or payable to such person as money had and received to his use. 29-30 V., c. 53, s. 201.

6. *Township Clerk to provide School Map of Township.*

School map: penalty on township clerk.

153. Should any township clerk neglect or refuse to prepare and furnish the map of the school sections or other divisions of his municipality, as required by the fifty-second section of this Act, he shall be liable to a penalty not exceeding ten dollars, to be recovered before a magistrate, for the school purposes of his municipality, at the instance of any ratepayer thereof. 34 10 V., c. 33, s. 19.

7. *Trustees not Liable for Acting under Municipal By-Law.*

Trustees acting under by-law not liable.

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; and, in case a by-law, order, or resolution of a municipal council be illegal, in whole or in part, and in case anything has been done under it, which, by reason of such illegality, gives any person a right of action, every such action shall be brought against the municipal corporation alone, and not against any person acting under the by-law, order, or resolution. 23 V., c. 49, s. 20. 20 29-30 V., c. 51, s. 205.

3. PROVISIONS AFFECTING PUBLIC SCHOOL TRUSTEES AND OFFICERS.

1. *Personal Responsibility of Trustees for Money Lost to the Section.*

Trustees personally responsible for moneys lost.

155. The trustees of each school section shall be personally responsible for the amount of any school moneys forfeited by or lost to such school section in consequence of their neglect of duty during their continuance in office; and the amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. 22 V., c. 64, s. 31. 25

2. *Trustee to exact Security from Secretary, Treasurer, etc.*

Trustees to exact security for school moneys, &c.

156. All moneys collected in any school section by the trustee corporation shall be paid into the hands of the secretary-treasurer thereof; and it shall be the duty of school trustees to exact security from every person to whom they entrust school money, or other school property, and to deposit such security with the township council for safe keeping; and should the trustees refuse or neglect to take proper security from such secretary-treasurer, or other party to whom they entrust school money, they shall be held personally responsible for such moneys, as provided by this Act. 22 V., c. 64, s. 31: 34 V., c. 33, ss. 23 and 46. 30 35

3. *Remedy in case of Embezzlement and Loss.*

Certain parties personally

157. If any part of the public school fund or moneys be

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 such loss has not been taken, the person or persons whose duty it was to have acted such security shall be personally responsible for the sums so embezzled or lost; and the same may be recovered from him or them by the party 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. 22 V., c. 64, s. 137: 10 34 V., c. 33, s. 46.

4. *Secretary-Treasurer and Trustees to account for Moneys, etc*

158. If any secretary-treasurer appointed by the school trustees of any school section or division or any person having been such secretary-treasurer, or any 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, and wrongfully withholds or neglects, or refuses to deliver up, or to 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 other competent authority, such withholding, neglect or refusal to deliver up, or account for, shall be a misdemeanor, punishable, as provided in the three following sections of this Act. 22 V., c. 64, s. 130: 34 V., c. 33, ss. 23 and 46.

159. Upon application to the judge of the county court, by a majority of such 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, such judge shall make an order that such secretary-treasurer, or person having been such, or trustee, or other person, do appear before him at a time and place to be appointed in the order; and any bailiff of a division court, upon being required by such judge, shall serve such order personally on the party complained against, or leave the same with a grown-up person at his residence. 22 V., c. 64, ss. 131, 132: 34 V., c. 33, s. 46.

160. At the time and place so appointed, the judge being satisfied that such 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, such 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. 22 V., c. 64, s. 133: 34 V., c. 33, s. 46.

161. 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 such judge be satisfied that such 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, such judge shall make an order

responsible in case of lost school moneys.

Penalty on secretary-treasurer or trustee for refusing to account.

Mode of proceeding in the case.

Judge to issue order.

Effect of non-compliance with Judge's order.

for his discharge, and he shall be discharged accordingly. 22
 V., c. 64, ss. 134 and 135: 34 V., c. 33, s. 46.

Other remedy
 not affected.

162. No such proceeding shall impair or affect any other
 remedy which the said trustees, or other competent authority, 5
 may have against such secretary-treasurer, or person having
 been such, or his sureties, or against any trustee or other person
 as aforesaid. 22 V., c. 64, s. 136: 34 V., c. 33, s. 46.

5. *Person chosen as Trustee Refusing to serve.*

Penalty for
 refusing to
 serve as Trustee.

163. If any person chosen as trustee refuses to serve, he shall
 forfeit the sum of five dollars; and every person so chosen 10
 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 two ratepayers, for its use, as authorized by this Act.
 22 V., c. 64, s. 23: 34 V., s. 33, s. 30, No. 1. 15

6. *Refusal to Exercise Corporate Powers.*

Penalty for
 refusing to
 exercise
 corporate
 powers.

164. Should 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 agree- 20
 ment made by them, any trustee or trustees so neglecting or
 refusing to exercise such powers shall be held to be personally
 responsible for the fulfilment of such contract or agreement.
 22 V., c. 64, s. 27, No. 20.

5. *Refusal to Report to Rural School Auditors.*

Penalty on
 Trustees Re-
 fusing Infor-
 mation, &c., to
 Auditor.

165. If the trustees, or their secretary—treasurer in their
 behalf, refuse to furnish the auditors of any accounts of a rural 25
 school section, or either of them, with any papers or informa-
 tion in their power, and which may be required of them, re-
 lative to their school accounts, the party so refusing shall be
 guilty of a misdemeanor, and upon prosecution by either of the
 auditors, or any rate-payer, shall be punished by fine or imprison-
 ment, as provided by this Act: Provided also that the auditors, 30
 or either of them, may enforce the collection of any moneys
 by them awarded to be paid, in the manner prescribed by the
 thirty-second section of this Act. 22 V., c. 64, s. 86: 23 V., c. 49,
 s.

6. *Neglect to send Half-Yearly Return to Inspector.*

Penalty for
 Neglecting to
 send half-
 return.

166. In case the trustees of any rural school section shall
 neglect to transmit to the county inspector, on or before the 35
 thirtieth day of June, and the thirty-first day of December in
 each year, a correct and verified statement of the average at-
 tendance of pupils in each of the schools under their charge
 during the six months then immediately preceding, then such
 school section shall not be entitled to the apportionment from 40
 the school fund for the said *six* months; and the trustees
 neglecting shall be personally responsible for amount of the
 loss of such apportionment. 22 V., c. 64, s. 27, No. 22, and
 s. 31.

9. *Neglect to send Annual Report to Inspector.*

167. In case the trustees of any school section neglect to
 prepare and forward the aforesaid annual report to their County 45

Inspector by the thirty-first day of January in each year, each of them shall, for each week after such thirty-first day of January, and until such report has been prepared and presented, forfeit the sum of five dollars, to be sued for by such County Inspector, and collected and applied in the manner provided for by this Act. 22 V., c. 64, s. 28.

Penalty for
Delaying
Yearly Report.

10. *Penalty for False Report or Registers.*

168. 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, such trustee or teacher shall, for each 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 for which he may be convicted on the oath of one credible witness other than the prosecutor; and if, upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of such justice, be levied with costs by distress and sale of the goods and chattels of the offender; and such penalty, when so paid or collected, shall by such justice be paid over to the said public school fund; or the said offender may be prosecuted and punished for the misdemeanor: Provided that any teacher who refuses to deliver up the school house key or register shall be punished, as provided in the sixth clause of the eighty-seventh section of this Act. 22 V., c. 64, s. 138: 23 V., c. 49, s. 1.

Penalty for
false school
reports and
registers.

11. *How to deal with Refractory Pupils.*

169. 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, may be dismissed from such school, and, where practicable, removed to an industrial school. 34 V., c. 33, s. 3.

Refractory
pupils.

PUBLIC SCHOOL MEETINGS, THEIR OFFICERS AND ELECTORS.

1. *Separate School Supporters not entitled to Vote.*

170. No person subscribing towards the support of a separate school established under any Act respecting separate schools, and belonging to the religious persuasion thereof, and sending a child or children thereto, shall be allowed to vote at the election of any trustee for a public school in the city, town, village or township in which such separate school is established. 22 V., c. 64, s. 19.

Separate
school support-
ers not to
vote.

2. *False Declaration of Right to Vote at School Meetings.*

171. If any person wilfully makes a false declaration of his right to vote at any school meeting or election of school trustees, he shall be guilty of a misdemeanor, and upon conviction, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the court of Quarter 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. 22 V., c. 64, ss. 18 and 71, : 23 V., c. 49, s. 3.

Penalty for
making a false
declaration.

3. *Returning Officer at School Trustee Elections.*

Penalty on
returning of-
ficer for wrong
doing.

172. If the returning officer at any election of a public school trustee in a city, town or incorporated village, be convicted before the County Judge, of disregarding the requirements of the law, or acting partially in the execution of his office, he shall be fined a sum of not less than twenty dollars, or more than one hundred dollars at the discretion of such County Judge. 22 V., c. 64., s. 73. 5

4. *Chairman to send Report of School Meetings to Inspector.*

Penalty on
Chairman for
Neglect.

173. 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 may preside, 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 as provided by this Act. 23 V., c. 49, s. 19. 10

5. *Failure of Trustee-Elect to make Declaration of Office.*

Fine for de-
fiant or in case
of neglect to
make declara-
tion.

174. If any person elected as trustee of a rural school section shall 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 one hundred and sixty-third section of this Act. 23 V., c. 49, s. 18: 34 V., c. 33, s. 24. 15

6. *Neglect to give Notice of School Meetings.*

Penalty for not
calling certain
school meet-
ings.

175. In case any annual or other rural school meeting has not been held for want of the proper notice, each trustee or other person whose duty it was to give such 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, as provided by this Act. 22 V., c. 64, s. 21. 20 25

7. *Disturbing a Public School or School Meeting.*

Penalty for
disturbing a
school or
school meet-
ing.

176. 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 such 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, such sum not exceeding twenty dollars, together with the costs of the conviction, as the said justice may think fit; or the offender may be indicted and punished for any of the offences hereinbefore mentioned as a misdemeanor. 22 V., c. 64, s. 139. 30 35 40

HOW FINES AND PENALTIES MAY BE RECOVERED.

How penalties
under this Act
shall be re-
coverable.

177. Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceeding.

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; and if any such fine or penalty and costs be 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 such justice paid over to the school treasurer of the school section, city, town or village, or other party entitled thereto; and in default of such distress, such 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, be sooner paid. 22 V., c. 64, s. 140.

PART XIV.—REPEALING, CONFIRMING AND INTERPRETATION CLAUSES.

- (1.) *Repeal of Acts of 1859, 1860 and 1871, and its effects.*
- (2.) *Consolidated Act not a New Law.*
- (3.) *How the Consolidated Act is to be construed.*
- (4.) *Reference to other Acts, and Interpretation.*

1. *Repeal of Acts of 1859, 1860 and 1871.—Effect.*

15 **178.** From and after the passing of this Act, the several Acts passed in the twenty-second year of Her Majesty's reign, chaptered sixty-four, in the twenty-third year of Her Majesty's reign, chaptered forty-nine, and in the thirty-fourth year of Her Majesty's reign, chaptered thirty-three, in so far as they relate to Public Schools, shall be and are hereby repealed.

Repeal of the Acts of 1859, 1860 and 1871.

52 **179.** The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them: nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or of any Act or provision of laws formerly in force, —to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.

Saving as to transactions anterior to the repeal.

30 **180.** The repeal of the said Acts or parts of Acts shall not disturb, invalidate, or prejudicially affect any penalty or liability incurred before the time of such repeal, or any proceedings had for enforcing the same, nor any action, suit, judgment, execution, process, order, rule, or any proceeding whatever had respecting the same: nor any office, appointment, salary, allowance, security, duty, or any matter or thing appertaining there-
35 to at the time of such repeal: but every such penalty, liability, action, suit, judgment, execution, process, order, rule, office, appointment, salary, allowance, security, duty, and every other such matter or thing respectively may and shall, both at law and equity, remain and continue as if no such repeal had taken
40 place.

Certain matters anterior to the repeal not affected by it.

But remains as before.

2. *Consolidated School Act not a New Law.*

181. The Public School Law consolidated in this Act shall not be held to operate as a new law, but shall be construed and have effect as a consolidation, and as declaratory of the law as con-

Consolidated School Act not to be deemed a new law.

tained in the said Acts and parts of Acts so repealed, and for which the said Consolidated Public School Act of 1873 is substituted.

3. *How Consolidated Act is to be construed.*

182. But if upon any point the provisions of the said Consolidated Act are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Consolidated Act take effect, the provisions contained in it shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail.

183. Any reference in any former Act remaining in force, or in any instrument or document, to any Act or enactment so repealed, shall, after this Consolidated Act takes effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in this Consolidated Act having the same effect as such repealed Acts or enactment.

4. *Reference to other Acts and Interpretation.*

184. Wherever reference is made in this Act to the Municipal Institutions or Assessment Acts, it shall be held to mean those Acts, or amendments to them, which may be in force at the time of performing any duty under their authority. 34 V., c. 33, s. 31.

185. The word "teacher" shall include female as well as male teachers; the word "county" shall include unions of counties, and the word "townships" shall include unions of townships made for municipal purposes. 22 V., c. 64, s. 141.

SCHEDULE OF STATUTES consolidated in Public School Bill of 1873

22 VIC. CAP. 61.

22 Vic., c. 61.	Where in Bill of 1873.	22 Vic., c. 61.	Where in Bill of 1873.	22 Vic., c. 61.	Where in Bill of 1873.
1	2	35	39 (6) and 41 (2)	82 3	87 3
2	3	36	40	4	4
3	4	37	41 5 6	5	5
4	6	38	41 7	6	7
5	8	39	39 1 3	7	8
6	7	40	41 (9) 49 and 78	83	88
7	11 52 (7)	41	39 2	84	effete
8	12	42	46	85	do
9	13	43	47	86	do
10	14	44	48	87	do
11	15	45	} amended	88	do
12	16	46		41 10	89
13	17	47	39 (4) and 52 (3)	90	95
		48	52 1 2	91	99 and 102
		49	53 (1) and 54 (6)	1	99 2 3
		50	56 57	2	99 (1 6) 80 (13)
14	18	51	54 1		and 99 (1)
15	19	52	effete	3	99 (7 5) & 102 (2)
16	20	53	54 1	4	99 (8)
		54	effete	5	9
		55	58	6	10
		56	53 6 7	7	11
		57	54 3	8	99 (11 15) 106 (10)
17 amended	effete	58	53 5	9	99 16
18	21	59	59	10	18
19	171	60	60	11	19 20
20	26 (25)	61	effete	12	99 (21) and 165
21	175	62	63	a	99 21 a
22	22	63	62	b	b
23	163	64	61 and 99 (14)	c	c
24	10	65	68	d	d
25	99	66	69	e	e
		67	70	f	f
		68	71	92	100
		69	72	93	101
		70	73	94	effete
		71	74	95	do
		72	171	96	do
		73	74	97	103 104
		74	172	98	effete
		75	75	99	105 106
		76	76	100	109
		77	77	101	110
		78	79	102	111
		79	80	103	112
			80	104	113
		1	1	105	114 inartefete)
		2	80 (3) and 81	106	115
		3	80	1	1
		4	4	2	2
		5	5	3	3
		6	6	4	4
		7	7	5	5 6
		8	8	6	7
		9	9	7	9
		10	10	8	11
		11	11	9	12
		a	a	10	13
		b	b	11	16
		c	c	12	17
		d	d	13	20 21
		e	e	14	18
		f	f	15	15
		12	12	16	22
		13	13	17	23
		14	14	18	24
		15	15		14
		16	16	107	
		17	17	108	116
		18	18	109	117
		80	85	110	118
		81	86	111	119
		82	87	112	120
		1	1	113	121
		2	2		

SCHEDULE OF STATUTES consolidated in Public School Bill of 1873.—
Continued.

22 VIC., CAP. 64.

22 Vic., c. 64.	Where in Bill of 1873.	22 Vic., c. 64.	Where in Bill of 1873.	22 Vic., c. 64.	Where in Bill of 1873.
114	123	120 1D	4	127	26 (19) 52 (4) 144
115	115 19	E	5	128	135
116	126	F	6	129	134
117	125	2A	7	130	158
118	124	B	8	131	} 159
119	127	C	9	132	
1	1	D	10	133	160
2	2	E	11	134	} 161
3	3	F	12	135	
4	4	G	13	136	162
5	9	H	14	137	157
6	93 92 and 127 (9)	121	129 *	138	168
7	127 10	122	effete	139	176
120	128	123	130 131	140	177
1A	1	124	132	141	185
B	2	125	effete	142	Title
C	3	126	136		

23 VIC., CAP. 49.

23 Vic., c. 49.	Where in Bill of 1873.	23 Vic., c. 49.	Where in Bill of 1873.	23 Vic., c. 49.	Where in Bill of 1873.
1	87 (6)	8	28 to 33 26 (3 25)	16	83 104
2 as amended by 34 Vic., c. 33, s. 16	67	9	165	17	139
3	13 21 171	10	effete	18 as amended	9 174
4	5 65	11	26 (5) 141	19	173
5	42 43 78	12	7 16 86 95	20	154
6	25	13	25 (11) 138	21	26 (2) 27
7	24 138	14	99 (14)	22	99 (16 17) 102
		15	99 (15) 115 (10)	23	122
			137	24	effete

26 VIC., CAP. 5, IN PART.

26 Vic., c. 5.	Where in Bill of 1873.
Sec. 27	115 (8)

29 VIC., CAP. 23, IN PART.

29 Vic., c. 23.	Where in Bill of 1873.
Sec. 5	140 141 142

SCHEDULE OF STATUTES consolidated in Public School Bill of 1873.—
Continued.

29 & 30 VIC., CAPS. 51 & 53, IN PART.

29-30 Vic., c. 51.	Where in Bill of 1873.	29-30 Vic., c. 51.	Where in Bill of 1873.	29-30 Vic., c. 53.	Where in Bill of 1873
156	52 (5)	274	80 (20)	198	149
205	151	275	51 (2) 143	199	150
272	143	277	148	200	151
269	41 (4)	288 3 4	61 (1)	201	152

31 VIC., CAP. 30, IN PART.

31 Vic., c. 30.	Where in Bill of 1873.
Sec. 27	143

32 VIC., CAP. 43, IN PART.

32 Vic., c. 43.	Where in Bill of 1873.
Sec. 21	143

34 VIC., CAP. 33.

34 Vic., c. 33.	Where in Bill of 1873.	34 Vic., c. 33.	Where in Bill of 1873.	34 Vic., c. 33.	Where in Bill of 1873.
1	26 (14) 39 (5)	19	153	34	High School Bill
	80 (12) 133	20	26 (14) 39 (5)	35	do
2	26 (9) and 80 (17)	21	20 (2 26 26) 30	36	do
3	145 169	22	24	37	99 (3) and High School Bill
4	146 147	23	156	38	102 (6) and High School Bill
5	53 (2)	24	9	39	High School Bill
6	80 (14) 102 101	25	37 99 (11)	40	do
7	94 96 127 (6)	26	38	41	do
8	53 (2 3) 81 96 102	27	89	42	80 (8a) 11 (a d)
9	99 (1) 102	28	118	43	90 91 99 (4 5)
10	81 (11a) 97	29	139		102 (7)
11	82 83 103 104 105	30 (1)	163	44	High School Bill
12	105 107 108	(2)	27	45	53 (5) and High School Bill
	127 (7 8)	(3)	26 (11)	46	25 (2) 29 80 (1)
13	127 (5)	(4)	26 (12) 85	47	157 158
14	41	(5)	41 (8) 51	48	66
15	39 (1)	(6)	99 31		repealing clause
16	54 (4 5) 67	31	65 156		
17	36 81	32	64 70 79		
18	42 44 45 99 (12 13)	33			

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to consolidate the Public School
Law for Ontario.

First Reading, 24th January, 1873.

(PUBLIC BILL)

Hon. Attorney-General MOWAT.

TORONTO:

PRINTED BY HUNTER, ROSE AND Co.

An Act to facilitate agreements between Masters and Workmen for participation in profits.

WHEREAS, agreements between masters and workmen and others for some participation in the profits of the business they are engaged in, without thereby becoming partners, would be productive of mutual benefit.

5 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 in any trade, calling, business, or employment, for an agreement to be entered into between the
 10 workman, servant, or other person employed, and the master or employer, by which agreement a defined share in the annual or other net profits or proceeds of the trade or business carried on by such master or employer, may be allotted and paid to such
 15 workman, servant, or person employed, in lieu of or in addition to his salary, wages, or other remuneration, and such agreement shall not create any relation in the nature of partnership, or any rights or liabilities of co-partners, any rule of law to the contrary notwithstanding: and any person in whose favour such
 20 agreement is made, shall have no right to examine into the accounts, or interfere in any way in the management or concerns of the trade, calling, or business in which he may be employed under the said agreement or otherwise, and any periodical or other statement or return by the employer, of the net profits or
 25 proceeds of the said trade, calling, business, or employment, on which he declares and appropriates the share of profits payable under the said agreement, shall be final and conclusive between the parties thereto and all persons claiming under them respectively, and shall not be impeachable upon any ground whatever.

Agreements by which workmen, &c., may share in the profits of the business.

2. Every agreement of the nature mentioned in the last preceding section, shall be deemed to be within the provisions of
 30 this Act, unless it purports to be excepted therefrom, or this may otherwise be inferred.

Certain agreements within this Act.

No. 65.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to facilitate agreements between
Masters and Workmen for participation
in profits.

1st Reading, 24th January, 1873.

Hon. Mr. GROVER.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act intituled "An Act respecting the Municipal Institutions of Upper Canada."

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

- 1.** Clause five of section sixty-six of the Act passed in the session held in the twenty-ninth and thirtieth years of the reign of Her Majesty, chaptered fifty-one, is hereby repealed, and the following substituted in lieu thereof, namely ;
- (5.) The council of every township shall consist of a reeve, who shall be the head thereof, and of four councillors, and if the then last revised assessment roll contained the names of seven hundred and fifty resident qualified electors, then the council shall, from the councillors, elect one to be a deputy-reeve, and for every additional seven hundred and fifty names of qualified electors on such roll, the council shall in like manner elect one of the remaining councillors to be a deputy-reeve.
- 2.** Section ninety-three of the said Act is hereby repealed, and the following substituted in lieu thereof, namely :
- (93.) Townships and incorporated villages shall be divided by by-law of the councils thereof respectively (which may be repealed or varied from time to time) into four electoral divisions ; and one councillor shall be elected for each division, and the election of reeve shall be by general vote ; and the elections shall be held at the place or places where the last meeting of the council was held, or at such other place or places as may be from time to time fixed by by-law.

29 & 30 V., c.
51, s. 66, cl. 5,
amendd.

Township
councils, how
composed.

Sec 93
amended.

Elections in
townships and
incorporated
villages.

No. 66.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Act intituled "An Act respecting the Municipal Institutions of Upper Canada."

1st Reading, 24th January, 1873.

Mr. TOOLEY.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Act intituled, "An Act respecting the partition and Sale of Real Estate in the Province of Ontario."

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

1. If any party interested in the estate, respecting which
 5 proceedings are, or are proposed to be taken under the Act
 passed in the thirty-second year of Her Majesty's reign, chap-
 10 tered thirty-three, and intituled "An Act respecting the par-
 titition and Sale of Real Estate in the Province of Ontario," has
 not been heard of for seven years or upwards, and it is a mat-
 15 ter of uncertainty whether such party be living or dead, it
 shall be competent for a Judge of any of the courts in the said
 Act mentioned, to appoint a suitable and disinterested person
 to be a guardian, for the special purpose of taking charge of the
 interest of the said party, and of those who, in the event of his
 20 being dead, are entitled to his share or interest in the said
 estate.

*Appointment
 of guardian to
 the estate of
 one unheard of
 for seven
 years.*

2. Such application may be made by any one interested in the
 said estate other than those to be represented by such guardian,
 and the Judge making such appointment may give such direc-
 20 tions as shall be necessary, for the execution of sufficient bonds
 which shall be entered into by the said guardian so appointed,
 with sureties in the manner provided by the tenth section of
 the said Act

*Application
 to appoint
 guardian.*

3. After the execution and filing of such bond such guardian
 25 shall, in the said proceedings, represent the said party, and
 those who, should he be dead, are entitled to his share or inter-
 est in the said estate, and whether they or any of them be
 minors or otherwise under disability ; and his acts in relation
 to such share or interest shall be binding on such party, and all
 30 others claiming or entitled to claim under or through him, and
 shall be as valid as if done by him or them.

*Powers of
 guardian.*

4. It shall be competent for the court in which such pro-
 ceedings shall have been taken upon proof of such long con-
 35 tinued absence of the said party as shall afford reasonable
 ground for believing him dead, upon the application of such
 guardian or any one interested in the estate represented by such
 guardian, to deal with the estate or interest of such party, or
 the proceeds thereof, and order a conveyance of such interest,
 or the payment of such proceeds, or the income or produce
 40 thereof, to the person or persons who, in the event of the said

*Power of the
 Court to deal
 with the estate.*

party being regarded as dead, shall appear entitled to the same.

Guardian may
apply to the
Court for
guidance.

5. Any guardian so appointed shall be at liberty to apply to such court from time to time, for direction and guidance in the management of the said estate, and for compensation for his services in connection therewith, and the said court may make all such orders, and give such directions in reference thereto, as shall to the said court appear reasonable and proper.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

No. 67.

BILL.

An Act to amend the Act intitled "An Act respecting the partition and Sale of Real Estate in the Province of Ontario."

1st Reading, 24th January, 1873.

Mr. FAIRBAIN.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to facilitate the proof of telegraph messages, letters and other written instruments.

WHEREAS the present rule of evidence with respect to the proof of private writings and documents is productive of inconvenience and expense, and it is expedient to modify such rule to the extent hereinafter mentioned.

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

1. In any action, suit or proceeding at law or in equity, in the cases of telegraphic messages, letters, shipping bills, bills of lading, delivery orders, receipts, accounts and other written instruments used in business and other transactions, where according to the existing rule of law, exclusive of the provisions contained in this Act, it would be necessary to produce and prove the original document, the party intending to establish in proof the contents of such original document may give notice to the opposite party ten days at least before the trial or other proceeding in which the said proof is intended to be adduced, that he intends at the said trial or other proceeding to give in evidence as proof of such contents, an instrument purporting to be a copy of such document and which may then be inspected by such opposite party at some convenient place; in every such case such copy shall without further proof be sufficient evidence of the contents of such original document, and be accepted and taken in lieu of such original; Provided always that in case the party receiving such notice does within four days after such receipt give notice that he intends to dispute the correctness or genuineness of such copy at the said trial or proceeding, he shall be at liberty so to do, and the Court or Judge, before whom such question is raised may direct by which of the parties the costs which may thereupon attend any production or proof of the original document according to the rule of evidence heretofore existing shall be paid.
- Copies of certain documents may be admitted as evidence on certain conditions.
- Proviso.

No. 68.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to facilitate the proof of telegraphic messages, letters and other written instruments.

1st Reading, 24th January, 1873.

HON. MR. CROOKS.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to extend the provisions of the Act intituled "An Act to encourage the planting of trees upon the highways in this Province, and to give a right of property in such trees to the owners of the soil adjacent to such highways."

WHEREAS it is expedient that further inducements should be offered in order to encourage the planting of trees on highways.

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 passed in the thirty-fourth year of her Majesty, and chaptered thirty-one, is hereby repealed, and the following substituted in lieu thereof, and hereafter shall be read as part of the said Act :

Presmble.

34 V., c. 31, s. 2, amended.

1. Any person owning or in possession of land adjacent to any highway may plant trees, shrubs, or saplings, including such as bear fruit, on the portion of such highway fronting on such land, but at no greater distance from the land than feet, and not so that the same may be or become a nuisance by obstructing the fair and reasonable use of the highway consistently with the objects of this Act : and every tree, shrub, and sapling so planted on any highway, shall, for the purposes of this Act be deemed to be the property of the owner for the time being of the land next adjacent thereto.

Trees may be planted on Highways.

Property in such trees.

2. The person for the time being in possession of the land fronting whereon any fruit tree may be planted on any highway, and no other, shall be entitled to the fruit of such tree ; and if any person other than the person so in possession shall take from any such tree any fruit growing thereon, he shall be subject to the penalty for injuring or removing such trees, provided by the fourth section of the said Act.

Property in Fruit of Fruit Trees.

3. Any person liable to statute labour who shall plant any fruit trees, or any trees, shrubs, or saplings, suitable for affording shade in manner aforesaid on any highway shall be allowed by the in abatement of his statute labour dollars for every trees so planted ; but no elm trees shall be planted nearer together than feet, no maple trees nearer than feet, and no other trees nearer than feet ;

Deduction from statute labour on account of trees planted.

Provided always no such person shall be allowed in any year beyond the half of the statute labour of the year, nor unless the municipal council of the municipality having control of the highway whereon such trees may have been or may be planted,

Proviso, no deduction beyond half the labour, nor unless the Council de-

shall have declared (as it is hereby authorized to declare) by by-law or otherwise, that such highway is subject to the provisions of this section.

No deduction unless trees alive for a year last past, and well protected. **4.** No allowance as provided for in the last preceding section shall be made unless such trees have been planted at least one year previous to a demand for such allowance, and are living and well protected from animals at the time of such demand. 5

5. The three last foregoing sections shall be read and construed as part hereafter of the said Act.

BILL.

An Act to extend the provisions of the Act intitled "An Act to encourage the planting of trees upon the highways in this Province, and to give a right of property in such trees to the owners of the soil adjacent to such highways."

1st Reading, 24th January, 1873.

Mr. MOYER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Ontario Medical Act.

WHEREAS it is expedient to amend the Ontario Medical Act: Preamble.

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

1. That, the words "shall have a corporate seal" in the third line of the sixth section of the Act passed in the thirty-second year of the reign of Her Majesty Queen Victoria, and chaptered forty-five, be struck out, and the following words inserted in lieu thereof: "And the said College of Physicians and Surgeons of Ontario shall be deemed to be and to have been from the date of its first establishment, a body corporate by the name aforesaid, having perpetual succession and a common seal, with a capacity to acquire, hold and dispose of chattel property and real estate for the purposes of this Act, possessing power to sue and be sued in the manner usual with such corporations." 32 V., c. 45,
s. 6, amended.

2. Section eleven of the said Act is amended by striking out the words after the word "division" in the fourteenth line of the said section to the word "election" in the fifteenth line of the said section, and substituting the following in lieu thereof: "in such manner as shall be provided for by by-law of the council." Sec. 11
amended.

3. The following shall be added to section twelve of the said Act as subsection three.
(3.) In case of doubt or dispute as to the legality of the election of any member of the council, it shall be lawful for the council to hold an inquiry and decide who is to be the legally qualified member of the council. Sec. 12
amended.

4. Section thirteen of the said Act is amended by striking out the words "Wednesday in July," in the fifth line of the said section, and substituting in lieu thereof the words "Tuesday in June." Sec. 13
amended.

5. Section fourteen is amended by striking out all the words of the said section after the word "in" in the third line and substituting the words "the manner to be provided by by-law of the council" and also inserting the word "May" in lieu of the word "June" in the second line of the said section. Sec. 14
amended.

6. The following be added as a sub-section to section fifteen of the said Act.
(2.) That any member of the College of Physicians and Surgeons of Ontario already registered may have his name transferred from one class of voters to any other class on his present- Sec. 15
amended.

ing to the Registrar a certificate duly signed by the members of the board of examiners appointed by the council to examine candidates on the subjects specified by the council as peculiar to each school of medicine, testifying that the member so applying to have his name transferred has shewn a sufficient knowledge of the system of medicine he desires to connect himself with, to entitle him to be admitted to the classification he desires, and being so admitted he shall be entitled to vote in more than one class of the voters who in accordance with the provisions of this Act vote in the election of the members of this Council, and there shall be payable to the Registrar the same charge as is usual for the registration of an additional qualification, namely, two dollars.

Sec. 16
amended.

7. Section sixteen of the said Act is amended by adding thereto the following words: "Provided always that no by-law shall be enacted, amended, suspended or repealed by a less majority in number than two-thirds of the whole of the members of the Council.

Sec. 18
amended.

8. The following shall be added as a sub-section to section eighteen of the said Act:

(2.) The council shall appoint annually from among its members an "Executive Committee" to take cognizance of and action upon all such matters as may be delegated to it by the Council and as may require immediate interference between the adjournment of the council and its next meeting, and the action of such Executive Committee upon all matters so delegated to it or so requiring immediate interference shall be as legal and binding as if it were the action of the Council itself in session; and the Executive Committee nominated by the Council at its last session shall be held to be, and to have been, an Executive Committee within the meaning of this Act.

Sec. 22
amended.

9. Section twenty-second of the said Act is amended by striking out the word "ten" in the fifth line, and inserting the word "twenty" in lieu thereof, and at the end of the said section twenty-two, the following words shall be added: "Provided always that the Council shall have power in special cases to reduce the charge for registration when it may deem it expedient."

Sec. 23
amended.

10. Section twenty-three of the said Act is amended by adding after the words "holding certificates in Ontario" in the twenty-fifth line of the said section, the following words:

"Provided also, that it shall be lawful for the Council to admit to registration, at the lowest rate charged for the registration of additional qualifications, and without examination, all such persons as are duly registered in the medical register of Great Britain, or are otherwise authorized to practise physic, surgery and midwifery in Great Britain, so soon as it shall appear that the same privilege is accorded in Great Britain to members of the College of Physicians and Surgeons of Ontario.

And the following shall be sub-sections four, five, six and seven of section twenty-three of the said Act.

(4.) From and after the passing of this Act each member of the college shall contribute not less than two dollars nor more than five dollars in each year towards the general expenses of the college, in return for which he shall receive an annual license,

which said sum shall be payable on the first day of January in each year, and that it shall be in the power of the Council to make such arrangements as will facilitate the collection of such fees, either by imposing a fine in default of payment, or in such other manner as may seem expedient; and that the fee for the annual license for the year one thousand eight hundred and seventy-three shall be fixed at two dollars, and shall be payable the first day of May next ensuing.

5
10 (5.) If any member of the College of Physicians and Surgeons of Ontario shall fail to pay his annual contribution, otherwise called "annual license fee," before the first day of June in each year, his name shall not be entered in the published register of that year; and shall not be so entered unless he pay over and above all arrears and fines, the sum of two dollars.

15 (6.) No member of the college whose name has been left out of the Annual Register, in consequence of not having paid his annual contribution or license fee, shall enjoy any of the privileges of his registration, but he shall be liable to any pains or penalties that may be imposed by this Act, or are now in force in the Province of Ontario against unregistered practitioners.

20 (7.) If any member of the College of Physicians and Surgeons of Ontario propose to be absent from Ontario for a year or more he may (if he think fit) give notice in writing to the Registrar of his intention to be so absent; and his name shall not appear in the register published for that year, unless he may elect to pay the annual contribution or license fee, and have his name continued on the register; and such member having given notice of his intended absence, shall be reinstated in the published register upon his return, upon his paying the annual contribution for the year then current.

35 **11.** Section twenty-four of the said Act is amended by striking out at the words, after the word "Kingston" in the seventh line of the said section, and substituting the following words in lieu thereof: "at such times, and in such manner as the Council shall by by-law direct." Sec. 24 amended.

12. Section twenty-six of the said Act is amended by inserting after the words "oral and written" in the eleventh line, the following words: "or written alone, at the discretion of the board of examiners" Sec. 26 amended

40 **13.** Section twenty seven of the said Act is amended, by adding after the word "registered" in the second line of the said section the following words: "or who shall neglect or omit to pay the annual license fee established by the council"; and at the end of the said section twenty-seven the following words to be added: "and he shall be liable to all the pains and penalties imposed by this Act or by any other Act which may now be in force against unqualified or unregistered practitioners." Sec. 27 amended.

50 **14.** Section thirty-one of the said Act is amended by adding the following words after the word "Act" in the second line of the said section: "and who shall have paid for, and obtained his annual license to practise for the year then current." Sec. 31 amended.

15. Section thirty-two of the said Act is amended by adding after the word "publication" in the tenth line of the said section, the following words: "who shall have paid their annual license fee for the current year"; and by adding after the word Sec. 32 amended.

“Act” in the fourteenth line, the following words: “and that they have duly paid their annual license fee”; and by adding at the end of said section the following words: “and that he has paid his annual license fee.”

Sec. 32, sub. s.
2 amended. **16.** Sub-section two of section thirty-three of the said Act is 5
repealed, and the following shall be substituted and read as sub-
section two of said section thirty-three: (2) “The Council shall
from time to time as it may be deemed expedient, enact by-laws
as to the matriculation certificates of colleges and other institu-
tions not in the Province of Ontario.” 19

Sec. 36
amended. **17.** Section thirty-six of the said Act is amended by adding
to it the following words: “And that he has paid his annual
license fee for the current year.”

Sec. 37
amended. **18.** Section thirty-seven of the said Act is amended by add-
ing thereto the following words: “and who has paid his an- 15
nual license fee for the current year.”

Sec. 38
amended. **19.** Section thirty-eight of the said Act is amended by add-
ing thereto the following words: “and unless he has paid annual
license fee for the current year, and that one of the conditions
by which he shall hold any appointment such as are above re- 20
ferred to, shall be that he regularly pays his annual license fee
while he continues to hold such appointment.”

Sec. 39
amended. **20.** Section thirty-nine of the said Act is amended by adding
thereto the following words: “and has paid his annual license
fee.” 25

Sec. 40
amended. **21.** Section forty of the said Act is amended by adding
thereto at the commencement thereof the following words:
(40.) “If any person shall procure or cause to be procured his
registration under this Act by means of any false or fraudulent
representation or declaration, either verbally or in writing, it 30
shall be lawful for the Registrar, upon the receipt of sufficient
evidence of the falsity or fraudulent character of said represen-
tation or declaration, to represent the matter to the council, and
upon the order of the President to erase the name of the said
person from the register, and to make known the fact and cause 36
of such erasure by notice, to be published in the *Ontario*
Gazette; and after such notice has appeared the person whose
name has been erased as aforesaid shall cease to be a member of
the College of Physicians and Surgeons of Ontario, and shall
cease to enjoy any of the privileges conferred by registration 40
under this Act at any future time without the express sanc-
tion of the council.”

And by repealing all the words after the word “writing” in
the fourth line of the said section, and substituting the following
in lieu thereof: “Shall, on conviction thereof before any justice 45
of the peace, incur a penalty not exceeding one hundred dollars;
and every person knowingly aiding or assisting him therein
shall on conviction thereof incur a penalty of not less than
twenty or more than fifty dollars.”

Sec. 41
amended. **22.** Section forty-one of the said Act is repealed, and the 50
following substituted as the sections and sub-sections thereof:
(41.) It shall not be lawful for any person not registered and
licensed for the current year to practise physic, surgery, or

midwifery in the Province of Ontario for hire, gain, or hope of reward; and if any person not registered under this Act, or if registered who shall not have renewed his annual license, shall, for hire, gain, or hope of reward, practise or profess to practise
 5 physic, surgery, or midwifery, or advertise to give advice, he shall, upon a summary conviction before any justice of the peace, for any and every such offence pay a penalty not exceeding one hundred dollars nor less than twenty-five dollars: provided
 10 always that nothing contained in this clause shall prevent any person licensed under the Pharmacy Act from compounding medicine when prescribed by a registered and licensed medical practitioner, nor from selling any medicine in the ordinary course of trade.

(2.) Any person who shall wilfully and falsely pretend to be a physician, doctor of medicine, surgery, or midwifery, master of
 15 surgery, bachelor of medicine, surgeon, or general practitioner, or shall assume any title, addition, or description other than he actually possesses and is legally entitled to, shall be liable on conviction before a justice of the peace to a penalty not exceeding fifty dollars:

(3.) Any person not registered under the said Act who shall take or use any name, title, addition, or description implying or calculated to lead people to infer that he is registered under the said Act, or that he is recognized by law as a physician, surgeon, accoucheur, or a licentiate in medicine, surgery, or
 25 midwifery, shall upon a summary conviction before any justice of the peace pay a penalty not exceeding one hundred dollars nor less than twenty-five dollars:

(4.) In any trial under the said Act as hereby amended the burden of proof as to registration and payment of the annual license fee shall be upon the person charged: Provided always that the register for the year then current shall be *prima facie* evidence that the persons named therein are really and legally entitled to the diplomas mentioned opposite their names respectively, and are duly licensed for the current year:

(5.) All prosecutions under this Act or the Act amended by it may be brought or heard before any one or more of Her Majesty's justices of the peace having jurisdiction in the locality where any such offence has been committed; and such justices shall have power to award payment of costs in addition to the
 40 penalty; and in case the penalty and costs awarded by him be not upon conviction forthwith paid, to commit the offender to the common gaol, there to be imprisoned for any term not exceeding three months, unless penalty and costs be sooner paid.

23. Any person convicted under this Act or under the Act
 45 hereby amended, who shall give notice of appeal against the decision of the convicting justice, shall be required, before being released from custody, to give to said justice satisfactory security for the amount of the penalty, costs of conviction, and appeal. Appeals from convictions.

24. Section forty-three of the said Act is repealed, and the following substituted in lieu thereof: All penalties recoverable under this Act or under the Act hereby amended shall be paid the convicting justice, and by him paid to the Registrar of the council. All penalties so recovered shall form part of the general funds of the council. Any person may be prosecutor or complainant under this Act, or under the Act hereby amended; Provided always that every prosecution under this Act, and the Act hereby amended shall be commenced within one year from
 50 Sec. 43 amended.

the date of the alleged offence; and it is also hereby provided that it shall be in the power of the council to stay proceedings, in all prosecutions instituted under this Act or under the Act hereby repealed in cases where it may be expedient.

Repeal of
inconsistent
enactments.

25. All the provisions of the hereby amended Act inconsistent with the provisions of this Act are hereby repealed, and this Act shall be read as part of the Act hereby amended. 5

No. 70.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Ontario Medical Act.

First Reading, 24th January, 1873.

MR. BAXTER.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to remove certain doubts as to the powers of the Proprietors of The Toronto Street Railway, and to Incorporate them and others under the name of "The Toronto Street Railway Company," and for other purposes.

WHEREAS William Thomas Keily, and George Washington Keily, the present proprietors of the Toronto Street Railway, have by their petition prayed that certain doubts as to their powers to issue bonds or debentures upon their said railway may be removed; and that they and others may for such and other purposes be incorporated, under the style of "The Toronto Street Railway Company;" and whereas it is expedient to grant the prayer of the said petitioners:

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 petitioners, William Thomas Keily and George Washington Keily, and such other persons as shall become shareholders in the company, are hereby constituted a body corporate and politic, by the name of "The Toronto Street Railway Company."

2. The capital stock of the said company shall be two hundred thousand dollars, in shares of one hundred dollars each; and such stock shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct.

3. The directors of the said company may from time to time issue bonds or debentures in sums of not less than one hundred dollars, but the whole amount of such bonds or debentures shall not exceed the sum of one hundred thousand dollars; and may pledge or mortgage all the property, tolls or income of the company or any part thereof; and may pledge or hypothecate the stock of the said company or any part thereof; and may sell, pledge, or hypothecate the bonds and debentures, so to be issued or any part of the same; Provided always, that the consent of three-fourths in value of the shareholders of the company shall be first had and obtained at a special meeting to be called for that purpose.

4. The said William Thomas Keily, the said George Washington Keily and Maurice Keily, junior, shall be the first directors of the said company, and the said William Thomas Keily, the first president thereof, who shall severally hold office till the first day of October next, after the passing of this Act.

Commence-
ment of
operations.

5. That the said company may commence operations, and exercise the powers hereby granted immediately after the passing of this Act.

Powers of
company.

6. The said company shall have, possess and enjoy all the property of every nature or kind in any wise appertaining to the said railway now possessed or enjoyed by the said proprietors thereof; and shall have, possess and enjoy all the rights, powers, privileges, benefits and franchises of every nature or kind that are now possessed or enjoyed by the said proprietors, or that were possessed or enjoyed by the purchaser of the said railway, who purchased the same under the authority of and pursuant to the provisions of an Act of the Parliament of the Province of Ontario, passed in the thirty-second year of the reign of Her Majesty, Queen Victoria, chaptered eighty-one, and intituled, "An Act for the relief of The Toronto Street Railway Company, and to provide for the sale of said railway, and for other purposes," so far as the same can or may be possessed or enjoyed by a body corporate and politic; and shall be subject to the obligations imposed upon the said purchaser by the said Act; and shall and may have, possess, enjoy, exercise, and enforce all the rights, powers, claims, franchises and privileges granted to, or conferred on or held, possessed or enjoyed by a company heretofore known as The Toronto Street Railway Company, incorporated under the provisions of an Act of the Parliament of the late Province of Canada, passed in the twenty-fourth year of Her Majesty's reign, chaptered eighty-three, and intituled, "An Act to Incorporate The Toronto Street Railway Company," or any amendments thereof as fully and effectually as if the charter of the said last mentioned company had been granted to the company by this Act incorporated, and the provisions and every of them of the said Act of the late Province of Canada shall, so far as the same or any of them are not hereby repealed, apply to the company incorporated by this Act.

24 V., c. 83,
ss. 1, 2, 3 & 8
repealed.

7. Sections one, two, three and eight, of the Act of the Parliament of the late Province of Canada, passed in the twenty-fourth year of the reign of Her said Majesty, and chaptered eighty-three, are hereby repealed.

BILL.

An Act to remove certain doubts as to the powers of the Proprietors of The Toronto Street Railway, and to Incorporate the same under the name of "The Toronto Street Railway Company," for other purposes.

First Reading, 24th January, 1872.

(PRIVATE BILL)

MR. W.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to remove certain doubts as to the powers of the Proprietors of The Toronto Street Railway, and to Incorporate them and others under the name of "The Toronto Street Railway Company," and for other purposes.

WHEREAS William Thomas Kiely, and George Washington Kiely, the present proprietors of the Toronto Street Railway, have by their petition prayed that certain doubts as to their powers, to issue bonds or debentures upon their said railway may be removed; and that they and others may for such and other purposes be incorporated, under the style of "The Toronto Street Railway Company;" and whereas it is expedient to grant the prayer of the said petitioners:

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 petitioners, William Thomas Kiely and George Washington Kiely, and such other persons as shall become shareholders in the company, are hereby constituted a body corporate and politic, by the name of "The Toronto Street Railway Company."

Incorporation.

2. The capital stock of the said company shall be two hundred thousand dollars, in shares of one hundred dollars each; and such stock shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct.

Capital.

3. The directors of the said company may from time to time issue bonds or debentures in sums of not less than one hundred dollars each, at such rate of interest, and resumable at such times and places as they may determine, and such bonds or debentures may be made payable to the bearer or bearers of the same or otherwise, but the whole amount of such bonds or debentures shall not exceed the sum of one hundred thousand dollars; and may pledge or mortgage the said railway and all the property, tolls or income of the company or any part thereof; and may sell, pledge, or hypothecate the said bonds and debentures, or any part of the same: Provided always, that the consent of three-fourths in value of the shareholders of the company shall be first had and obtained at a special meeting to be called for that purpose; and the bonds or debentures so issued shall without registration or formal mortgage or conveyance be taken and considered to be a charge upon the said railway, its rolling stock, equipments, and motive power thereunto belonging, and upon the lands, tolls, revenues and other property of

Power to issue bonds.

Proviso.

the company, for the due payment of the amounts payable by virtue thereof, and the interest thereon; and each holder of any such bond or debenture shall be deemed to be a mortgagee of the said railway, appurtenances, lands, tolls, revenues, and other property *pro rata* with the other holders of such bonds or debentures: provided always that nothing in this Act contained shall be held or construed to prejudicially effect the rights or priorities of any existing mortgagees of, or encumbrancers upon the said railway, or any of them, and any lien or encumbrance which may be created under this Act shall be subject to such existing mortgages. 5 10

First directors.

4. The said William Thomas Kiely, the said George Washington Kiely and Maurice Kiely, senior, shall be the first directors of the said company, and the said William Thomas Kiely, the first president thereof, who shall severally hold office till the first day of October next, after the passing of this Act. 15

Commencement of operations.

5. The said company may commence operations, and exercise the powers hereby granted immediately after the passing of this Act. 20

Powers of company.

6. The said company shall subject to the claims of existing mortgagees, and subject to the proviso hereinafter contained, have, possess and enjoy the said railway and all the property of every nature or kind in anywise appertaining to the said railway, now possessed or enjoyed by the said proprietors thereof; and shall have, possess and enjoy all the rights, powers, privileges, benefits and franchises of every nature or kind that are now possessed or enjoyed by the said proprietors, or were possessed or acquired by the purchaser who purchased the same under the authority of, and pursuant to the provisions of an Act of the Legislative Assembly of the Province of Ontario, passed in the thirty-second year of the reign of Her Majesty Queen Victoria, chaptered eighty-one, and intituled "An Act for the relief of the Toronto Street Railway Company, and to provide for the sale of the said railway, and for other purposes," and shall be subject to all the obligations imposed by the said Act, and also by an Act of the Parliament of the late Province of Canada, passed in the twenty-fourth year of the reign of her Majesty Queen Victoria, chaptered eighty-three, and intituled "An Act to incorporate the Toronto Street Railway Company," and shall be subject also to any valid and subsisting agreements, covenants, and by-laws made and enacted by and between the Corporation of the City of Toronto and the said former company, or any of the proprietors under any of the aforesaid Acts: provided always and it is hereby further enacted, that nothing in this Act contained shall be held or construed to affect in any manner the rights or liabilities, obligations, duties, conditions and penalties to which the present proprietors of the said road, or the former Toronto Street Railway Company, or the company hereby incorporated, were or are subject by any agreement, by-law, or the said Acts of Parliament heretofore made, passed and enacted in respect thereof, or of any of the parties to a certain suit now depending in Her Majesty's Court of Chancery for the Province of Ontario, wherein Her Majesty's Attorney-General for the said Province, upon the relation of John Fannon Lash and others, is informant, and the said proprietors of the said railway and others, are defendants; and that notwithstanding 25 30 35 40 45 50 55

Proviso.

anything herein contained, the said suit may be proceeded with and conducted to a final end and determination in the same manner as if this Act had not been passed, and that the said suit shall not abate by reason of the passing of this Act, but the
 5 said company hereby incorporated shall be made parties thereto, and the said suit stand immediately thereupon in the same plight and condition as it is in at present.

7. Sections one, two, three and eight, of the Act of the
 Parliament of the late Province of Canada, passed in the
 10 twenty-fourth year of the reign of Her said Majesty, and chaptered eighty-three, are hereby repealed, and each and every other section of the said Act of the late Province of Canada, shall apply to the company incorporated by this Act, and the company hereby incorporated shall have, possess and enjoy all
 15 the rights, benefits and privileges by said other sections conferred on the company thereby incorporated.

^{24 V., c. 83,}
^{ss. 1, 2, 3 & 4}
 repealed.

BILL.

An Act to remove certain doubts as to the powers of the Proprietors of The Toronto Street Railway, and to incorporate them and others under the name of "The Toronto Street Railway Company," and for other purposes.

(Printed as amended in Committee.)

First Reading, 24th January, 1873.

(PRIVATE BILL.)

MR. WELLS.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the "Boys' Home," of the City of Hamilton.

WHEREAS an institution has for some time existed in the City of Hamilton, in this Province, supported by voluntary contributions, and having for its object the education of destitute boys of the said city, and training them to habits of industry and virtue; And whereas, the management of the affairs of the said institution has hitherto been vested in a committee of thirty ladies as president, vice-president, treasurer, and secretary and manager, and twelve gentlemen as a visiting and consulting committee elected annually; And whereas, the ladies and gentlemen comprising such committee have by their petition represented that the said institution would be rendered much more effectual by giving it the character of a corporation; and have prayed that an Act may be passed for that purpose; and it is expedient to grant their prayer;

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

1. Catharine Thomson, president; Fanny Price, vice-president; Sophia Murton, treasurer; Addie Chisholm, secretary; Mary Brown, Jane McLaren, Annie McIntosh, Mary Gillies, Mary Roseburgh, Mary Lottridge, Charlotte Beaseley, managers, and all others who now are, or may from time to time be, elected to succeed them in manner hereinafter mentioned as president, vice-president, treasurer, secretary and managers, shall be, and they are hereby nominated and constituted, a body politic and corporate by the name of "The Boys' Home of the City of Hamilton," for the education of destitute boys of the said City of Hamilton, and training them to habits of industry and virtue, and shall by that name have perpetual succession, and shall have a common seal: and the said corporation shall further have the right to make and establish so many by-laws, orders and regulations (not being contrary to the laws of this Province or to this Act) as they shall deem useful and necessary for the conduct or government of the said institution: Provided always that no act done by such president, vice-president, treasurer, secretary and managers shall be valid and effectual, unless five of such managers, and one of the said presidents or office-bearers at the least shall be present and the major part of them consenting thereto.
2. The body incorporated by this Act may from time to time and at all times, acquire and hold as purchasers any interest in lands and tenements, and the same alienate, lease, mortgage and dispose of and purchase others in their stead: Provided always, and it is enacted that the said

Incorporation.

Corporate name.

Power to make by-laws.

Power to acquire real property.

corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein exceeding in whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation: And it is further enacted, that the said corporation may, by the name aforesaid, from time to time take or hold by gift, devise or bequest, any lands or tenements, or interest therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements or interests therein, or such thereof which may not, within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors administrators or assigns.

And sell.

Duties of the office-bearers.

3. The said president, vice-president, office-bearers and managers shall keep, or cause to be kept, in a book to be opened for that purpose, a list of all subscribers to the said institution, and a meeting of the said subscribers shall be held annually on the first Wednesday in the month of October in each year, at such hour and place as the president, vice-president, office-bearers and managers for the time being shall, by notice thereof given at least one week before-hand in some newspaper published in the City of Hamilton, appoint; and at each such meeting a report in writing of the affairs and management of the said institution, and of all moneys received and expended, and of all property, real and personal, then held by the institution, and also of the number of boys received into the institution, and the number sent out for adoption or to service shall be exhibited under the proper heads, by the office-bearers and managers for the year then past; and at such meeting the ladies then present who are respectively subscribers of a sum not less in amount than one dollar annually, or donors at any time of not less than twenty dollars, or of lands to an amount of not less than one hundred dollars, shall elect from the subscribers or donors of like amounts not fewer than twenty-six fit and proper persons as managers of the said institution, and also a president, vice-president, treasurer and secretary, and the said president, vice-president, treasurer and secretary and managers shall be the governing body of the institution, and at the same time, by the same persons, there shall be elected from amongst the male subscribers of not less than two dollars annually, or donors of forty dollars, or of lands to the amount of not less than two hundred dollars, twelve gentlemen as a visiting and consulting committee, and all vacancies which may occur in the interval between the annual meetings in their number, either of the office-bearers, managers or visiting and consulting committee,

Election of office-bearers.

from death, resignation or otherwise, may be filled up at a special meeting of the subscribers, called for the purpose by a notice given in a similar manner to that required to be given for the annual meeting: Provided always, that if from any cause

5 such annual or special meeting shall not take place at the time appointed by the notice, such meeting may be called as aforesaid at any subsequent time.

4. The said president, vice-president, office-bearers and managers shall and may send out to service and apprentice 10 thereto, or to any healthy trade or business, all boys having the protection of the institution aforesaid, to such person or persons, and upon such terms as to the said president, vice-president, office-bearers and managers shall seem fit and proper, and for that purpose, and on behalf of and for such boy 15 and themselves, may enter into and make with any person or persons with whom such child may be placed by the said president, vice-president, office-bearers and managers, articles of apprenticeship or agreement, and such articles or agreement may be enforced, as well by action at law or in equity, for 20 breach thereof, warranting such action as by summary application to a magistrate or justice of the peace (who is authorized and empowered to act thereon) on any such occasion as would, according to the laws of this Province, warrant the interference or adjudication of any one or more justice or justices of the 25 peace in the disputes or difficulties between masters and apprentices: Provided always that a copy of the articles of the indenture apprenticing such boy shall, within six days from the time such articles were executed, be lodged with the clerk of the common council of the City of Hamilton, who is hereby re- 30 quired to file such copy.

Proviso.

Apprenticing
the boys of the
Home.

5. The said president, vice-president, office-bearers and managers, may exercise over and with respect to the boys having the protection of the said institution such powers as their parents or guardians would have or might exercise.

Powers of
office-bearers
over the boys.

6. All property which shall at any time belong to the said institution, as well as the revenues thereof, shall at all times be appropriated and applied exclusively to the object and purposes mentioned in this Act.

Application of
the revenues of
the institution.

7. The president, vice-president, treasurer, secretary and managers of the said institution shall be, and continue to be, president, vice-president, treasurer and secretary and managers of the said corporation until others shall be elected in their stead, as provided by this Act; and the by-laws, rules, orders 45 and regulations of the said institution, shall be and continue to be the by-laws, rules, orders and regulations of the said corporation until altered or repealed.

Present office-
bearers and
by laws.

8. It shall be the duty of the said corporation, when thereunto required by the Legislature, to lay before that body a 50 statement of the real or immovable property or estates held by virtue of this Act and such details thereof as the Legislature may require.

Returns to be
made to the
Legislature

2nd Session, 2nd Parliament, 36th Victoria, 1873.

BILL

An Act to incorporate the Boys' Home, of
the City of Hamilton.

First Reading, 24th January, 1873.

(*PRIVATE BILL.*)

Mr. J. M. WILLIAMS.

An Act to amend the several Acts relating to the Credit Valley Railway Company.

WHEREAS the Credit Valley Railway Company have petitioned for an Act to amend the several Acts relating to the said company, and to empower the said company to extend their railway to Woodstock, passing through or near the village of Ayr, and for other purposes : and 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 said company shall have power to extend their railway from Galt to any point at or near Woodstock, passing through or near the village of Ayr. Extension of railway.

2. All bonuses granted in aid of the said company by municipalities, for or in respect of that portion of the railway from Galt westward to Woodstock, North Dumfries included, shall be expended on that portion, or it shall be optional with the Township of North Dumfries to grant a bonus to aid the company in constructing their railway from the eastern boundary of the said township through Galt to the Village of Ayr. Appropriation of bonuses.

20 **3.** Cordwood or wood for fuel cut before the first day of March in any year shall be deemed for the purposes of this Act dry wood by the first of October following, and not before. Cordwood.

4. It shall not be lawful for the company to carry foreign through freight in the company's cars for a less rate than the tariff rates for similar local traffic : but nevertheless the company may draw or permit to be drawn over their railway, the rolling stock and freight of other companies, on such terms as may be agreed upon from time to time. Foreign through freight.

30 **5.** The seventh section of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered forty-seven, is hereby repealed, and in lieu thereof it is enacted that the said company may issue bonds in pursuance of the thirty-sixth section of the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered thirty-eight, to any amount not exceeding twelve thousand dollars per mile of railway. 35 V., c. 47, s. 7, repealed.
Issue of bonds.

40 **6.** That the by-law passed by the County Council of Peel, for and on behalf of the section of said county therein described, granting a bonus to the said company, is, and the debentures issued or to be issued under authority of said by-law, are hereby declared to be legal and valid ; provided that the said by-law has been carried by a majority of the legally qualified voters who have voted thereon. County of Peel by-law legalized.

And whereas doubts have been expressed as to the extent of the powers conferred by the ninth, tenth and eleventh sections of chapter sixty-six of the Consolidated Statutes of Canada, and it is expedient to remove the same.

Powers of the
company as to
lands.

Be it therefore enacted and declared that the said company 5
have, and shall have power to acquire or take hold and alienate
lands for borrowing pits, ballast pits and quarries, and for tim-
ber, and for branch lines or other access to any such lands, and
also for all other purposes mentioned in or intended by the ninth
sub-section of the said ninth section of the said Act, as fully 10
in every respect as they may acquire or take, hold and
alienate lands for the purpose of constructing their railway; and
it shall not be requisite for such lands to have been shewn in the
map or plan, and book of reference of the said railway, and the
manner in which the same may be taken and acquired shall be as 15
provided by the Act passed in the thirty-fifth year of Her Ma-
jesty's reign, and chaptered twenty-five.

No. 75.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the several Acts relating
to the Credit Valley Railway Company.

1st Reading, 27th January, 1873.

(PRIVATE BILL.)

Mr. HODGINS,

TORONTO.

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the several Acts relating to the Credit Valley Railway Company.

WHEREAS the Credit Valley Railway Company have petitioned for an Act to amend the several Acts relating to the said company, and to empower the said company to extend their railway to Woodstock, passing through or near the village of Ayr, and for other purposes: and 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 said company shall have power to extend their railway from Galt to any point at or near Woodstock, or St. Thomas, passing through or near the village of Ayr. Extension of railway.

2. All bonuses granted in aid of the said company by municipalities, for or in respect of that portion of the railway from Galt westward to Woodstock, North Dumfries included, may be expended on that portion, or it shall be optional with the Township of North Dumfries to grant a bonus to aid the company in constructing their railway from the eastern boundary of the said township through Galt to the Village of Ayr; but if all the municipalities between the western boundary of the Township of North Dumfries and St. Thomas, inclusive, grant the required bonuses, it shall be lawful to expend the whole of such bonuses *pro rata* between the western boundary of the Township of North Dumfries and the Town of St. Thomas. Appropriation of bonuses.

25 **3.** Cordwood or wood for fuel cut and piled before the first day of March in any year shall be deemed for the purposes of this Act dry wood by the first of October following, and not before. Cordwood.

30 **4.** It shall not be lawful for the company to carry foreign through freight in the company's cars for a less rate than the tariff rates for similar local traffic: but nevertheless the company may draw or permit to be drawn over their railway, the rolling stock and freight of other companies, on such terms as may be agreed upon from time to time. Foreign through freight.

35 **5.** The seventh section of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered forty-seven, is hereby repealed, and in lieu thereof it is enacted that the said company may issue bonds in pursuance of the thirty-sixth section of the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered thirty-eight, to any amount not exceeding twelve thousand dollars per mile of railway. 35 V., c. 47, s. 7, repealed.
Issue of bonds.

40

34 V., c. 38, s.
27 amended.

Certain municipalities may appoint directors.

6. The twenty-seventh section of the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered thirty-eight, is hereby repealed, and in lieu thereof it is hereby enacted: That in case any municipality, or section of a municipality, which shall grant a bonus of not less than sixty-five thousand dollars in aid of the said company, the council of said municipality shall be entitled to name a director in the said company, as the representative of such municipality; provided always that such director shall be a *bona fide* taxpayer, and resident within said municipality or section, as the case may be, which grants the bonus in aid of said company, and any such director shall be in addition to all shareholders' directors in the said company, and shall not require to be a shareholder in the said company; any such appointment of directors aforesaid shall be made annually by the council of such municipality.

County of Peel by-law legalized

7. The by-law passed by the County Council of Peel, for and on behalf of the section of said county therein described, granting a bonus of seventy thousand dollars to the said company, is, and the debentures issued or to be issued under authority of said by-law, are hereby declared to be legal and valid.

Certain agreements legalized.

8. All agreements and bonds entered into between the company and any municipality, conditioned upon such municipality (or section thereof) granting a bonus to the company, shall be binding on the company and the municipality.

Coupons on debentures not issued to be retained by the municipality.

9. All interest warrants or coupons upon the debentures of any municipality which have not yet been issued, or placed in the hands of the trustees under the Act of Incorporation, and which interest warrants or coupons are unpaid prior to the first day of January, one thousand eight hundred and seventy-three, shall be retained by the municipality, and the municipality shall not be required to make any assessment in respect thereof.

Acquiring lands for stone, gravel, &c.

10. Where stone, gravel, or any other material, 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 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, 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 in 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, 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 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.

11. 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 Railway Act, and of the special Acts relating to said company's 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.

No. 75.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the several Acts relating
to the Credit Valley Railway Company.

(Reprinted as amended in Committee.)

1st Reading, 27th January, 1873.

(PRIVATE BILL)

MR. HODGINS.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate The Lyn General Manufacturing Company.

WHEREAS Robert Cassels, of the City of Quebec, in the Province of Quebec, Esquire; F. Wolferstan Thomas, of the City of Montreal, in the said Province of Quebec, Esquire; Gilbert Scott, of the said City of Montreal, Esquire; Henry McKay, of the said City of Montreal, Esquire; George W. Hamilton, of the said City of Montreal, Esquire, and James W. B. Rivers, of the Town of Brockville, in the Province of Ontario, Esquire, have by their petition represented that they, with others associated with them, are desirous of engaging in the business of manufacturing tanned leather, boots and shoes, lumber and flour, and other useful and necessary articles, at Lyn, in the County of Leeds, in the Province of Ontario, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for the passing of an Act to that end: And whereas it is expedient to grant such prayer;

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 Robert Cassels, F. Wolferstan Thomas, Gilbert Scott, Henry McKay, George W. Hamilton, and James W. B. Rivers, together with such other persons as now are or hereafter shall become shareholders in the company hereby constituted, shall be and they are hereby constituted a body politic and corporate, by the name, style, and title of "The Lyn General Manufacturing Company," and by that name shall and may sue and be sued, and shall have perpetual succession and a common seal, with power to break and alter such seal, and with all the rights conferred on corporations by the Interpretation Act.
- 2.** The company may carry on the business of grist milling, tanning leather, manufacturing boots and shoes, lumber, and other useful and necessary articles, in hemp, flax, cotton, wool, linen, iron, steel, wood, or paper, and may do all things necessary or convenient thereto.
- 3.** The company may, by any legal title, acquire, lease, purchase, and hold any lands or water powers necessary and requisite for the carrying on of such business, and construct and maintain such buildings, machinery, and other improvements thereon as the company may deem necessary or for their advantage; and they may also acquire and hold any other real estate which shall fairly come into their hands in the course of their said business, or in payment of or for securing payment of any debt due to them in the course of such business; and may purchase and temporarily hold until they can conveniently

Preamble.

Incorporation.

Corporate name.

Business of the company.

Corporation may acquire real estate.

dispose thereof any lands or real property which, having been mortgaged or pledged to them for securing debts to them actually incurred in the course of their said business, may, by reason of such pledge or mortgage, become their property, or shall be purchased by them at any sale thereof, in execution of any order or judgment of a competent court in their favour; and they may let, sell, exchange, and dispose of any property, real or personal, which they may lawfully purchase or otherwise acquire in such manner as the said company may deem expedient. 5 10

Capital and shares.

4. The capital stock of the said company shall be two hundred thousand dollars, with power to increase the same to a sum not exceeding five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Commencement of operations.

5. The company may commence operations and exercise the powers hereby granted so soon as one hundred thousand dollars of the capital stock shall be subscribed and ten per centum thereon paid up. 15

Directors,

Their election.

6. The affairs of the company shall be under the control of and shall be managed and conducted by a board, to consist of not less than three nor more than seven directors, three of whom shall form a quorum; the directors to be elected under the provisions of this Act shall each be a stockholder of the company to an amount not less than one thousand dollars, and shall be elected on the first Tuesday in February of every year after that in which the company first goes into operation, at the office of the Company, in the Village of Lyn, or in the City of Montreal, as may be established by any by-law of the company; and all such elections shall be by ballot, by plurality of the votes of the stockholders present, or by proxy, such proxies being shareholders. 20 25 30

Scale of votes.

7. At all meetings of the company every shareholder present in person, or by proxy, not being in arrears in respect of any instalment called for shall be entitled to as many votes as he holds shares in the stock of the company, and which shares shall have been held in his name at least one month prior to the time of voting. 35

Provisional directors.

8. The said Robert Cassels, F. Wolverstan Thomas, Gilbert Scott, Henry McKay, George W. Hamilton, and James W. B. Rivers shall be the first directors of the said company, and shall severally hold their offices until the first election of directors, which first election may take place so soon as the amount of stock is subscribed and the percentage thereon paid up, which is prescribed in the fifth section of this Act; and for the purposes of this election the directors herein named may appoint any time and place in the City of Montreal or in the Village of Lyn when such election may be held, by ballot aforesaid, by giving ten days' previous notice, to be published in one or more of the daily papers in either the City of Montreal or the Town of Brockville, or in one or more of the weekly papers in the Village of Lyn, at least three several times, or by notice mailed to the address of shareholders. 40 45 50

President.

9. The directors herein named, as well as those hereafter to be elected, shall, as soon as may be, elect one of their num- 55

ber to be president; the elected directors shall continue in office one year or until others shall be chosen to fill their places; and if any vacancy shall at any time occur in the office of president or director the remaining directors shall fill up such
 5 vacancy for the remainder of the year; the president shall have a vote as director at all meetings of the board, and, in case of a tie, shall have the casting vote likewise; but no director shall vote by proxy.

10 **10.** If the election of directors be not made on the day appointed by this Act the company shall not for that reason be dissolved; but the stockholders may hold the election on any other day in the manner provided for by any law previously passed, either by the directors or stockholders, for that purpose; and the directors then in office shall continue in office,
 15 and exercise all the powers of directors until their successors shall be elected.

20 **11.** The capital stock shall be paid for by the subscribers therefor, when where, and as the directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of seven per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice within sixty days from
 25 the day required, the directors may, by note reciting the facts, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the directors may deem fit and expedient; but no call shall exceed ten per
 30 centum, and no instalment shall become due and payable until after thirty days' notice shall be given in some newspaper printed and published in the City of Montreal, or in the town of Brockville, or in the Village of Lyn, or by notice mailed to the address of each shareholder; and if any stockholder shall,
 35 after such notice, refuse or neglect to pay any instalment due upon the share or shares held by him, such share or shares shall or may in the option of the directors become forfeited, together with the amounts paid thereon, and such forfeited shares or share may be disposed of as the directors may think fit, in any
 40 manner whatsoever, or the same may become invested in and for the benefit of the company, as the directors may determine, or the party holding such share or shares may be sued for the amount due, with interest from the time the same became due until payment.

45 **12.** A register shall be kept in the company's office, and shall indicate clearly the name of every stockholder, and the amount of stock for which he is responsible, and the amount paid in by such stockholder, as well as all transfers that may have been allowed and made in stock.

50 **13.** Upon any stock being subscribed for, and ten per centum paid thereon, a certificate shall be issued to the subscriber exhibiting the amount subscribed for, and the amount paid on it; and such stock of the said company shall be deemed personal estate, and shall be transferable in such manner as shall
 55 be prescribed by the by-laws of the corporation; but no share shall be transferable until all previous calls thereon have

been fully paid and satisfied, or the said share shall have been declared forfeited for non-payment of the calls thereon; and the consent in writing of the majority of the directors shall be in all cases necessary to render valid the transfer of any share or shares made before such shares shall have been paid up in full. 5

Payment of stock.

14. Any stockholder at the time of subscribing for a share or shares in the company, or after becoming a stockholder before the whole of the capital stock has been called up, may, with the consent in writing of the majority of the directors, be allowed to pay up in full his share or shares in the company; and the company may purchase, lease, hold, acquire, and transfer all real and personal estate necessary for carrying on the operations of the company; and any stock paid in part or in full, which may have been taken by parties conveying lands, machinery, water-powers, personal property, bills, debts, or other securities to the company, in part payment or in full for such lands, machinery, water-powers, personal property, bills, debts, or other securities, shall be held to have been so paid in cash, for the purposes of the fifth section of this Act. 10 15 20

Company may acquire lands, machinery, &c., and pay for same in stock.

Bills of exchange and promissory notes.

15. The president and directors of the said company shall have power and authority to make, accept, draw, and endorse in the corporate name of the company, bills of exchange and promissory notes for the ordinary purposes of their business; and may sell and dispose of all articles produced in carrying out the purposes mentioned in the preamble and second section of this Act, and any other articles acquired in exchange therefor, or used or acquired for carrying on the business, and no longer required by them; and they may become parties to promissory notes and bills of exchange received from or granted by parties doing business with the company, without its being necessary that their corporate seal should be thereunto affixed; and no officer of the company signing the same or affixing the corporate seal, in accordance with the by-laws of the company, shall thereby incur any personal liability; and the company shall have power to do all things requisite to the lawful carrying on of the business thereof: Provided always, that nothing in this section shall be construed to authorize the company to issue notes or bills of exchange, payable to bearer, intended to be circulated as money, or as the notes or bills of a bank. 25 30 35

Proviso.

Directors may make by-laws, &c.

16. The directors of the company shall have power and authority to make, amend, repeal, and re-enact all such by-laws, rules, resolutions and regulations as shall appear to them proper and necessary, touching the well ordering of the company; the number of its directors, their qualification, and a quorum thereof; the making of calls, and the recovery of money due for the same; the acquisition, arrangement and disposition of its stock, property and effects and of its affairs and business; the entering into arrangements and contracts with municipalities or other corporations or individuals; and the signing and execution of notes, bills, and instruments not requiring the corporate seal of the company, and the affixing of such seal to those which may require it; the declaration and payment of dividends; the form and issuing of stock certificates, transfers and registrations; the allotment and forfeiture of stock; the calling general and special meetings of the company; the form of proxies for voting at meetings of the company; the appointment, removal, 40 45 50 55

and remuneration of all officers, agents, clerks, workmen, and servants of the company ; and generally to do all things that may be necessary to carry out the objects and exercise the powers incident to the company.

5 **17.** Any copy of any by-law or by-laws of the company, pur- Proof of by-
 10 reporting to be signed and certified as a true copy thereof by the laws.
 president or one of the directors of the company, and under the
 seal of the company, shall be *prima facie* evidence of such by-law
 or by-laws ; and in any action to recover any call on the stock of
 15 the company, it shall be sufficient to allege and prove that the call
 was made in the manner provided by the by-laws of the com-
 pany, that the defendant is the owner of one or more shares on
 which the call was made, and that the amount sued for is due
 to the company accordingly ; and it shall not be necessary to
 15 allege or prove any other matter or thing whatsoever.

18. The capital stock of the company may from time to time be Increase of
 increased, as the wants of the company may require, by a vote capital stock.
 of the shareholders, holding not less than two-thirds of the stock
 of the company, either in person or by proxy, at a meeting of
 20 the company called for the purpose, to an amount not exceeding
 five hundred thousand dollars in the whole ; such stock to be
 paid for and issued as herein provided for the original stock.

19. The president and directors of the said company shall 1
 have power and authority to receive money on deposit but only Deposits of
 25 from stockholders in the company and to pay and allow such money by
 rate of interest on such deposits as they shall deem right and stockholders.
 proper, and which they may agree with such depositors to pay ; Provided.
 Provided that the aggregate amount of such money deposited
 shall not exceed at any time one half the amount of the paid up
 30 capital of the company.

20. The word " lands " in this Act shall include all lands, Interpretatio
 tenements and hereditaments, and real or immovable property clause.
 whatsoever ; and all words importing the singular number or the
 masculine gender only, shall extend to more than one person,
 35 party or thing, and to females as well as males ; and the words
 " shareholder " or " stockholder " shall include the heirs, exe-
 cutors, administrators, curators, legatees, or assigns, of such
 shareholder or stockholder, or any other party holding the legal
 possession of any share, whether in his own name or that of any
 40 other, unless the context shall be inconsistent with such con-
 struction ; and whenever power is by this Act given to do any-
 thing, power shall be intended also to do all things which may
 be necessary to the doing of such thing ; and generally all words
 and clauses herein shall receive such liberal and fair construc-
 45 tion as will best ensure the carrying into effect of this Act ac-
 cording to its true intent and spirit ; and the company shall not
 be bound to see to the execution of any trust, whether express
 or implied or constructive, in respect to any share or shares ;
 and the receipt of the person in whose name the same shall
 50 stand on the books of the company, shall be a discharge to the
 company for any dividend or money payable in respect of a
 share or 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 receipt

55 **21.** The shareholders of the company shall not as such be Liability of
 held responsible for any act, default, or liability whatsoever of shareholders
 limited.

the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing, whatsoever relating to or connected with the company, beyond the amount of calls, if any, remaining unpaid on their shares in the stock thereof: Provided, however, that the stockholders of the company shall be severally individually liable, *pro rata*, to the amount of stock held by them respectively, for all debts that may be due and owing to all or any of their labourers for services performed for such corporation. 5

Liability to action. 22. Any description of action may be prosecuted and maintained between the company and any person or corporation whatever, whether he or she be a shareholder or otherwise. 10

Preliminary expenses. 23. All reasonable and preliminary expenditure incurred in obtaining this Act, and in the formation or establishing of the said corporation shall be paid from the funds of the company. 15

BILL.

An Act to incorporate the Lyn General
Manufacturing Company

1st Reading, 27th January, 1873.

(PRIVATE BILL.)

Mr. WELLS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate The Lyn General Manufacturing Company.

WHEREAS Robert Cassels, of the City of Quebec, in the Province of Quebec, Esquire; F. Wolferstan Thomas, of the City of Montreal, in the said Province of Quebec, Esquire; Gilbert Scott, of the said City of Montreal, Esquire; Henry McKay, of the said City of Montreal, Esquire; George W. Hamilton, of the said City of Montreal, Esquire, and James W. B. Rivers, of the Town of Brockville, in the Province of Ontario, Esquire, have by their petition represented that they, with others associated with them, are desirous of engaging in the business of manufacturing tanned leather, boots and shoes, lumber and flour, and other useful and necessary articles, at Lyn, in the County of Leeds, in the Province of Ontario, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for the passing of an Act to that end; And whereas it is expedient to grant such prayer;

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 Robert Cassels, F. Wolferstan Thomas, Gilbert Scott, Henry McKay, George W. Hamilton, and James W. B. Rivers, together with such other persons as now are or hereafter shall be and they are hereby constituted a body politic and incorporate, by the name, style, and title of "The Lyn General Manufacturing Company," and by that name shall and may sue and be sued, and shall have perpetual succession and a common seal, with power to break and alter such seal, and with all the rights conferred on corporations by the Interpretation Act.
- 25 **2.** The company may carry on the business of grist milling, tanning leather, manufacturing boots and shoes, lumber, and other useful and necessary articles, in hemp, flax, cotton, wool, linen, iron, steel, wood, or paper, and may do all things necessary or convenient thereto.
- 35 **3.** The company may, by any legal title, acquire, lease, purchase, and hold any lands or water powers necessary and requisite for the carrying on of such business, and construct and maintain such buildings, machinery, and other improvements thereon as the company may deem necessary or for their advantage; and they may also acquire and hold any other real estate which shall fairly come into their hands in the course of their said business, or in payment of or for securing payment of any debt due to them in the course of such business; and may purchase and temporarily hold until they can conveniently

Preamble.

Incorporation.

Corporate name.

Business of the company.

Corporation may acquire real estate.

dispose thereof any lands or real property which, having been mortgaged or pledged to them for securing debts to them actually incurred in the course of their said business, may, by reason of such pledge or mortgage, become their property, or shall be purchased by them at any sale thereof, in execution of any order or judgment of a competent court in their favour; and they may let, sell, exchange, and dispose of any property, real or personal, which they may lawfully purchase or otherwise acquire in such manner as the said company may deem expedient. [Provided that as to all real estate acquired in the payment of, or for receiving payment of, any debt as aforesaid (except such as may be necessary for their business, it shall be incumbent upon them to sell the same within five years after the same shall have been so acquired.)

Capital and shares.

4. The capital stock of the said company shall be two hundred thousand dollars, with power to increase the same to a sum not exceeding five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. 15

Commencement of operations.

5. The company may commence operations and exercise the powers hereby granted so soon as one hundred thousand dollars of the capital stock shall be subscribed and ten per centum thereon paid up. 20

Directors,

Their election.

6. The affairs of the company shall be under the control of and shall be managed and conducted by a board, to consist of not less than three nor more than seven directors, three of whom shall form a quorum; the directors to be elected under the provisions of this Act shall each be a stockholder of the company to an amount not less than one thousand dollars, and shall be elected on the first Tuesday in February of every year after that in which the company first goes into operation, at the office of the Company, in the Village of Lyn, or in the City of Montreal, as may be established by any by-law of the company; and all such elections shall be by ballot, by plurality of the votes of the stockholders present, or by proxy, such proxies being shareholders. 25

Scale of votes.

7. At all meetings of the company every shareholder present in person, or by proxy, not being in arrears in respect of any instalment called for shall be entitled to as many votes as he holds shares in the stock of the company, which shares shall have been held in his name at least one month prior to the time of voting. 35 40

Provisional directors.

8. The said Robert Cassels, F. Wolverstan Thomas, Gilbert Scott, Henry McKay, George W. Hamilton, and James W. B. Rivers shall be the first directors of the said company, and shall severally hold their offices until the first election of directors, as provided in the sixth section of this Act; and for the purposes of such election the directors herein named may, subject to the provisions of the said sixth section, appoint any time and place in the City of Montreal or in the Village of Lyn when such election may be held, by giving ten days' previous notice, to be published in one or more of the daily papers in the City of Montreal, or in one or more of the weekly papers in the Town of Brockville or the Village of Lyn, at least three several times, or by notice mailed to the address of shareholders at least ten days before the day of such meeting. 50 55

9. The directors herein named, as well as those hereafter to be elected, shall, as soon as may be, elect one of their number to be president; the elected directors shall continue in office one year or until others shall be chosen to fill their places; and if any vacancy shall at any time occur in the office of president or director the remaining directors shall fill up such vacancy for the remainder of the year; the president shall have a vote as director at all meetings of the board, and, in case of a tie, shall have the casting vote likewise; but no director shall vote by proxy.

President.

Vacancies.

10

10. If the election of directors be not made on the day appointed by this Act the company shall not for that reason be dissolved; but the stockholders may hold the election on any other day in the manner provided for by any by-law previously passed, either by the directors or stockholders, for that purpose; and the directors then in office shall continue in office, and exercise all the powers of directors until their successors shall be elected.

Failure of election.

11. The capital stock shall be paid for by the subscribers therefor, when, where, and as the directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of seven per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice within sixty days from the day required, the directors may, by note reciting the facts, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the directors may deem fit and expedient: but no call shall exceed ten per centum, and no instalment shall become due and payable until after thirty days' notice shall be given in some newspaper printed and published in the City of Montreal, or in the town of Brockville, or in the Village of Lyn, or by notice mailed to the address of each shareholder; and if any stockholder shall, after such notice, refuse or neglect to pay any instalment due upon the share or shares held by him, such share or shares shall or may in the option of the directors become forfeited, together with the amounts paid thereon, and such forfeited shares or share may be disposed of as the directors may think fit, in any manner whatsoever, or the same may become invested in and for the benefit of the company, as the directors may determine, or the party holding such share or shares may be sued for the amount due, with interest from the time the same became due until payment.

Calls.

Notice.

Forfeiture of stock.

12. A register shall be kept in the company's office, and shall indicate clearly the name of every stockholder, and the amount of stock for which he is responsible, and the amount paid in by such stockholder, as well as all transfers that may have been allowed and made in stock.

Register to be kept.

13. Upon any stock being subscribed for, and ten per centum paid thereon, a certificate shall be issued to the subscriber exhibiting the amount subscribed for, and the amount paid on it; and such stock of the said company shall be deemed personal estate, and shall be transferable in such manner as shall

Certificates of stock.

Stock to be personalty and how transferable.

be prescribed by the by-laws of the corporation ; but no share shall be transferable until all previous calls thereon have been fully paid and satisfied, or the said share shall have been declared forfeited for non-payment of the calls thereon ; and the consent in writing of the majority of the directors shall be in all cases necessary to render valid the transfer of any share or shares made [before the calls thereon having been paid up in full.]

Payment of stock.

14. Any stockholder at the time of subscribing for a share or shares in the company, or after becoming a stockholder before the whole of the capital stock has been called up, may, with the consent in writing of the majority of the directors, be allowed to pay up in full his share or shares in the company ; and any stock paid in part or in full, which may have been taken by parties conveying lands, machinery, water-powers, personal property, bills, debts, or other securities to the company, in part payment or in full for such lands, machinery, water-powers, personal property, bills, debts, or other securities, shall be held to have been so paid in cash, for the purposes of the fifth section of this Act.

Company may acquire lands, machinery, &c., and pay for same in stock.

Bills of exchange and promissory notes.

15. The president and directors of the said company shall have power and authority to make, accept, draw, and endorse in the corporate name of the company, bills of exchange and promissory notes for the ordinary purposes of their business ; and may sell and dispose of all articles produced in carrying out the purposes mentioned in the preamble and second section of this Act, and any other articles acquired in exchange therefor, or used or acquired for carrying on the business, and no longer required by them ; and they may become parties to promissory notes and bills of exchange received from or granted by parties doing business with the company, without its being necessary that their corporate seal should be thereunto affixed ; and no officer of the company signing the same or affixing the corporate seal, in accordance with the by-laws of the company, shall thereby incur any personal liability ; and the company shall have power to do all things requisite to the lawful carrying on of the business thereof : Provided always, that nothing in this section shall be construed to authorize the company to issue notes or bills of exchange, payable to bearer, intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Directors may make by-laws, &c.

16 The directors of the company shall have power and authority to make, amend, repeal, and re-enact all such by-laws, rules, resolutions and regulations as shall appear to them proper and necessary, touching the well ordering of the company ; the number of its directors, their qualification, and a quorum thereof ; the making of calls, and the recovery of money due for the same ; the acquisition, arrangement and disposition of its stock, property and effects and of its affairs and business ; the entering into arrangements and contracts with municipalities or other corporations or individuals ; and the signing and execution of notes, bills, and instruments not requiring the corporate seal of the company, and the affixing of such seal to those which may require it ; the declaration and payment of dividends ; the form and issuing of stock certificates, transfers and registrations ; the allotment and forfeiture of stock ; the calling general and special meetings of the company ; the form of proxies for voting at meetings of the company ; the appointment, removal,

and remuneration of all officers, agents, clerks, workmen, and servants of the company; and generally to do all things that may be necessary to carry out the objects and exercise the powers incident to the company.

- 5 **17.** Any copy of any by-law or by-laws of the company, pur- Proof of by
 10 porting to be signed and certified as a true copy thereof by the laws.
 president or one of the directors of the company, and under the
 seal of the company, shall be *prima facie* evidence of such by-law
 or by-laws; and in any action to recover any call on the stock of
 15 the company, it shall be sufficient to allege and prove that the call
 was made in the manner provided by the by-laws of the com-
 pany, that the defendant is the owner of one or more shares on
 which the call was made, and that the amount sued for is due
 to the company accordingly; and it shall not be necessary to
 20 allege or prove any other matter or thing whatsoever.

- 18.** The capital stock of the company may from time to time be Increase of
 increased, as the wants of the company may require, by a vote capital stock.
 of the shareholders, holding not less than two-thirds of the stock
 of the company, either in person or by proxy, at a meeting of
 25 the company called for the purpose, to an amount not exceeding
 five hundred thousand dollars in the whole; such stock to be
 paid for and issued as herein provided for the original stock.

- 19.** The president and directors of the said company shall Deposits of
 have power and authority to receive [from the stockholders in the money by
 25 company] and to pay and allow such money on deposit but only stockholders.
 rate of interest on such deposits as they shall deem right and
 proper, and which they may agree with such depositors to pay; Proviso.
 Provided that the aggregate amount of such money deposited
 shall not exceed at any time one half the amount of the paid up
 30 capital of the company.

- 20.** The company shall not be bound to see to the execution Interpretation
 of any trust, whether express or implied or constructive, in clause.
 respect to any share or shares; and the receipt of the person
 in whose name the same shall stand on the books of the com-
 35 pany, shall be a discharge to the company for any dividend or
 money payable in respect of such share or 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 receipt.

- 40 **21.** The shareholders of the company shall not as such be Liability of
 held responsible for any act, default, or liability whatsoever of shareholders-
 the company, or for any engagement, claim, payment, loss, in- limited.
 45 jury, transaction, matter or thing, whatsoever relating to or con-
 nected with the company, beyond the amount of calls, if any,
 remaining unpaid on their shares in the stock thereof. [The
 shareholders of the company shall be jointly and severally liable Proviso as to
 for all debts that may be due and owing to any of the labourers, debts for la-
 servants and employees thereof, for services performed for such bour.
 50 company.]

- 22.** Any description of action may be prosecuted and main- Liability to
 55 tained between the company [and any shareholder thereof.] action.

- 23.** All reasonable and preliminary expenditure incurred in Preliminary
 60 obtaining this Act, and in the formation or establishing of the expenses.
 said corporation shall be paid from the funds of the company.

No. 76.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Lyn General
Manufacturing Company.

(Reported as amended in Committee.)

1st Reading, 27th January, 1873.

(PRIVATE BILL.)

MR WELLS,

TORONTO :

Printed by H. BROWN, Deane & Co.

An Act to amend an Act to consolidate the debt of the Town of Ingersoll.

WHEREAS the Mayor and Council of the Corporation of the Town of Ingersoll have by their petition represented that, under an Act passed in the twenty-eighth year of the reign of Her Majesty Queen Victoria, chaptered twenty-eight, intitled "An Act to consolidate the debt of the Town of Ingersoll," power was reserved therein to the said corporation to issue debentures to an amount not exceeding in the whole the sum of forty-five thousand dollars; And whereas, the whole indebtedness of the said corporation does not exceed forty-four thousand dollars, for which debentures have been issued and are now outstanding; And whereas, for the purpose of enlarging the market and school grounds and buildings, and to make better provision for the protection of property against fire by erecting and establishing water works within the said corporation, and for other purposes, it has become expedient and necessary to amend the above-mentioned Act, giving power to the said corporation to issue debentures for the purposes aforesaid, as the council shall think fit, to any amount not inconsistent with the Municipal Institutions Act of Ontario for the creation of debts; And whereas, it is expedient to grant the prayer of the said petitioners:

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

1. The words "not exceeding in the whole the sum of forty-five thousand dollars" in sections one and two of the said Statute, twenty-eight Victoria, chapter twenty-eight, are hereby repealed, and the following substituted in lieu thereof:—"In such sums not inconsistent with the Municipal Institutions Act of Ontario for the creation of debts, as the council of the said corporation shall think fit: Provided always that the said council shall not issue debentures under this Act, except to renew old debentures now outstanding, until such time as a by-law providing for such issue of debentures shall have been passed by the said council, having previously received the approval of the ratepayers of the said corporation in the manner provided for the creation of debts, under the Municipal Institutions Act of Ontario."

28 V., c. 28, ss 1 and 2, amended.

Proviso.

2. Nothing in this Act contained shall affect the priority of debentures already issued and now outstanding against the said corporation.

Prior debentures not affected.

3. Sections four, seven, eight and nine of the said statute, and all other sections therein inconsistent with this Act and with the Municipal Institutions Act of Ontario, are hereby repealed.

Repeal of inconsistent enactments.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend "An Act to consolidate the
debt of the Town of Ingersoll."

First Reading, 27th January, 1873.

(PRIVATE BILL.)

MR. OLIVER.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act for the further encouragement of Manufactures in Ontario.

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

1. That it shall and may be lawful for any municipality to
 5 pass by-laws to aid, by way of bonus, the promotion of manu-
 factures within its limits, by granting such sum or sums of money,
 not exceeding in the whole the sum of _____ to such
 person or persons, or body or bodies corporate as to such mun-
 10 icipality may seem meet, and in aid of such branch or branches
 of industry, as the said municipality may determine upon; and
 to pay such sum or sums, either in one sum or in annual or other
 periodical payments, with or without interest, and subject to such
 terms, conditions and restrictions as the said municipality may
 deem expedient.
2. It shall and may be lawful for any municipality granting
 15 aid, as provided for in the next preceding section, to take and
 receive of and from such person or persons, body or bodies cor-
 porate that may receive any such aid, such security as to such mun-
 20 icipality may seem meet for the compliance with the terms and
 conditions upon which any such aid may be given.
3. Every municipality shall have the power of exempting
 25 from taxation, for any period not longer than ten years, any
 manufacturing establishment; and may, if deemed expedient, at
 the expiration of the said period of ten years, renew or extend
 the said exemption for a further period not exceeding ten years.
4. That all by-laws which have heretofore been passed by any
 30 municipality for granting a bonus or bonuses to any manufactur-
 ing establishment, or for exempting the same from taxation,
 for any period not exceeding _____ years, or for extending
 the period of exemption, shall be valid and binding upon any
 such municipality, provided no proceedings shall have been
 taken in any court of law to test the validity of such by-law.

Municipalities
may aid
manufactures.

Municipalities
aiding may
take security
from the per-
sons benefited.

Exemption
from taxation.

Former by-
laws legalized.

No. 78.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act for the further encouragement of
Manufactures in Ontario.

First Reading, 27th January, 1873.

MR. RYKERT.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to authorise the Courts of Queen's Bench, Common Pleas and Chancery for Ontario to admit Robert Wardrop to practise as an attorney and solicitor therein.

WHEREAS Robert Wardrop, of the City of Toronto, hath by his petition set forth that, in the year one thousand eight hundred and sixty-five, he graduated with honours at the University of Toronto, and that, in the year one thousand eight hundred and sixty-seven, he was duly admitted a member of the Honourable Society of Lincoln's Inn of the City of London, England, and that he was duly called to the bar of the Superior Courts in England, in the year one thousand eight hundred and seventy-one, and still remains a member of the said bar; and that he was duly called to the Bar of Ontario, in Hilary term, one thousand eight hundred and seventy-two; and that his name now remains upon the books of the Law Society of Ontario, as a barrister thereof; and that from the time he was first admitted to practise as a barrister in Ontario, he has been engaged in the practice of his profession in Ontario, and is still so engaged; And that he has articleed himself to an attorney and solicitor and has done everything in his power, since his return to this country, to qualify himself to be admitted to practise as an attorney and solicitor: And whereas the said Robert Wardrop is desirous of being admitted to practise as an attorney at law and solicitor in chancery; and has prayed that an Act may be passed to authorise the Courts of Queen's Bench and Common Pleas and the Court of Chancery for Ontario, to admit him to practise as an attorney and solicitor of the said courts respectively, notwithstanding that he has not been articleed to a practising attorney and solicitor for the full period of three years:

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 Courts of Queen's Bench and Common Pleas, and the Court of Chancery respectively on sufficient proof being given that the said Robert Wardrop has duly been called to practise at the Bar of the Superior Courts in England, and has had the degree of barrister at law conferred on him by the Law Society of Ontario, and that his name now remains on the books of the said Society, and that he has duly and properly served under articles of clerkship to a practising attorney, and solicitor, from the time from which he first bound himself under articles to a practising attorney and solicitor up to the passing of this Act, to admit the said Robert Wardrop as an attorney and solicitor of the said courts respectively, any law or usage to the contrary notwithstanding, upon payment of the proper fees in that behalf.

Superior
Courts may
admit R.
Wardrop as an
attorney and
solicitor.

No. 79.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to authorise the Courts of Queen's Bench, Common Pleas and Chancery for Ontario, to admit Robert Wardrop as an attorney and solicitor therein.

First Reading, 27th January, 1873.

(*PRIVATE BILL*)

Mr. BETHUNE.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the "Act respecting Elections of 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. That section twenty-five of chapter twenty-one of the Act ^{32 V., c. 21, s} _{25, amended.} passed in the thirty-second year of Her Majesty's reign, intituled "An Act respecting Elections of Members of the Legislative Assembly," be and the same is hereby repealed, and the following inserted in lieu thereof :
- 10 "Every city, town, village, township, or ward having more than three hundred qualified voters therein, shall be divided by ^{Division of} _{Wards into} well defined boundaries such as streets, side lines, concession ^{Polling sub-} _{divisions.} lines, or the like, in the most convenient manner, into polling subdivisions, by by-law of the municipal corporation having jurisdiction over the locality, and in such manner that the number of qualified electors in the several polling sub-divisions shall be as nearly equal as may be, and shall not in any one exceed three hundred; and such subdivision shall be made immediately after the final revision and correction of the assessment roll of such city, town, village, township, or ward which shall first happen after the day of one thousand
- 20 eight hundred and seventy-three."

2. That section twenty-six of the said Act be amended by ^{Sec. 26 amend} _{ed.} substituting the words "three hundred" for "two hundred" in the second line of said section.

No. 80.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to amend the Act respecting
Elections of Members of the Legislative
Assembly.

First Reading, 27th January, 1873.

Mr. RYKERT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway Company.

WHEREAS the Toronto Grey and Bruce Railway Company have prayed for certain amendments to the several Acts relating to the said company: 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 thirty-third section of the Act passed in the thirty-first year of the reign of Her Majesty, Queen Victoria, chaptered forty, is hereby repealed, and the time for the completion of the said railway is extended for five years from the passing of this Act. Extension of time for completion of railway.

2. The said company may fix any place or places in the Counties of Huron and Bruce as the terminus or termini of the western line or lines of their railway; and shall not be bound to construct their said railway to Southampton and Kincardine, or either of them, or to the waters of Lake Huron; but may at any time hereafter, whensoever they shall deem expedient, extend or construct their railway, or branches thereof, to the waters of Lake Huron, at either or both of the said points, or any other point or two points between Goderich and Southampton; such extensions or branch lines to be built from Teeswater or from some point between Teeswater and Wroxeter or from Mount Forest, or one from each of any two such points, as the company may see fit; and the third section of the said Act, passed in the thirty-first year of the reign of Her Majesty Queen Victoria, and chaptered forty, is hereby amended accordingly. Termini of the western lines.

3. And whereas doubts have been expressed as to the extent of the powers conferred by the ninth, tenth and eleventh sections of chapter sixty-six of the Consolidated Statutes of Canada, and it is expedient to remove the same:

Be it therefore enacted and declared that the said company have and shall have power to acquire or take hold and alienate lands for borrowing pits, ballast pits and quarries, and for timber, and for branch lines or other access to any such lands, and also for all other purposes mentioned in or intended by the ninth subsection of the said ninth section of the said Act, as fully in every respect as they may acquire or take, hold and alienate lands for the purpose of constructing their railway; and it shall not be requisite for such lands to have been shewn in the map or plan and book of reference of the said railway; and the manner in which the same may be taken and acquired Powers of the company as to lands.

shall be as provided by the Act passed in the thirty-fifth year of Her Majesty's reign, and chaptered twenty five.

Aid to com-
pany from
municipalities.

4. In case fifty persons, at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing 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 petition 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 such 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 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 municipality; and in case aid is desired from any county municipality upon the petition of at least fifty persons who are qualified voters in each such county municipality, and in case aid is desired from any portion of a county municipality, upon the petition of at least twenty persons qualified voters from each minor municipality, or the portion thereof, to be affected by the by-law, as the case may be, or upon the petition of the majority of the reeves and deputy-reeves of such county municipality, who reside in the said portion from which aid is desired, and in case of a portion of a county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality, forming the portion of the county municipality that may be asked to grant aid, and in either case in such petition 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 desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the vote of the qualified voters of the county or of the portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion; and upon any such petition being presented to the warden or other head of any county, or the reeve, mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality, to be held within four weeks thereafter, for the purpose of introducing such by-law, and submitting the same to the vote of the qualified voters, and the fifth section of Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, and chaptered forty-one, is to be read as modified by the foregoing provisions of this section.

5. The said aid and assistance by the loaning or guaranteeing, or giving of money by way of bonus or other means, or the issuing of municipal bonds, for the purposes and in the manner set out in the said Acts, or in this Act, may be given to the said company by any portion of a county municipality, whether the metes and bounds of such portion of a county municipality as set out in the by-law for granting such aid be the metes and bounds of minor municipalities, or be so defined as to comprise one or more minor municipalities, and one or more portions of minor municipalities, or to comprise only portions of minor municipalities: And in the case of a portion of a minor municipality granting such aid, then the debentures to be issued shall be those of such minor municipality, and in the case of a county municipality granting such aid, then the debentures to be issued shall be those of the county municipality.

Aid from
minor muni-
cipalities -

6. It is declared that the words "minor municipality" herein mean and are to be read and construed as, "town, village or township."

"Minor muni-
cipality"
defined.

BILL.

An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway Company.

1st Reading, 27th January, 1873.

(*PRIVATE BILL*)

HON. M. C. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the several Acts relating to the
Toronto, Grey and Bruce Railway Company.

WHEREAS the Toronto Grey and Bruce Railway Com- Preamble.
pany have prayed for certain amendments to the several
Acts relating to the said company :

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

1. The thirty-third section of the Act passed in the thirty- Extension of
time for com-
pletion of
railway.
first year of the reign of Her Majesty, Queen Victoria, chap-
tered forty, is hereby repealed, and the time for the completion
10 of the said railway is extended for five years from the passing
of this Act.

2. The said company may fix any place or places in the Termini of the
western lines.
Counties of Huron and Bruce as the terminus or termini of the
western line or lines of their railway ; and shall not be bound
15 to construct their said railway to Southampton and Kincardine
or either of them, or to the waters of Lake Huron ; but may
hereafter, within the time hereby limited, whensoever they shall
deem expedient, extend or construct their railway, or branches
20 thereof, to the waters of Lake Huron, at either or both of the
said points, or any other point or two points between Gode-
rich and Southampton ; such extensions or branch lines to be
built from Teeswater or from some point between Teeswater
and Wroxeter or one from each of any two such points,
as the company may see fit ; and the third section of the said 31 V., c. 40,
s. 3, amended.
25 Act, passed in the thirty-first year of the reign of Her said Ma-
jesty Queen Victoria, and chaptered forty, is hereby amended
accordingly.

3. Where stone, gravel or any other material is or are re- Powers of the
company as to
stone, gravel,
&c.
30 quired 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 surveyor to make a
map and description of the property so required, and they shall
35 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 as varied and modified by the
special Acts relating to the said company as to the service of the
40 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, 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. 5

Siding and
tracks to lands
to take gravel,
&c.

4. When said gravel or 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 Railway Act and of the Special Acts relating to the said company's 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. 10 15 20

Aid to com-
pany from
municipalities.

5. In case fifty persons, at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing 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 petition 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 such 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 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 municipality; and in case aid is desired from any county municipality upon the petition of at least fifty persons who are qualified voters in each such county municipality, and in case aid is desired from any portion of a county municipality, upon the petition of at least twenty persons qualified voters from each minor municipality, or the portion thereof, to be affected by the by-law, as the case may be, or upon the petition of the majority of the reeves and deputy-reeves of such county municipality, who reside in the said portion from which aid is desired, and in case of a portion of a county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality, forming the portion of the county municipality that may be asked to grant aid, and in either case in such peti- 25 30 35 40 45 50 55

tion expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said
 5 company, and stating the amount which they so desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the vote of
 10 the qualified voters of the county or of the portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion; and upon any such petition being presented to the warden or other head of any county, or the
 15 reeve, mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality, to be held within four weeks thereafter, for the purpose of introducing such by-law, and submitting the same to the vote of the qualified voters. and the fifth section of Act passed in the thirty-
 20 third year of the reign of Her Majesty Queen Victoria, and chaptered forty-one, is to be read as modified by the foregoing provisions of this section.

6. The said aid and assistance by the loaning or guaranteeing, or giving of money by way of bonus or other means, or the
 issuing of municipal bonds, for the purposes and in the manner
 25 set out in the said Acts, or in this Act, may be given to the said company by any portion of a county municipality, whether the metes and bounds of such portion of a county municipality as set out in the by-law for granting such aid be the metes and bounds of minor municipalities, or be so defined as to comprise
 30 one or more minor municipalities, and one or more portions of minor municipalities, or to comprise only portions of minor municipalities: And in the case of a portion of a minor municipality granting such aid, then the debentures to be issued shall be those of such minor municipality, and in the case of a
 35 county municipality granting such aid, then the debentures to be issued shall be those of the county municipality.

7. It is declared that the words "minor municipality" herein mean and are to be read and construed as, "town, incorporated village or township." "Minor municipality" defined.

BILL.

An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway Company.

(Reprinted as Amended in Committee.)

First Reading, 27th January, 1873.

(PRIVATE BILL.)

HON. MR. CAMERON.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway Company.

WHEREAS the Toronto Grey and Bruce Railway Company have prayed for certain amendments to the several Acts relating to the said company: 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 thirty-third section of the Act passed in the thirty-first year of the reign of Her Majesty, Queen Victoria, chaptered forty, is hereby repealed, and the time for the completion of the said railway is extended for five years from the passing of this Act. Extension of time for completion of railway.

2. The said company may fix any place or places in the Counties of Huron and Bruce as the terminus or termini of the western line or lines of their railway; and shall not be bound to construct their said railway to Southampton and Kincardine, or either of them, or to the waters of Lake Huron; but may hereafter, within the time hereby limited, whensoever they shall deem expedient, extend or construct their railway, or branches thereof, to the waters of Lake Huron, at either or both of the said points, or any other point or two points between Goderich and Southampton; such extensions or branch lines to be built from Teeswater or from some point between Teeswater and Wroxeter or one from each of any two such points, as the company may see fit; and the third section of the said Act, passed in the thirty-first year of the reign of Her said Majesty Queen Victoria, and chaptered forty, is hereby amended accordingly. Termini of the western lines.

3. Where stone, gravel or any other material 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 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 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 lands may be taken or who may sell, shall apply to Powers of the company as to stone, gravel, &c.

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.

Siding and
tracks to gravel
pits.

4. When said gravel or 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 Railway Act and of the Special Acts relating to the said company's 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.

Aid to com-
pany from
municipalities.

5. In case fifty persons, at least, rated on the last revised assessed roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing 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 petition 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 such 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 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 municipality; and in case aid is desired from any county municipality upon the petition of at least fifty persons who are qualified voters in each such county municipality, and in case aid is desired from any portion of a county municipality, upon the petition of at least twenty persons qualified voters from each minor municipality, or the portion thereof, to be affected by the by-law, as the case may be, or upon the petition of the majority of the reeves and deputy-reeves of such county municipality, who reside in the said portion from which aid is desired, and in case of a portion of a county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality, forming the portion of the county municipality that may be asked to grant aid, and in either case in such peti-

tion 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 desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the vote of the qualified voters of the county or of the portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion; and upon any such petition being presented to the warden or other head of any county, or the reeve, mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality, to be held within four weeks thereafter, for the purpose of introducing such by-law, and submitting the same to the vote of the qualified voters and the fifth section of Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, and chaptered forty-one, is to be read as modified by the foregoing provisions of this section.

6. The said aid and assistance by the loaning or guaranteeing, or giving of money by way of bonus or other means, or the issuing of municipal bonds, for the purposes and in the manner set out in the said Acts, or in this Act, may be given to the said company by any portion of a county municipality, whether the metes and bounds of such portion of a county municipality as set out in the by-law for granting such aid be the metes and bounds of minor municipalities, or be so defined as to comprise one or more minor municipalities, and one or more portions of minor municipalities, or to comprise only portions of minor municipalities: And in the case of a portion of a minor municipality granting such aid, then the debentures to be issued shall be those of such minor municipality, and in the case of a county municipality granting such aid, then the debentures to be issued shall be those of the county municipality.

Aid from
minor municipalities.

7. It is declared that the words "minor municipality" herein mean and are to be read and construed as, "town, incorporated village or township."

"Minor municipality"
defined.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway Company.

1st Reading, 27th January, 1873.

2nd Reading, 19th February, 1873.

3rd Reading, 21st February, 1873.

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to Incorporate the Toronto Fuel Association.

WHEREAS John Fisken, William D. Mathews, George Laidlaw, William B. Scarth, John S. Playfair, Robert Armstrong, Emerson Coatsworth, Alexander M. Smith, Robert Jaffray, and William B. McMurrich, have by their petition presented that a large saving would be ensured to the citizens of Toronto, in the price of fuel by the purchase of the same in large quantities conjointly, and to carry out this object have prayed that an Act might be passed incorporating a company by the name of "The Toronto Fuel Association;" and whereas it is expedient to grant the prayer of the said petitioners :

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

1. John Fisken, William D. Mathews, George Laidlaw, William B. Scarth, John S. Playfair, Robert Armstrong, Emerson Coatsworth, Alexander M. Smith, Robert Jaffray and William B. McMurrich, together with such other persons and corporations as shall become shareholders of the company hereby incorporated, shall be and are hereby made and constituted a body corporate and politic, by the name of "The Toronto Fuel Association."

Incorporation.

Corporate name.

2. The said corporation is hereby constituted for the purpose of purchasing and selling coal, wood, peat, and other material for the purpose of being used as fuel, and for these purposes may acquire and hold by purchase, lease, or other legal title, such personal property, and such lands, not at any time exceeding four thousand acres in superficies, and construct and maintain such buildings, machinery and other erections and improvements thereon, or connected therewith as the company may deem for its advantage, with power to sell and convey any of such lands or other property as the said company may think fit: and may hold, use and enjoy all such property, privilege and rights for the purpose of carrying on said business in all its branches, under the provisions of this Act.

Powers and business of the company.

3. The capital stock of the said company shall be one hundred thousand dollars, in shares of twenty dollars each, and such shares shall be and are hereby vested in the several persons who shall subscribe for the same, and be deemed personal estate, and shall be assignable at the place of business of the corporation in the City of Toronto, and according to such form as the directors shall prescribe; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this bill, and all the rest and residue of the said money shall be applied toward the purchas-

Capital stock and shares.

How to be expended.

ing of fuel and land and personal property, and such other property as may be required in carrying on the business of the said company.

Increasing capital.

4. The directors of the company, if they see fit at any time after the whole of the capital stock shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the company, to an amount not exceeding two hundred thousand dollars, which they may consider requisite in order to the due carrying out of the objects of the company, and such by-law shall declare the number and shares of the new stock, and may prescribe the manner in which the shares be allotted, and in default of its so doing the whole of such allotment shall be held to rest absolutely in the directors: Provided, that no by-law for increasing the capital stock of the company shall have any force or effect whatever, until after it shall be sanctioned by a vote of not less than three-fourths in value of the shareholders at a general meeting of the company, duly called for considering the same.

When subscriptions shall be binding.

5. No subscription for stock in the capital of the company, shall be binding on the company unless ten per centum of the amount has been actually paid thereon to the company, after call made for same, into one of the chartered banks of this Province to the credit of the company, and not to be withdrawn except for the purposes of the company.

How the stock to be paid.

If not paid promptly, interest to be charged.

6. The capital stock shall be paid by the subscribers thereof when, and as the directors of the company shall require or as the by-laws provide: and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the directors with interest thereon after such demand or notice as the by-law prescribes, and within the time limited by such notice, the directors may by vote reciting the fact and duly recorded in their records, summarily forfeit any shares whereon 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 or votes of the company may provide.

Forfeiture for non-payment.

Aliens may be shareholders.

7. Aliens 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 be also eligible to hold all the offices in the said company.

Provisional directors.

8. The said John Fiske, William D. Mathews, George Laidlaw, William B. Scarth, John S. Playfair, Robert Armstrong, Emerson Coatsworth, Alexander M. Smith, Robert Jaffray and William B. McMurrich, shall be provisional directors of the said company; and shall severally hold their offices until the first election of directors, which first election shall take place so soon as the amount of stock hereinafter named is subscribed and the percentage thereon paid up; and for the purpose of election, the provisional directors herein named may appoint any place in the City of Toronto where such election may be held, by giving one month's previous notice, to be published in one or more daily papers in said city, at least three separate times and in the *Ontario Gazette*; such election to be by ballot: and

said provisional directors shall have power to open stock books, receive subscriptions of stock or shares, and payments on account of purchase of fuel from non-stockholders; direct how the same shall be paid; to receive payments thereon; and generally
5 to do all matters and things necessary for the full organization and working of the company.

9. The affairs of the company shall be under the control of, and shall be managed and conducted by a board of not less than nine nor more than thirteen directors; and the directors
10 to be elected under the provisions of this Act, shall each be stockholders to an amount of not less than five hundred dollars, and shall be elected on the first Wednesday in the month of April in every year after that in which the company goes into operation, at the City of Toronto, unless otherwise provided by
15 the by-laws of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and five members of such board present in person shall be a quorum thereof; and in case of the death, resignation, removal, or disqualification of any directors, such board if they
20 see fit, may fill the vacancy until the next annual meeting of the company, 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.

Director,
their election
and qualification.

Vacancies how
filled.

25 10. At all meetings of the company, every shareholder not being in arrear in respect of 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: Pro-
30 vided always, the proxy is held by a shareholder not in arrear, and as in conformity with the by-law.

Manner of
voting.

Proviso.

11. The board of directors may employ one or more of their number as paid director or directors, and the directors shall be entitled to receive fees for attendance at all meetings duly
35 convened, at which they shall be present in person, as regulated by their said by-laws.

Paid directors.

12. As soon as shares to the amount of ten thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid up, the provisional
40 directors shall call a general meeting of the subscribers for the said capital stock, who shall have so paid up ten per centum thereof for the purpose of electing permanent directors of said company as herein provided.

First general
meeting of
directors.

13. The said board of directors shall elect and appoint a pre-
45 sident and a vice-president and the necessary officers, and may remove the latter at pleasure and fill up vacancies from time to time, but the said president and vice-president shall be elected annually, immediately after the election of directors, except that in filling up a vacancy, the election may be made at any time.

Election of
president and
officers, and
filling vacan-
cies.

50 14. The said company shall have power to receive, take and retain otherwise than in stock and shares in the said company, from any person or persons requiring, or who wish to be supplied with fuel by the said company, such payment or payments or sum or sums of money, on account of the purchase thereof.

Power to re-
ceive pay-
ments in ad-
vance for fuel.

as they shall by their rules, regulations and by-laws determine and the paid in and subscribed capital of the company shall be liable for the amount so received or taken by the company.

Liability of
the share-
holders.

15. The shareholders of the said 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 amount of their respective shares in the capital stock thereof. 5

Shareholders
liable for debts
due to em-
ployees.

16. The shareholders in the said company shall be jointly and severally liable for all debts due and owing to any of the labourers and servants thereof, for services performed for such company; but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned, unsatisfied in whole or in part. 10 15 20

Negotiable
instruments.

17. The company shall have power to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promissory note made and endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, and under the authority of a majority of a quorum of the directors shall be binding on the company; and every promissory note or bill of exchange, made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be for the company, until the contrary be shown, and shall be valid and binding on the company in the hands of a *bona fide* holder for value, without notice of the same being unauthorized, whether authorized as aforesaid or not; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note, or bill of exchange, be thereby subjected individually to any liability whatever, unless the same shall be unauthorized, when, the parties signing the same shall be liable to the said company for all loss or damage the said company may sustain by reason thereof, or by the payment thereof, and unless any such bill or note shall have been given for wages to servants or employees of the company: Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money, or as the notes of a bank. 25 30 35 40 45 50

Power and
duties of di-
rectors.

18. The directors of the company shall have full power in all things to administer the affairs of the company, and may make or cause to be made for the company, any description of contract which the company may by law enter into; and may from time to time make by-laws not contrary to law nor to this Act: to regulate the allotment of stock; the making of calls 55

thereon, the payment thereof: the issue and registration of certificates of stock: the forfeiture of stock for non-payment, the disposal of forfeited stock, and of the proceeds thereof: the transfer of stock: the declaration and payment of dividends,
 5 whether on stock or on payments for fuel: the number and payment of directors: the appointment, functions, duties and removal of all agents, officers and servants of the company: the security to be given by them to the company and their remunerations: the place where the annual meetings shall be held within
 10 the Province of Ontario: the calling of meetings regular and special of the board of directors and of the company: the requirements as to proxies and the procedure in all things at such meetings: the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law: and generally all such
 15 by-laws as shall appear to them proper and necessary touching the well ordering and conduct in all other particulars of the affairs of the company: and may from time to time repeal, amend and re-enact the same; but no such by-law nor any repeal, amendment or re-enactment thereof, except for the purpose of
 20 regulating the working of the said company, the appointment, functions, duties and removal of agents, officers and servants of the company, the security to be given by them to the company, and their remuneration shall have any force or effect until confirmed at the annual general or a special meeting called for the pur-
 25 pose of taking the same into consideration and confirming or annulling the same, and in default of confirmation thereat shall be of no force or effect: Provided always, that one-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof, for the transaction
 30 of any business specified in such written requisition, and notice as they may issue to that effect.

19. A copy of any by-law of the company under their seal and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all the
 35 courts of law and equity in Ontario. Evidence of by-laws.

20. The stock of the company shall be deemed personal estate, and shall be transferable in such manner only and subject to all such conditions as by this Act or by-laws of the Company are or shall be prescribed. Stock, personal estate.

40 21. It shall be the duty of the directors of this company to make yearly or half-yearly dividends, of so much of the profits of the said company as to them may seem advisable: said dividends to be declared on the paid up stock, and deposits paid in on account of the purchase of fuel according to the by-laws of the
 45 company. Dividends.

22. The said company shall not be bound to see to the execution of any trust whether express, implied or constructive in respect of any share: and the receipt of the shareholders in whose names the same may stand in the books of the company,
 50 shall be a valid and binding discharge to the company for any dividend, or money payable in respect of such share and whether or not notice of such trust has been given to the said company, and the company shall not be bound to see to the application of the money paid on such receipt. Company not liable in respect of trusts.

55 23. The directors of the said company are hereby authorized Power to borrow money.

and empowered from time to time, to borrow for the purposes of the company any sum or sums of money, and for that purpose to issue bonds or debentures on such terms as they may think proper, and may pledge all the property or income of the said company, or either the property or income of said company or any part thereof for the re-payment of the money so raised or borrowed, and the payment of the interest thereon as may be expressed in said bonds or debentures, which shall form a charge accordingly, and such bonds or debentures shall be in such forms and for such amount and payable at such times and places as the directors from time to time may appoint and direct, the said bonds or debentures shall be signed by the president or vice-president, and shall have the corporation seal of the company affixed thereto: Provided always, that the consent of three-fourths in value of the stockholders of the company shall be first had and obtained at a special meeting to be called and held for that purpose: Provided also, that the said company shall not be authorized at any time to borrow a sum exceeding one-half the amount of the capital stock then paid up.

No. 82.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to Incorporate The Toronto Fuel Association.

1st Reading, 27th January, 1873.

(PRIVATE BILL.)

Hon M. C. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to Incorporate "The Toronto Fuel Association."

WHEREAS John Fiskin, William D. Mathews, George Laidlaw, William B. Scarth, John S. Playfair, Robert Armstrong, Emerson Coatsworth, Alexander M. Smith, Robert Jaffray, and William B. McMurich, have by their petition represented that a large saving would be ensured to the citizens of Toronto, in the price of fuel by the purchase of the same in large quantities conjointly, and to carry out this object have prayed that an Act might be passed incorporating a company by the name of "The Toronto Fuel Association;" And whereas it is expedient to grant the prayer of the said petitioners:

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

1. John Fiskin, William D. Mathews, George Laidlaw, William B. Scarth, John S. Playfair, Robert Armstrong, Emerson Coatsworth, Alexander M. Smith, Robert Jaffray and William B. McMurich, together with such other persons and corporations as shall become shareholders of the company hereby incorporated, shall be and are hereby made and constituted a body corporate and politic, by the name of "The Toronto Fuel Association."

Incorporation

Corporate name.

2. The said corporation is hereby constituted for the purpose of purchasing and selling coal, wood, peat, and other material for the purpose of being used as fuel, and for these purposes may acquire and hold by purchase, lease, or other legal title, such personal property, and such lands, not at any time exceeding four thousand acres in superficies, and construct and maintain such buildings, machinery and other erections and improvements thereon, or connected therewith as the company may deem for its advantage, with power to sell and convey any of such lands or other property as the said company may think fit: and may hold, use and enjoy all such property, privilege and rights for the purpose of carrying on said business in all its branches, under the provisions of this Act.

Powers and business of the company.

3. The capital stock of the said company shall be one hundred thousand dollars, in shares of twenty dollars each, and such shares shall be and are hereby vested in the several persons who shall subscribe for the same, and be deemed personal estate, and shall be assignable at the place of business of the corporation in the City of Toronto, and according to such form as the directors shall prescribe; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this bill, and all the rest and residue of the said money shall be applied toward the purchas-

Capital stock and shares.

How to be expended.

ing of fuel and land and personal property, and such other property as may be required in carrying on the business of the said company.

Increasing capital.

4. The directors of the company, if they see fit at any time after the whole of the capital stock shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the company, to an amount not exceeding two hundred thousand dollars, which they may consider requisite in order to the due carrying out of the objects of the company, and such by-law shall declare the number and shares of the new stock, and may prescribe the manner in which the shares be allotted, and in default of its so doing the whole of such allotment shall be held to rest absolutely in the directors: Provided, that no by-law for increasing the capital stock of the company shall have any force or effect whatever, until after it shall be sanctioned by a vote of not less than three-fourths in value of the shareholders at a general meeting of the company, duly called for considering the same.

When subscriptions shall be binding.

5. No subscription for stock in the capital of the company, shall be binding on the company unless ten per centum of the amount has been actually paid thereon to the company, after call made for same, into one of the chartered banks of this Province to the credit of the company, and not to be withdrawn except for the purposes of the company.

How the stock to be paid.

If not paid promptly, interest to be charged.

Forfeiture for non-payment.

6. The capital stock shall be paid by the subscribers therefor when, and as the directors of the company shall require or as the by-laws provide: and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the directors with interest thereon after such demand or notice as the by-law prescribes, and within the time limited by such notice, the directors may by vote reciting the fact and duly recorded in their records, summarily forfeit any shares whereon 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 or votes of the company may provide.

Aliens may be shareholders.

7. Aliens 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 be also eligible to hold all the offices in the said company.

Provisional directors.

8. The said John Fiske, William D. Mathews, George Laidlaw, William B. Scarth, John S. Playfair, Robert Armstrong, Emerson Coatsworth, Alexander M. Smith, Robert Jaffray and William B. McMurrich, shall be provisional directors of the said company; and shall severally hold their offices until the first election of directors, which first election shall take place so soon as the amount of stock hereinafter named is subscribed and the percentage thereon paid up; and for the purpose of election, the provisional directors herein named may appoint any place in the City of Toronto where such election may be held, by giving one month's previous notice, to be published in one or more daily papers in said city, at least three separate times and in the *Ontario Gazette*; such election to be by ballot: and

said provisional directors shall have power to open stock books, receive subscriptions of stock or shares, and payments on account of purchase of fuel from non-stockholders; direct how the same shall be paid; to receive payments thereon; and generally
5 to do all matters and things necessary for the full organization and working of the company.

9. The affairs of the company shall be under the control of, and shall be managed and conducted by a board of not less than nine nor more than thirteen directors; and the directors
10 to be elected under the provisions of this Act, shall each be stockholders to an amount of not less than five hundred dollars, and shall be elected on the first Wednesday in the month of April in every year after that in which the company goes into operation, at the City of Toronto, unless otherwise provided by
15 the by-laws of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and five members of such board present in person shall be a quorum thereof: and in case of the death, resignation, removal, or disqualification of any directors, such board if they
20 see fit, may fill the vacancy until the next annual meeting of the company, 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.

Directors, their election and qualification.

Vacancies how filled.

25 10. At all meetings of the company, every shareholder not being in arrear in respect of 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: Pro-
30 vided always, the proxy is held by a shareholder not in arrear, and as in conformity with the by-law.

Manner of voting.

Proviso.

11. The board of directors may employ one or more of their number as paid director or directors, and the directors shall be entitled to receive fees for attendance at all meetings duly
35 convened, at which they shall be present in person, as regulated by their said by-laws.

Paid directors.

12. As soon as shares to the amount of ten thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid up, the provisional
40 directors shall call a general meeting of the subscribers for the said capital stock, who shall have so paid up ten per centum thereof for the purpose of electing permanent directors of said company as herein provided.

First general meeting of directors.

13. The said board of directors shall elect and appoint a pre-
45 sident and a vice-president and the necessary officers, and may remove the latter at pleasure and fill up vacancies from time to time, but the said president and vice-president shall be elected annually, immediately after the election of directors, except that in filling up a vacancy, the election may be made at any time.

Election of president and officers, and filling vacancies.

50 14. The said company shall have power to receive, take and retain otherwise than in stock and shares in the said company, from any person or persons requiring, or who wish to be supplied with fuel by the said company, such payment or payments or sum or sums of money, on account of the purchase thereof.

Power to receive payments in advance for fuel.

as they shall by their rules, regulations and by-laws determine; and the paid in and subscribed capital of the company shall be liable for the amount so received or taken by the company.

Liability of
the share-
holders.

15. The shareholders of the said 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 amount of their respective shares in the capital stock thereof.

Shareholders
liable for debts
due to em-
ployees.

16. The shareholders in the said company shall be jointly and severally liable for all debts due and owing to any of the labourers and servants thereof, for services performed for such company; but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned, unsatisfied in whole or in part.

Negotiable
instruments.

17. The company shall have power to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promissory note made and endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, and under the authority of a majority of a quorum of the directors shall be binding on the company: and every promissory note or bill of exchange, made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shown, and shall be valid and binding on the company in the hands of a *bona fide* holder for value, without notice of the same being unauthorized, whether authorized as aforesaid or not; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note, or bill of exchange, be thereby subjected individually to any liability whatever, unless the same shall be unauthorized, when, the parties signing the same shall be liable to the said company for all loss or damage the said company may sustain by reason thereof, or by the payment thereof, and unless any such bill or note shall have been given for wages to servants or employees of the company: Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money, or as the notes of a bank.

Power and
duties of di-
rectors.

18. The directors of the company shall have full power in all things to administer the affairs of the company, and may make or cause to be made for the company, any description of contract which the company may by law enter into; and may from time to time make by-laws not contrary to law nor to this Act; to regulate the allotment of stock; the making of calls

thereon, the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment, the disposal of forfeited stock, and of the proceeds thereof; the transfer of stock; the declaration and payment of dividends, whether on stock or on payments for fuel; the number and payment of directors; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company and their remunerations; the place where the annual meetings shall be held within the Province of Ontario; the calling of meetings regular and special of the board of directors and of the company; the requirements as to proxies and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and generally all such by-laws as shall appear to them proper and necessary touching the well ordering and conduct in all other particulars of the affairs of the company; and may from time to time repeal, amend and re-enact the same; but no such by-law nor any repeal, amendment or re-enactment thereof, except for the purpose of regulating the working of the said company, the appointment, functions, duties and removal of agents, officers and servants of the company, the security to be given by them to the company and their remuneration shall have any force or effect until confirmed at the annual general or a special meeting called for the purpose of taking the same into consideration and confirming or annulling the same, and in default of confirmation thereat shall be of no force or effect: Provided always, that one-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition, and notice as they may issue to that effect.

19. A copy of any by-law of the company under their seal and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all the courts of law and equity in Ontario. Evidence of by-laws.

20. The stock of the company shall be deemed personal estate, and shall be transferable in such manner only and subject to all such conditions as by this Act or by-laws of the Company are or shall be prescribed. Stock, personal estate.

21. It shall be the duty of the directors of this company to make yearly or half-yearly dividends, of so much of the profits of the said company as to them may seem advisable; said dividends to be declared on the paid up stock, and deposits paid in on account of the purchase of fuel according to the by-laws of the company. Dividends.

22. The said company shall not be bound to see to the execution of any trust whether express, implied or constructive in respect of any share: and the receipt of the shareholders in whose names the same may stand in the books of the company, shall be a valid and binding discharge to the company for any dividend, or money payable in respect of such share and whether or not notice of such trust has been given to the said company, and the company shall not be bound to see to the application of the money paid on such receipt. Company not liable in respect of trusts.

23. The directors of the said company are hereby authorized Power to borrow money.

and empowered from time to time, to borrow for the purposes of the company any sum or sums of money, and for that purpose to issue bonds or debentures on such terms as they may think proper, and may pledge all the property or income of the said company, or either the property or income of said company or any part thereof for the re-payment of the money so raised or borrowed, and the payment of the interest thereon as may be expressed in said bonds or debentures, which shall form a charge accordingly, and such bonds or debentures shall be in such forms and for such amount and payable at such times and places as the directors from time to time may appoint and direct, the said bonds or debentures shall be signed by the president or vice-president, and shall have the corporation seal of the company affixed thereto: Provided always, that the consent of three-fourths in value of the stockholders of the company shall be first had and obtained at a special meeting to be called and held for that purpose: Provided also, that the said company shall not be authorized at any time to borrow a sum exceeding one-half the amount of the capital stock then paid up.

82

No. 82.

 2nd Session, 2nd Parliament, 36 Victoria, 1873.

An Act to incorporate "The Toronto Fuel Association."

1st Reading, 27th January, 1873.

2nd Reading, 21st February, 1873.

3rd Reading, 25th February, 1873.

Hon. M. C. CAMERON.

 TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate The Toronto Financial Corporation.

WHEREAS the persons hereinafter named, and others, propose to establish a joint-stock company, and have petitioned for an Act of Incorporation for the said company :

Preamble.

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

1. David Galbraith, Donald Mackay, James Watson, James Scott, and William Henry Dunsbaugh, all of the City of Toronto, merchants; John Kerr, and John Enoch Thompson, of said city, accountants; and William Mortimer Clark, of said city, barrister-at-law; and Plummer Dewar, of the City of Hamilton, Esquire, Robert Hunter, of the City of Toronto, printer, and all other person and persons, body and bodies politic, as shall from time to time be possessed of any share or shares in the undertaking shall be united into a company, and shall be one body politic and corporate by the name of "The Toronto Financial Corporation," and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name shall sue and be sued, plead and be impleaded in all courts whatsoever.

Incorporation.

Corporate name.

2. The capital stock of the company shall be two hundred thousand dollars, divided into four thousand shares of fifty dollars each: Provided that stock to the amount of fifty thousand dollars shall be subscribed and twenty-five thousand dollars thereof paid up before the company shall go into operation, and for every year thereafter at least a further sum of ten per centum upon the allotted stock of the company may be called in and made payable until the whole shall have been so called in.

Capital stock.

Proviso.

3. The company may acquire, hold, and dispose of the stocks, bonds, debentures, and municipal securities, and the obligations of corporate companies, and Government stocks or debentures, and may buy and sell debts secured by mortgage or pledge of freehold or leasehold lands, and may advance or loan money on such securities.

Company may acquire certain securities.

4. The directors may from time to time with the consent of the shareholders present or represented in a general meeting, borrow money on the debentures of the company at such rates of interest and upon such terms as they may think proper; and the directors may for that purpose make or cause to be made debentures, under the common seal of the company, for sums not less than one hundred dollars, which may be payable at any place, and either to order or bearer, and may have interest

Borrowing powers of the company.

- Proviso. coupons attached; Provided that no lenders shall be required or bound to enquire into the occasion of any such loan or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted; and the said company may receive money on deposit: Provided that the aggregate amount of such deposits, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of cash and securities, at their cash value, belonging to the company, and shall at no time exceed the paid up capital of the company. 5 10
- May act as a trust association and deal in certain securities. 5 The company is empowered to act as an agency; and may hold, invest, and deal with such moneys, mortgages, securities, or debts as shall from time to time be transferred or delivered to the company, upon trust or as agents; and may exercise all the rights which parties so transferring or delivering the same might or could exercise; and the company may give such guarantee as may be agreed on for repayment of principal and interest, or both, of any such moneys, mortgages, or debts. 15
- May hold lands. 6. The company may hold such real estate, including lands actually required by them for an office in the City of Toronto, as may be acquired by them for the protection of their investments, and may from time to time sell, mortgage, lease, or otherwise dispose of the same: Provided always that the company shall sell any such real estate, the premises occupied by the company as aforesaid excepted, within five years after so acquiring it; and that the same shall not at any time exceed in annual value the sum of ten thousand dollars. 20 25
- Proviso. 7. The head office of the company shall be in Toronto, but the company may have offices in such other places as the directors may appoint, and may appoint agents to manage them and for such other purposes as the directors shall determine; and the debentures, coupons, or dividends of the company may be payable at any place in Toronto or elsewhere. 30
- Offices of the company. 8. The transmission of the interest in any share of the capital stock, in consequence of marriage, death, or insolvency of a shareholder, or by any other means that an ordinary transfer shall be authenticated and made in such form by such proof, and generally in such manner as the directors shall from time to time require, or by by-law direct. 35
- Transfer of shares. 9. Interest shall accrue and fall due at the rate of six per centum per annum upon the amount of any unpaid call from the day appointed for payment of such call. 40
- Interest on calls overdue. 10. The company may enforce payment of all calls and interest thereon by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrears amount, in respect of one call or more, upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the Company under this Act, and a certificate under their seal, and purporting to be signed by the president, secretary, or general manager of the company, to the effect that the defendant is a shareholder, that such call or calls 45 50
- Action for calls.

have been made, and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

11. If after such demand or notice, as the by-laws of the company may prescribe, any call made upon any share or shares 5 be not paid within such time as by such by-laws may be limited in that behalf, the directors, in their discretion, by vote to that effect, reciting the facts, and the same being duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the 10 property of the company, and may be disposed of as by by-law or otherwise they shall ordain.

12. The shareholders of the company shall have full power in all things to administer the affairs of the company; and to make 15 by-laws regulating the issue and registration of certificates of stock; the increase of capital stock; the transfer of stock; the calling in of amounts due on subscribed stock; the declaration and payment of dividends; the number of directors; their term of service; the amount of their stock qualification; the appointment, functions, duties, and removal of all agents, officers, and 20 servants of the company; the security to be given by them to the company; their remuneration; and that, if any, of the directors; the place or places where the annual meeting of the company shall be held, and where the business of the company shall be conducted; the calling of meetings, regular and special, of 25 the board of directors of the company; the quorum; the requirements as to proxies; and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct of all other particulars of the affairs of the company; and may 30 from time to time repeal, amend, or re-enact the same.

13. Every shareholder in the company shall be entitled to one vote for each share he may hold in the capital stock of the company, at least one month prior to the time of voting: Pro- 35 vided that no shareholder being in arrears in respect of any call shall be entitled to vote at any meeting of the company, and the votes of the shareholders may be given in person or by proxy.

14. A copy of any by-law of the company under their seal, and purporting to be signed by any of the officers aforesaid, shall 40 be received as *prima facie* evidence of such by-law in all courts of law and equity in this Province.

15. So soon as fifty thousand dollars of the capital stock shall have been subscribed and twenty-five thousand dollars thereof paid up, the directors shall call a general meeting of the 45 shareholders, to be held in the City of Toronto, of which meeting not less than one month's notice shall have been given by public advertisement in the *Ontario Gazette*, for the purpose of passing by-laws for the management of the affairs of the company; the election of directors; the appointment of officers; and 50 generally for the exercise of the powers conferred on the shareholders by the twelfth section of this Act.

16. So soon as directors shall have been appointed under the next preceding section, the powers and functions of the provisional directors shall cease and determine.

Forfeiture of shares for non payment

Shareholders may make by-laws.

Voting.

Proviso.

Proof of by-laws.

First meeting of shareholders.

Powers of provisional directors to cease.

Failure of election of directors not to dissolve company.

17. If, at any time, an election of directors be not made, or do not take effect, at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company duly called for that purpose.

Annual meetings.

18. The general annual meeting of the company shall be held on the last Wednesday of the month of January in each year; and at such meeting a full and detailed statement of the financial affairs of the company up to the thirty-first day of December, of the year then last past, shall be submitted to the stockholders, and shall appear in the books of the company, and be open for the inspection of the shareholders; but such annual general meeting may be adjourned to a future day, with the consent of a majority of the stockholders present or represented at the meeting.

Notice of meetings.

19. Annual general meetings and special general meetings of shareholders of the company shall be called by public notice advertised for at least one month in one or more of the newspapers published in Toronto and in the *Ontario Gazette*.

Books to be kept.

20. The company shall cause a book or books to be kept by the treasurer, or by some other officer specially charged with that duty, wherein shall be kept recorded:—

By-laws.

1. A correct copy of the Act incorporating the company, as also of any and every by-law thereof;

Names.

2. The names, alphabetically arranged, of all persons who are, or have been shareholders;

Address.

3. The address and calling of every such person while such shareholder;

Shares.

4. The number of shares of stock held by each shareholder;

Transfers.

5. All transfers of stock in their order, as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof;

Address of directors &c.

6. The names, address, and calling of all persons who are, or who have been, directors of the company, with the several dates at which each became, or ceased to be, such director.

Effect of transfer until entered.

21. No transfer of stock shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferees liable, *ad interim*, jointly and severally with the transferor to the company and their creditors, until entry thereof has been duly made in such book or books.

Stock books to be open to stockholders and creditors.

22. The stock and transfer books shall, during reasonable business hours of every day, except Sunday and statutory holidays, be kept open for the inspection of shareholders and creditors of the company and their personal representatives, at the office or chief place of business of the company, and every shareholder, creditor, or representative may make extracts therefrom.

Effect of books as evidence.

23. Such books shall be *prima facie* evidence of all facts purporting to be therein stated in any suit or proceeding against the company or against any shareholder.

Penalty for untrue entries.

24. Every director, officer, or servant of the company who knowingly makes, or assists to make, any untrue entry in any

such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts taken therefrom, shall be liable to a penalty not exceeding twenty dollars for making each such untrue entry, and for each refusal or neglect, and also for all loss or damage which any party interested may have sustained thereby.

25. 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 shareholder in whose name the same may stand in the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect to such shares, and whether or not such 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 receipt.

Company not bound to see to trusts.

26. Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted, or endorsed, and any cheque made, drawn or endorsed 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, not inconsistent with this Act, shall be binding upon the company, and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the company be thereby subjected to any individual liability whatever to any third party therefor.

Contracts by the company how to be executed.

27. Each shareholder, until the whole of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid thereon; 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 shall be the amount recoverable, with costs, against such shareholder.

Liability of shareholders to creditors of the company.

28. 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 amount of their respective shares in the capital stock thereof.

Limit of shareholder's liability.

29. Any description of action may be prosecuted and maintained between the company and any shareholder thereof; and no shareholder, not being himself a party to such suit shall be incompetent as a witness therein; and the officers of the company shall be competent witnesses in all actions brought by or against the company.

Actions and witnesses.

30. The capital stock of the said company may be increased to five hundred thousand dollars, and each increase may be agreed upon by the shareholders at any annual general meeting or at any meeting specially called, from time to time, for that purpose by the usual notice for special meetings; and such increase may be agreed on by such proportions at a time as the

Increase of stock.

shareholders shall determine, and shall be decided by a majority of the shareholders present at such meetings, either in person or by proxy.

Allotment of
new stock.

31. Any new stock of the said company to be issued on any such increase of capital stock, shall be allotted to the other shareholders of the said company *pro rata* at par, or at such premium as shall be fixed by the directors: Provided always that any such increased stock which shall not be taken up by any shareholder within three months from the time when notice of the allotment has been mailed to his address by post from Toronto, may be opened for subscription to the public in such manner and on such terms as the directors shall determine. 5 10

Annual state-
ment.

32. The company shall make and furnish to the Lieutenant-Governor, and to the Legislative Assembly of Ontario, during the first fifteen days of the session, in each and every year, a full and unreserved statement, verified on oath, of the affairs of the said company, and of its funds, property and securities. 15

No. 83.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate the Toronto Financial Corporation.

First Reading, 27th January, 1873.

(PRIVATE BILL.)

Mr. HODGINS.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate "The Toronto Financial Corporation."

WHEREAS the persons hereinafter named, and others, Preamble.
propose to establish a joint-stock company, and have
petitioned for an Act of Incorporation for the said company:

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

1. David Galbraith, Donald Mackay, James Watson, James Incorporation.
Scott, and William Henry Dunsbaugh, all of the City of
Toronto, merchants; John Kerr, and John Enoch Thompson,
of said city, accountants; and William Mortimer Clark, of said
city, barrister-at-law; and Plummer Dewar, of the City of
Hamilton, Esquire, Robert Hunter, of the City of Toronto,
printer, and all other person and persons, body and bodies
politic, as shall from time to time be possessed of any share or
shares in the undertaking shall be united into a company, and
shall be one body politic and corporate, by the name of "The Corporate
Toronto Financial Corporation," and by that name shall have name.
perpetual succession and a common seal, with power to break
and alter such seal; and by that name shall sue and be sued,
plead and be impleaded in all courts whatsoever.

2. The capital stock of the company shall be two hundred Capital stock.
thousand dollars, divided into four thousand shares of fifty
dollars each: Provided that stock to the amount of fifty Proviso.
thousand dollars shall be subscribed and twenty-five thousand
dollars thereof paid up and deposited to the credit of the said
company into some chartered bank in this Province before the
company shall go into operation, and for every year thereafter
at least a further sum of ten per centum upon the allotted stock
of the company shall be called in and made payable until the
whole shall have been so called in.

3. The company may acquire, hold, and dispose of stocks, Company may
bonds, debentures, and municipal securities, and the obligations acquire certain
of corporate companies, and Government stocks or debentures, securities.
and may buy and sell debts secured by mortgage or pledge of
freehold or leasehold lands, and may advance or loan money on
such securities.

4. The directors may from time to time, with the consent of Borrowing
the shareholders present or represented in a general meeting, powers of the
borrow money on the debentures of the company, at such rates company.
of interest and upon such terms as they may think proper; and
the directors may for that purpose make or cause to be made
debentures, under the common seal of the company, for sums

not less than one hundred dollars, which may be payable at any place, and either to order or bearer, and may have interest coupons attached; Provided that no lenders shall be required or bound to enquire into the occasion of any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted; and the said company may receive money on deposit: Provided that the aggregate amount of such deposits, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of cash and securities, at their cash value, belonging to the company, and shall at no time exceed the paid up capital of the company.

5. The company is empowered to act as an agency; and may hold, invest, and deal with such moneys, mortgages, securities, or debts as shall from time to time be transferred or delivered to the company, upon trust or as agents; and may exercise all the rights which parties so transferring or delivering the same might or could exercise; and the company may give such guarantee as may be agreed on for repayment of principal and interest, or both, of any such moneys, mortgages, or debts.

6. The company may hold such real estate, including lands actually required by them for an office in the City of Toronto, as may be acquired by them for the protection of their investments, and may from time to time sell, mortgage, lease, or otherwise dispose of the same: Provided always, that the company shall sell any such real estate, the premises occupied by the company as aforesaid excepted, within five years after so acquiring it; and that the same shall not at any time exceed in annual value the sum of ten thousand dollars.

7. The head office of the company shall be in Toronto, but the company may have offices in such other places as the directors may appoint, and may appoint agents to manage them and for such other purposes as the directors shall determine; and the debentures, coupons, or dividends of the company may be payable at any place in Toronto or elsewhere.

8. The transmission of the interest in any share of the capital stock, in consequence of marriage, death, or insolvency of a shareholder, or by any other means than an ordinary transfer shall be authenticated and made in such form, by such proof, and generally in such manner as the directors shall from time to time require, or by by-law direct.

9. Interest shall accrue and fall due at the rate of six per centum per annum upon the amount of any unpaid call from the day appointed for payment of such call.

10. The company may enforce payment of all calls and interest thereon by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrears amount, in respect of one call or more, upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the company under this Act, and a certificate under their seal, and purporting to be signed by the president, secretary, or general manager of the company, to the effect that the defendant is a shareholder, that such call or calls

have been made, and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

11. If after such demand or notice, as the by-laws of the company may prescribe, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the directors, in their discretion, by vote to that effect, reciting the facts, and the same being duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made, and the sum shall thereupon become the property of the company, and may be disposed of as by by-law or otherwise they shall ordain.

Forfeiture of shares for non-payment.

12. The shareholders of the company shall have full power in all things to administer the affairs of the company; and to make by-laws regulating the issue and registration of certificates of stock; the increase of capital stock; the transfer of stock; the calling in of amounts due on subscribed stock; the declaration and payment of dividends; the number of directors; their term of service; the amount of their stock qualification; the appointment, functions, duties, and removal of all agents, officers, and servants of the company; the security to be given by them to the company; their remuneration; and that, if any, of the directors; the place or places where the annual meeting of the company shall be held, and where the business of the company shall be conducted; the calling of meetings, regular and special, of the board of directors of the company; the quorum; the requirements as to proxies; and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct of all other particulars of the affairs of the company; and may from time to time repeal, amend, or re-enact the same.

Shareholders may make by-laws.

13. Every shareholder in the company shall be entitled to one vote for each share he may hold in the capital stock of the company, at least one month prior to the time of voting; provided that no shareholder being in arrears in respect of any call shall be entitled to vote at any meeting of the company, and the votes of the shareholders may be given in person or by proxy.

Voting. Proviso.

14. A copy of any by-law of the company under their seal, and purporting to be signed by any of the officers aforesaid, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in this Province.

Proof of by-laws.

15. So soon as fifty thousand dollars of the capital stock shall have been subscribed, and twenty-five thousand dollars thereof paid up and deposited as aforesaid, the directors shall call a general meeting of the shareholders, to be held in the City of Toronto, of which meeting not less than one month's notice shall have been given by public advertisement in the *Ontario Gazette*, for the purpose of passing by-laws for the management of the affairs of the company; the election of directors; the appointment of officers; and generally for the exercise of the powers conferred on the shareholders by the twelfth section of this Act.

First meeting of shareholders.

16. So soon as directors shall have been appointed under the next preceding section, the powers and functions of the provisional directors shall cease and determine.

Powers of provisional directors to cease.

Failure of election of directors not to dissolve company **17.** If, at any time, an election of directors be not made, or do not take effect, at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company duly called for that purpose.

Annual meetings. **18.** The general annual meeting of the company shall be held on the last Wednesday of the month of January in each year; and at such meeting a full and detailed statement of the financial affairs of the company up to the thirty-first day of December, of the year then last past, shall be submitted to the stockholders, and shall appear in the books of the company, and be open for the inspection of the shareholders; but such annual general meeting may be adjourned to a future day, with the consent of a majority of the stockholders present or represented at the meeting.

Notice of meetings. **19.** Annual general meetings and special general meetings of shareholders of the company shall be called by public notice advertised for at least one month in one or more of the newspapers published in Toronto and in the *Ontario Gazette*.

Books to be kept. **20.** The company shall cause a book or books to be kept by the treasurer, or by some other officer specially charged with that duty, wherein shall be kept recorded:—

By-laws. 1. A correct copy of the Act incorporating the company, as also of any and every by-law thereof;

Names. 2. The names, alphabetically arranged, of all persons who are, or have been shareholders;

Address. 3. The address and calling of every such person while such shareholder;

Shares. 4. The number of shares of stock held by each shareholder;

Transfers. 5. All transfers of stock in their order, as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof;

Address of directors, etc. 6. The names, address, and calling of all persons who are, or who have been, directors of the company, with the several dates at which each became, or ceased to be, such director.

Effect of transfer until entered. **21.** No transfer of stock shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferees liable, *ad interim*, jointly and severally with the transferor to the company and their creditors, until entry thereof has been duly made in such book or books.

Stock books to be open to stockholders and creditors. **22.** The stock and transfer books shall, during reasonable business hours of every day, except Sunday and statutory holidays, be kept open for the inspection of shareholders and creditors of the company and their personal representatives, at the office or chief place of business of the company, and every shareholder, creditor, or representative, may make extracts therefrom.

Effect of books as evidence. **23.** Such books shall be *prima facie* evidence of all facts purporting to be therein stated in any suit or proceeding against the company or against any shareholder.

Penalty for untrue entries. **24.** Every director, officer, or servant of the company who knowingly makes, or assists to make, any untrue entry in any

such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected, and extracts taken therefrom, shall be liable to a penalty not exceeding twenty dollars for making each such untrue entry, and for each refusal or neglect, and also for all loss or damage which any party interested may have sustained thereby.

25. 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 shareholder in whose name the same may stand in the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect to such shares, and whether or not such 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 receipt.

Company not bound to see to trusts.

26. Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted, or endorsed, and any cheque made, drawn or endorsed 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, not inconsistent with this Act, shall be binding upon the company, and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the company be thereby subjected to any individual liability whatever to any third party therefor.

Contracts by the company, how to be executed.

27. Each shareholder, until the whole of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid thereon; 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.

Liability of shareholders to creditors of the company.

28. 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 amount of their respective shares in the capital stock thereof.

Limit of shareholder's liability.

29. Any description of action may be prosecuted and maintained between the company and any shareholder thereof.

Actions and witnesses.

30. The capital stock of the said company may, from time to time, be increased to a sum not exceeding in the whole the sum of five hundred thousand dollars, and any such increase shall be agreed upon by the shareholders at any annual general meeting or at any meeting specially called, from time to time, for that purpose by the usual notice for special meetings; and such increase may be agreed on by such proportions at a time as the shareholders shall determine, and shall be decided by a majority of the shareholders present at such meetings, either in person or by proxy.

Increase on stock.

Allotment of
new stock.

31. Any new stock of the said company to be issued on any such increase of capital stock, shall be allotted to the other shareholders of the said company *pro rata* at par, or at such premium as shall be fixed by the directors: Provided always, that any such increased stock which shall not be taken up by any shareholder within three months from the time when notice of the allotment has been mailed prepaid to his address by post from Toronto, may be opened for subscription to the public in such manner and on such terms as the directors shall determine: the premium, if any, received on such increased stock shall be carried to the rest or reserve fund of the company.

Company not
to engage in
banking.

32. Nothing in this Act contained shall authorize the said company to engage in the business of banking, or to issue any note of a character to be circulated as money or as the notes of a bank.

Annual state-
ment.

33. The company shall make and furnish to the Lieutenant-Governor, and to the Legislative Assembly of Ontario during the first fifteen days of the session, in each and every year, a full and unreserved statement, verified on oath, of the affairs of the said company, and of its funds, property and securities.

83

An Act to incorporate "The Toronto Financial Corporation."

1st Reading, 27th January, 1873.

2nd Reading, 19th February, 1873.

3rd Reading, 21st February, 1873.

Mr. HODGINS.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to provide for the permanent establishment of certain Side Lines in the Townships of Whitby and East Whitby.

WHEREAS by the petition of freeholders of lots numbers thirteen, fourteen, fifteen, sixteen and seventeen, in the first concession of the Township of East Whitby, and lots numbers eighteen, nineteen and twenty in the first concession of the Township of Whitby, in the County of Ontario, it appears, that nearly all the side lines of the said lots have been run and defined many years ago, that side roads have been opened up, travelled, and improved by statute labour and otherwise, lands have been cleared and improved, and buildings erected agreeably to the lines so run and defined, in good faith that they were correct: that it has been discovered upon recent and more correct surveys having been made, that none of the said side lines as formerly run are parallel to the governing boundary, as the law requires: that to alter the said side lines now, and place them in their proper positions, would cause great loss and inconvenience to the public, as well as to private individuals, and that it is desirable that the said lines be established and confirmed for all future time, as they now are: And whereas the said freeholders by their petition pray that the said side lines may be so established, confirmed and permanently marked: And it is expedient to grant the prayer of the 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 Councils of the Corporations of the Townships of East Whitby and Whitby respectively, shall within twelve months after the passing of this Act, cause such a survey of the said lots to be made by a provincial land surveyor, as will result in defining on the ground the precise limits thereof, as they were formerly run, or now exist, giving to each road allowance the width of one chain, and where any of the said side lines have not been defined, or cannot now be ascertained, such surveyor shall establish and define the same, by giving to each lot between the nearest lines established as aforesaid, a width in rear proportionate to its width in front, and shall mark the whole by planting permanent cut stone monuments at the front and rear angles of each of the said lots, which shall thereafter be taken to be, and are hereby declared to be, the true and unalterable limits thereof, any law or usage to the contrary notwithstanding: And such surveyor shall deposit a copy of the plan, field notes and report of such survey in the Registry Office of the County of Ontario.

New survey to be made in Whitby and East Whitby.

2. The Councils of the Corporations of the said Townships shall impose and levy a rate upon the said lots in their respective Townships to defray the expense of the said survey, monuments, plan, field notes and report, and all necessary expenses connected therewith.

Rate to be levied to pay for the survey.

An Act to provide for the permanent establishment of certain side lines in the Townships of Whitby and East Whitby.

1st Reading, 27th January, 1873.

2nd Reading, 24th February, 1873.

3rd Reading, 27th February, 1873.

Mr. FARWELL.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to establish and declare the mode in which the side lines of the Lots in the Township of Emily, in the County of Victoria, have been and shall be run.

WHEREAS by the petition of the reeve of the municipal corporation and other inhabitants of the Township of Emily, in the County of Victoria, it appears that great inconvenience has resulted from the running of the side lines between the lots parallel to the governing lines of the township as required by the Act hereinafter mentioned; And whereas the said reeve of the municipal council and inhabitants have prayed that the side lines may be drawn from post to post without regard to the course of the side lines of the township, except the middle line and quarter lines of the said township, to remain as they are, as the said lines are established and made good for several years past; and it is expedient, under the circumstances aforesaid, to grant their prayer;

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

1. For and notwithstanding anything to the contrary in the seventy-first, seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, seventy-eighth, seventy-ninth and eightieth sections of the Act respecting land surveyors and the survey of lands, being chapter seventy-seven of the Consolidated Statutes of Canada, or in the twenty-eighth, twenty-ninth, thirtieth and thirty-first sections of the Act respecting the survey of lands in Upper Canada, chapter ninety-three of the Consolidated Statutes for Upper Canada, or any other Act or law; all the side lines between lots in the Township of Emily shall be so drawn that the side line between any contiguous lots in any concession of the said township shall be a line drawn from the post in the front of the concession to the corresponding post in the rear of the same concession, excepting the middle road and quarter lines, or any other established roads in said township; and any line so drawn shall be declared to be the true side line of the lots between which it shall have been drawn; subject nevertheless, to the middle road quarter lines, and any other established road in said township; subject nevertheless, to the provisions of the said Act relative to the breadth of lots and the mode of ascertaining such breadth where the original post or monuments cannot be found, which provisions shall in any such case apply equally to the posts or boundaries at both ends of the lots: Provided that in case any party should by reason of this Act suffer any injury or damage, such party shall be compensated by the party or parties benefited by such changes.

Preamble.

Side lines in the township of Emily.

Allotment of
new stock.

31. Any new stock of the said company to be issued on any such increase of capital stock, shall be allotted to the other shareholders of the said company *pro rata* at par, or at such premium as shall be fixed by the directors: Provided always, that any such increased stock which shall not be taken up by any shareholder within three months from the time when notice of the allotment has been mailed prepaid to his address by post from Toronto, may be opened for subscription to the public in such manner and on such terms as the directors shall determine: the premium, if any, received on such increased stock shall be carried to the rest or reserve fund of the company.

Company not
to engage in
banking.

32. Nothing in this Act contained shall authorize the said company to engage in the business of banking, or to issue any note of a character to be circulated as money or as the notes of a bank.

Annual state-
ment.

33. The company shall make and furnish to the Lieutenant-Governor, and to the Legislative Assembly of Ontario during the first fifteen days of the session, in each and every year, a full and unreserved statement, verified on oath, of the affairs of the said company, and of its funds, property and securities.

83

No. 83.
2nd Session, 2nd Parliament, 36 Victoria, 1873.

An Act to incorporate "The Toronto Financial Corporation."

1st Reading, 27th January, 1873.

2nd Reading, 19th February, 1873.

3rd Reading, 21st February, 1873.

Mr. HODGINS.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to provide for the permanent establishment of certain Side Lines in the Townships of Whitby and East Whitby.

WHEREAS by the petition of freeholders of lots numbers thirteen, fourteen, fifteen, sixteen and seventeen, in the first concession of the Township of East Whitby, and lots numbers eighteen, nineteen and twenty in the first concession of the Township of Whitby, in the County of Ontario, it appears, that nearly all the side lines of the said lots have been run and defined many years ago, that side roads have been opened up, travelled, and improved by statute labour and otherwise, lands have been cleared and improved, and buildings erected agreeably to the lines so run and defined, in good faith that they were correct: that it has been discovered upon recent and more correct surveys having been made, that none of the said side lines as formerly run are parallel to the governing boundary, as the law requires: that to alter the said side lines now, and place them in their proper positions, would cause great loss and inconvenience to the public, as well as to private individuals, and that it is desirable that the said lines be established and confirmed for all future time, as they now are: And whereas the said freeholders by their petition pray that the said side lines may be so established, confirmed and permanently marked: And it is expedient to grant the prayer of the 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 Councils of the Corporations of the Townships of East Whitby and Whitby respectively, shall within twelve months after the passing of this Act, cause such a survey of the said lots to be made by a provincial land surveyor, as will result in defining on the ground the precise limits thereof, as they were formerly run, or now exist, giving to each road allowance the width of one chain, and where any of the said side lines have not been defined, or cannot now be ascertained, such surveyor shall establish and define the same, by giving to each lot between the nearest lines established as aforesaid, a width in rear proportionate to its width in front, and shall mark the whole by planting permanent cut stone monuments at the front and rear angles of each of the said lots, which shall thereafter be taken to be, and are hereby declared to be, the true and unalterable limits thereof, any law or usage to the contrary notwithstanding: And such surveyor shall deposit a copy of the plan, field notes and report of such survey in the Registry Office of the County of Ontario.

New survey to be made in Whitby and East Whitby.

2. The Councils of the Corporations of the said Townships shall impose and levy a rate upon the said lots in their respective Townships to defray the expense of the said survey, monuments, plan, field notes and report, and all necessary expenses connected therewith.

Rate to be levied to pay for the survey.

BILL.

An Act to provide for the permanent establishment of certain side lines in the Townships of Whiby and East Whiby.

1st Reading, 27th January, 1873.

(*PRIVATE BILL.*)

Mr. FAREWELL.

TORONTO.

PRINTED BY HUNTER, ROSE & CO.

An Act to provide for the permanent establishment of certain Side Lines in the Townships of Whitby and East Whitby.

WHEREAS by the petition of freeholders of lots numbers thirteen, fourteen, fifteen, sixteen and seventeen, in the first concession of the Township of East Whitby, and lots numbers eighteen, nineteen and twenty in the first concession of the Township of Whitby, in the County of Ontario, it appears, that nearly all the side lines of the said lots have been run and defined many years ago, that side roads have been opened up, travelled, and improved by statute labour and otherwise, lands have been cleared and improved, and buildings erected agreeably to the lines so run and defined, in good faith that they were correct: that it has been discovered upon recent and more correct surveys having been made, that none of the said side lines as formerly run are parallel to the governing boundary, as the law requires; that to alter the said side lines now, and place them in their proper positions, would cause great loss and inconvenience to the public, as well as to private individuals, and that it is desirable that the said lines be established and confirmed for all future time, as they now are: And whereas, the said freeholders by their petition pray that the said side lines may be so established, confirmed and permanently marked; and it is expedient to grant the prayer of the 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 Councils of the Corporations of the Townships of East Whitby and Whitby respectively, shall within twelve months after the passing of this Act, cause such a survey of the said lots to be made by a provincial land surveyor, as will result in defining on the ground the precise limits thereof, as they were formerly run, or now exist, giving to each road allowance the width of one chain, and where any of the said side lines have not been defined, or cannot now be ascertained, such surveyor shall establish and define the same, by giving to each lot between the nearest lines established as aforesaid, a width in rear proportionate to its width in front, and shall mark the whole by planting permanent cut stone monuments at the front and rear angles of each of the said lots, which shall thereafter be taken to be, and are hereby declared to be, the true and unalterable limits thereof, any law or usage to the contrary notwithstanding: And such surveyor shall deposit a copy of the plan, field notes and report of such survey in the office of the Commissioner of Crown Lands, and also in the Registry Office of the County of Ontario.

New survey to be made in Whitby and East Whitby:

Registration of survey.

2. The Councils of the Corporations of the said Townships shall impose and levy a rate upon the said lots in their respective Townships to defray the expense of the said survey, monuments, plan, field notes and report, and all necessary expenses connected therewith, and with the procuring of the passing of this Act.

Rate to be levied to pay for the survey.

An Act to provide for the permanent establishment of certain side lines in the Townships of Whitby and East Whitby.

1st Reading, 27th January, 1873.

2nd Reading, 24th February, 1873.

3rd Reading, 27th February, 1873.

MR. FARWELL.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to establish and declare the mode in which the side lines of the Lots in the Township of Emily, in the County of Victoria, have been and shall be run.

WHEREAS by the petition of the reeve of the municipal corporation and other inhabitants of the Township of Emily, in the County of Victoria, it appears that great inconvenience has resulted from the running of the side lines between the lots parallel to the governing lines of the township as required by the Act hereinafter mentioned; And whereas the said reeve of the municipal council and inhabitants have prayed that the side lines may be drawn from post to post without regard to the course of the side lines of the township, except the middle line and quarter lines of the said township, to remain as they are, as the said lines are established and made good for several years past; and it is expedient, under the circumstances aforesaid, to grant their prayer;

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

1. For and notwithstanding anything to the contrary in the seventy-first, seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, seventy-eighth, seventy-ninth and eightieth sections of the Act respecting land surveyors and the survey of lands, being chapter seventy-seven of the Consolidated Statutes of Canada, or in the twenty-eighth, twenty-ninth, thirtieth and thirty-first sections of the Act respecting the survey of lands in Upper Canada, chapter ninety-three of the Consolidated Statutes for Upper Canada, or any other Act or law; all the side lines between lots in the Township of Emily shall be so drawn that the side line between any contiguous lots in any concession of the said township shall be a line drawn from the post in the front of the concession to the corresponding post in the rear of the same concession, excepting the middle road and quarter lines, or any other established roads in said township; and any line so drawn shall be declared to be the true side line of the lots between which it shall have been drawn; subject nevertheless, to the middle road quarter lines, and any other established road in said township; subject nevertheless, to the provisions of the said Act relative to the breadth of lots and the mode of ascertaining such breadth where the original post or monuments cannot be found, which provisions shall in any such case apply equally to the posts or boundaries at both ends of the lots: Provided that in case any party should by reason of this Act suffer any injury or damage, such party shall be compensated by the party or parties benefited by such changes.

Preamble.

Side lines in the township of Emily.

Compensation
how deter-
mined.

2. The compensation to be paid, and persons to pay and receive the same, shall be ascertained by a sworn surveyor and three arbitrators, to be appointed by the judge of the County of Victoria, and their decisions, when approved of by said judge of said County of Victoria, shall be final: Provided also, 5
that all lines heretofore run under and according to the aforesaid Act, or according to the terms of this Act, shall be the true and unalterable side and dividing lines between the lots in the said Township of Emily, except the middle line, quarter lines, and any other established road in the said Township of 10
Emily.

NO. 52.
2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to establish and declare the mode by which the side lines of the lots in the Township of Emily, in the County of Victoria, have been and shall be run.

First Reading, 27th January, 1873.

(PRIVATE BILL.)

Mr. WOOD,
Victoria.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to establish and declare the mode in which the side lines of the Lots in the Township of Emily, in the County of Victoria, shall be run.

WHEREAS by the petition of the Reeve of the municipal corporation and other inhabitants of the Township of Emily, in the County of Victoria, it appears that great inconvenience has resulted from the concessions in the said township having been intended to be made double fronted, but posts not having been in many cases planted at the front and rear angles of the lots in such concessions: And whereas, the said Reeve and inhabitants have by their petition prayed that the side lines in the said township may be drawn and run in manner hereinafter mentioned, and it is expedient to grant the prayer of such petition:

Preamble.

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

- 15 **1.** For and notwithstanding anything to the contrary in the seventy-first and nine following sections of the Act respecting land surveyors and survey of lands, being chapter seventy-seven of the Consolidated Statutes of Canada, or in the twenty-eighth and three following sections of the Act respecting the survey of lands in Upper Canada, chapter ninety-three of the Consolidated Statutes for Upper Canada, or any other Act or law: the side lines between contiguous lots in the said Township of Emily shall (except as hereafter mentioned) be drawn and run in manner following, that is to say:
- 20 **1.** In all cases where posts were as the original survey planted at the front and rear angles of any lot, the side lines of such lot shall be drawn and run from the posts at the front angles to the post at the rear angles whether or not the lines so drawn and run shall be parallel to the governing line;
- 30 **2.** In all cases where posts were in the original survey planted at the front or rear angles of any lot, but not at the front and rear angles, the side lines of such lot shall be drawn and run from the post planted at such front or rear angle (as the case may be) to the front or rear, (as the case may be) of the concession parallel to the governing line;
- 35 **3.** In all cases not provided for by the preceding sub-sections of this section, the side lines between the lots shall be drawn and run from the front angles of the lots to the rear of the concession parallel to the governing line.
- 40 **2.** The lines so drawn and run as aforesaid shall be the true and unalterable side lines of the lots between which they are drawn and run.

Side lines in the township of Emily, how to be run.

Which are to be the true side lines.

Side lines not
affected by this
Act.

3. Nothing in this Act contained shall apply to that side line of any lot which lies between such lot and any road allowance which has heretofore been opened or established, but the boundaries of such road allowance as opened or established shall be and continue the true and unalterable boundaries thereof. 5

The same.

4. Nothing in this Act contained shall apply to any side line between lots which has heretofore been established by law, or by consent of the owners of the lots contiguous thereto.

Persons
injured to be
compensated.

5. In case any person shall suffer any damage or injury by reason of this Act, he shall be compensated therefor by the person benefited by the change effected thereby. 10

Compensation
to be deter-
mined by arbi-
tration.

6. The amount of such compensation, the person by whom and to whom the same shall be paid, and the time and manner of the payment thereof, shall be determined by the award in writing of a sworn surveyor and two arbitrators, who shall be appointed by the Judge of the County Court of the said County of Victoria, and the award of the said surveyor and arbitrators or a majority of them, of and when the same shall be approved of by the said judge shall be final. 15

Costs of
reference.

7. The costs of the reference and award shall be in the discretion of the surveyor and arbitrators or a majority of them, and the award made be summarily enforced in like manner as an award made under the provisions of the Common Law Procedure Act. 20

Enforcing
award.

BILL.

An Act to establish and declare the mode by which the side lines of the lots in the Township of Emily, in the County of Victoria, shall be run.

(Reprinted as amended in committee.)

1st Reading, 27th January, 1873.

(PRIVATE BILL.)

MR. WOOD,
Victoria.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to establish and declare the mode in which the side lines of the Lots in the Township of Emily, in the County of Victoria, shall be run.

WHEREAS by the petition of the Reeve of the municipal corporation and other inhabitants of the Township of Emily, in the County of Victoria, it appears that great inconvenience has resulted from the concessions in the said township having been intended to be made double fronted, but posts not having been in many cases planted at the front and rear angles of the lots in such concessions: And whereas, the said Reeve and inhabitants have by their petition prayed that the side lines in the said township may be drawn and run in manner hereinafter mentioned; and it is expedient to grant the prayer of such petition: Preamble

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

1. For and notwithstanding anything to the contrary in the seventy-first and nine following sections of the Act respecting land surveyors and survey of lands, being chapter seventy-seven of the Consolidated Statutes of Canada, or in the twenty-eighth and three following sections of the Act respecting the survey of lands in Upper Canada, chapter ninety-three of the Consolidated Statutes for Upper Canada, or any other Act or law: the side lines between contiguous lots in the said Township of Emily shall (except as hereafter mentioned) be drawn and run in manner following, that is to say: Side lines in the township of Emily, how to be run.

1. In all cases where posts were in the original survey planted at the front angles, but not at the rear angles of any lot, the side lines of such lot shall be drawn and run from the posts at the front angles to the rear of the concession parallel with the governing line;

2. In all cases where posts were in the original survey planted at the rear angles of any lot, the side lines of such lot shall be drawn and run from the front angles of such lot parallel with the governing line to the centre of the concession, and from thence direct to the post at the rear angle of such lot;

3. In all cases not provided for by the preceding sub-sections of this section, the side lines between the lots shall be drawn and run from the front angles of the lots to the rear of the concession parallel to the governing line.

2. The lines so drawn and run as aforesaid shall be the true and unalterable side lines of the lots between which they are drawn and run. Which are to be the true side lines.

Side lines not
affected by this
Act.

3. Nothing in this Act contained shall apply to that side line of any lot which lies between such lot and any road allowance which has heretofore been opened or established, but the boundaries of such road allowance as opened or established shall be and continue the true and unalterable boundaries thereof.

The same.

4. Nothing in this Act contained shall apply to any side line between lots which has heretofore been established by law, or by consent of the owners of the lots contiguous thereto.

Persons
injured to be
compensated.

5. In case any person shall suffer any damage or injury by reason of this Act, he shall be compensated therefor by the person benefited by the change effected thereby.

Compensation
to be deter-
mined by arbi-
tration.

6. The amount of such compensation, the person by whom and to whom the same shall be paid, and the time and manner of the payment thereof, shall be determined by the award in writing of a sworn surveyor and two arbitrators, who shall be appointed by the Judge of the County Court of the said County of Victoria, and the award of the said surveyor and arbitrators or a majority of them, of and when the same shall be approved of by the said judge shall be final.

Costs of
reference.

Enforcing
award.

7. The costs of the reference and award shall be in the discretion of the surveyor and arbitrators or a majority of them; and the award made be summarily enforced in like manner as an award made under the provisions of the Common Law Procedure Act.

85

No. 85.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

An Act to establish and declare the mode in which the side lines of the Lots in the Township of Emily, in the County of Victoria, shall be run.

First Reading, 27th January, 1873.

Second Reading, 12th February, 1873.

Third Reading, 10th March, 1873.

Mr. WOOD,
(Victoria.)

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate The Hamilton Female Home under the name of "The Home of the Friendless," at Hamilton.

WHEREAS an institution hath existed for some years past Preamble.
 at the City of Hamilton, in the Province of Ontario, under the name of The Hamilton Female Home, for the reformation of repentant females, desirous of withdrawing from vice;
 5 and to provide a temporary home, instruction and employment for female prisoners discharged from the common gaol, and other females who are either homeless, or whose homes are scenes of vice and temptation, under the management of the ladies hereinafter mentioned: And whereas, the said ladies have
 10 by their petition prayed that the said institution may be incorporated under the name of "The Home of the Friendless," and it is expedient to grant their prayer:

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

1. Elizabeth Fuller McQuesten, President; Christina Incorporation.
 Hendrie Muir, Vice-President; Charlotte Hills Beasley, Secretary; and Mary E. Pierce Bancroft, Treasurer; and Martha Park McKenzie, Jane W. Wood, Sophia H. J. Sanford, McC.
 20 M. Willson, Melinda C. Williams, Jane H. Street, Helen D. Watson, Jane M. K. Hope, Mary Bickle, and Clarissa M. James, Managers; and James Bancroft, F. M. Willson, Alexander Mac Innes, George A. Young, William E. Sanford, James M. Williams, and John W. Murton, Advisory Committee; and all
 25 others who now are or may from time to time be elected to succeed them in manner hereinafter mentioned as president, secretary, treasurer, managers and advisory committee, shall be and they are hereby nominated and constituted a body politic and corporate by the name of "The Home of the Friendless" Corporate name.
 30 for the providing of a temporary home, reformation, instruction and employment for discharged female prisoners, and other females who are either homeless or whose homes are scenes of vice, and for the purpose of fitting them to fill useful and suitable situations in life; and shall by that name have perpetual Objects of corporation.
 35 succession, and all the rights vested by the Interpretation Act in corporations generally.

1. The body incorporated by this Act may from time to time and at all times, acquire and hold as purchasers any interest in lands and tenements, and the same alienate,
 40 lease, mortgage and dispose of, and purchase others in their stead: Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in Power to acquire real property.

whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation: And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements or interests therein, or such thereof which may not, within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

2. All the property, real and personal, now held by the committee of the said association now in office, or by any member or members thereof, or other person, for the use or benefit of the said Female Home, shall be and is hereby transferred to and vested in the corporation hereby constituted; and the said corporation shall be liable for all the debts, claims and demands lawfully incurred by and existing against any person or persons for and on behalf of the Hamilton Female Home; nor shall any mortgage, lien or other privilege or security upon any property hereby vested in the corporation, or any right whatever of any third party whatsoever, be impaired or effected by the transfer of such property from the person or persons now holding the same to the corporation.

3. To conduct the affairs of the corporation there shall be a board of managers, consisting of twelve ladies, including the president, treasurer and secretary, and an advising board of four gentlemen; with power to add to their number, as shall seem to them desirable; such board to be chosen at the annual meeting of the society held on the second Wednesday of October for that purpose yearly by the ladies then present who are respectively subscribers of a sum not less in amount than one dollar annually; and all vacancies which may occur in the interval between the annual meetings, in the board of management, may be filled up at any special meeting of the board by themselves: Provided that no act done by such board shall be valid and effectual unless three of their number be present and the major part of these consenting thereto; and the said corporation shall further have the right to make and establish so many by-laws, orders and regulations (not being contrary to the laws of this Province or of this Act) as they shall deem useful and necessary for the conduct or government of the said institution.

4. The corporation shall be and is hereby empowered to compel anyone who has once become, and while she is still, an inmate of the Home, within the meaning of this Act, to remain in said Home during such time as to them, the corporation, through its board of management, shall seem for the benefit of such inmate.

Power over inmates.

5. The by-laws, rules, articles and regulations of the Female Home shall be and continue to be the by-laws, rules, articles and regulations of the said corporation until altered or repealed.

Present by-laws to continue till altered.

6. The said corporation shall, whenever required by the Legislative Assembly of Ontario or the Government of Ontario to do so, make a statement of their affairs to the Legislature of Ontario.

Statement to be made to Legislature.

No. 86.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL

An Act to incorporate the Hamilton Female
Home under the name of "The Home of
the Friendless," at Hamilton.

1st Reading, 27th January, 1873.

(*PRIVATE BILL.*)

Mr. J. M. WILLIAMS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

BILL.

An Act to incorporate the Hamilton Female Home under the name of "The Home of the Friendless," at Hamilton.

WHEREAS an institution hath existed for some years past Preamble.
at the City of Hamilton, in the Province of Ontario, under the name of The Hamilton Female Home, for the reformation of repentant females, desirous of withdrawing from vice; and to provide a temporary home, instruction and employment for female prisoners discharged from the common gaol, and other females who are either homeless, or whose homes are scenes of vice and temptation, under the management of the ladies hereinafter mentioned; And whereas, the said ladies have by their petition prayed that the said institution may be incorporated under the name of "The Home of the Friendless," and it is expedient to grant their prayer:

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

1. Elizabeth Fuller McQuesten, President; Christina Incorporation.
Hendrie Muir, Vice-President; Charlotte Hills Beasley, Secretary; and Mary E. Pierce Bancroft, Treasurer; and Matilda Park McKenzie, Jane W. Wood, Sophia H. J. Sanford, McC. M. Willson, Melinda C. Williams, Jane H. Street, Helen D. Watson, Jane M. K. Hope, Mary Bickle, and Clarissa M. James, Managers; and James Bancroft, F. M. Willson, Alexander Innes Mackenzie, George A. Young, William E. Sanford, James M. Williams, and John W. Murton, Advisory Committee; and all others who now are or may from time to time be elected to succeed them in manner hereinafter mentioned as president, secretary, treasurer, managers and advisory committee, shall be and they are hereby nominated and constituted a body politic and corporate by the name of "The Home of the Friendless," Corporate name.
for the providing of a temporary home, reformation, instruction and employment for discharged female prisoners, and other females who are either homeless or whose homes are scenes of Objects of incorporation.
vice, and for the purpose of fitting them to fill useful and suitable situations in life; and shall by that name have perpetual succession, and all the rights vested by the Interpretation Act in corporations generally.

2. The body incorporated by this Act may from time Power to acquire real property.
to time and at all times, acquire and hold as purchasers any interest in lands and tenements, and the same alienate, lease, mortgage and dispose of, and purchase others in their stead: Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in

whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation: And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements or interests therein, or such thereof which may not, within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

And sell.

Property of
the Female
Home trans-
ferred to the
corporation.

Proviso.

Board of
managers.

Annual meet-
ings.

Vacancies.

Quorum.

Right to make
by-laws, &c.

3. All the property, real and personal, now held by the committee of the said association now in office, or by any member or members thereof, or other person, for the use or benefit of the said Female Home, shall be and is hereby transferred to and vested in the corporation hereby constituted; and the said corporation shall be liable for all the debts, claims and demands lawfully incurred by and existing against any person or persons for and on behalf of the Hamilton Female Home; nor shall any mortgage, lien or other privilege or security upon any property hereby vested in the corporation, or any right whatever of any third party whatsoever, be impaired or effected by the transfer of such property from the person or persons now holding the same to the corporation.

4. To conduct the affairs of the corporation there shall be a board of managers, consisting of twelve ladies, including the president, treasurer and secretary, and an advising board of four gentlemen; with power to add to their number, as shall seem to them desirable; such board to be chosen at the annual meeting of the society held on the second Wednesday of October for that purpose yearly by the ladies then present who are respectively subscribers of a sum not less in amount than one dollar annually; and all vacancies which may occur in the interval between the annual meetings, in the board of management, may be filled up at any special meeting of the board by themselves: Provided that no act done by such board shall be valid and effectual unless three of their number be present and the major part of these consenting thereto; and the said corporation shall further have the right to make and establish so many by-laws, orders and regulations (not being contrary to the laws of this Province or of this Act) as they shall deem useful and necessary for the conduct or government of the said institution.

5. The corporation shall be and is hereby empowered to compel anyone who has once become, and while she is still, an inmate of the Home, within the meaning of this Act, to remain in said Home during such time as to them, the corporation, through its board of management, shall seem for the benefit of such inmate. Power over inmates.

6. The by-laws, rules, articles and regulations of the Female Home shall be and continue to be the by-laws, rules, articles and regulations of the said corporation until altered or repealed. Present by-laws to continue till altered.

7. The said corporation shall, whenever required by the Legislative Assembly of Ontario or the Government of Ontario to do so, make a statement of their affairs to the Legislature of Ontario. Statement to be made to Legislature.

2nd Session, 2nd Parliament, 36th Victoria, 1873.

An Act to incorporate the Hamilton Female Home under the name of "The Home of the Friendless," at Hamilton.

1st Reading, 27th January, 1873.

2nd Reading, 19th February, 1873.

3rd Reading, 21st February, 1873.

Mr. WILLIAMS,
(*Hamilton.*)

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to authorise the Corporation of the City of
Ottawa to widen Broad Street, in the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa have by ^{Preamble.}
their petition set forth that Broad Street, in the City of
Ottawa, is not over the width of thirty-three feet, and that from
the increase of the inhabitants and the growing traffic in the vi-
5 cinity of the said street, it is imperatively necessary that it should
be widened thirty feet, and that for certain reasons therein stated,
they are unable to open up and establish, and widen the said
street without the authority of the Parliament of Ontario; and
have prayed for an Act to enable them to widen the said street
10 to the extent aforesaid without the consent of the parties inter-
ested in the said lands, upon making compensation therefor; 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
15 as follows:—

1. That for and notwithstanding anything in the Municipal ^{Power to}
Acts, or any other Statute to the contrary, it shall and may be ^{widen Broad}
lawful for the Council of the Corporation of the City of Ottawa to ^{Street.}
pass a by-law to open, establish and widen the said street thirty
20 feet westerly over and above its present width, without the written
or other consent, and against the will of the owners of the lands
required so to widen the said street, or of any person or persons,
corporation or corporations interested therein or in any part there-
of; the said Corporation of the City of Ottawa, making due
25 compensation for any damages resulting from the exercise of such
powers beyond any advantage which the claimant or claimants or
any of them may derive from the contemplated widening of the
said street as provided for by any Municipal Act or Acts in force
at the time of the passing of this Act: any claim for compensation,
30 if not mutually agreed upon, shall be determined by arbitration
under the said Municipal Acts; and all the provisions of the
said Municipal Acts respecting arbitrations shall be in force, and
applicable to the arbitrations under this Act in the same man-
ner and to the same extent as if the said Corporation of the
35 City of Ottawa was proceeding under the said Acts, or any of
them to arbitrate on the compensation to be paid by them for
lands taken by them to open up and widen streets under the
powers conferred on them by the said Acts or any of them
which shall be in force when this Act takes effect: Provided ^{Proviso}
40 always, that the municipalities shall forfeit the powers hereby
conferred, unless they avail themselves of the provisions hereof
within one year after the passing of this Act.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to authorize the Corporation of the City of Ottawa to widen Broad Street, in the City of Ottawa.

1st Reading, 27th January, 1873.

(*PRIVATE BILL*).

Hon. Mr. SCOTT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to revive and amend the Act incorporating the Presque Isle and Belmont Railway Company.

WHEREAS by an Act passed in the thirty-second year of Preamble.
Her Majesty's Reign, chaptered seventy, incorporating
"The Presque Isle and Belmont Railway Company," it is pro-
vided by the thirtieth section thereof that the provisions of the
said Act shall become null and void unless the construction of
5 the said railway be commenced within two years and completed
within five years after the passing of the said Act: And where-
as, the said company has represented by its petition that since
the passing of the said Act no work has been done towards the
10 commencement and completion of the said road, and praying
that the said Act may be revived and amended in so far as to
enable the said company to construct, in addition to the al-
ready proposed road, a branch line of railway from any point
in the line of railway contemplated by the said last mentioned
15 Act, northward through the Free Grant Lands so as to connect
with the Pacific Railway, in the Valley of the Ottawa; and
also to construct a branch line of railway from any point in
the line of railway contemplated by the said Act so as to con-
nect with the proposed line of railway through the County of
20 Prince Edward: and further amended so as the time for the
commencement and completion of the said railway may be re-
spectively extended for _____ years from the day of the
passing of this Act: and it is expedient to grant the prayer of
the said petition;
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 Act passed by the Legislature of Ontario, in the 32 V., c. 70,
revived.
30 thirty-second year of the reign of Her Majesty Queen Victoria
and chaptered seventy, intituled "An Act to incorporate the
Presque Isle and Belmont Railway Company," is hereby re-
vived, and declared to be in full force and effect, and the time
therein limited for the commencement and completion of the
railway hereby authorized to be constructed, from Presque
35 Isle Harbour, thence through, or as near as practicable, to the
Village of Brighton, the Villages of Norham, Workworth,
Meyersburgh and Campbellford, in the County of Northumber-
land, the Township of Belmont, and the Township of Marmora to
some point within the Township of Lake, in the County of Has-
40 tings, is hereby respectively extended for the period of
_____ years, and _____ years from the passing of this Act.

2. It shall be lawful for the said company under the powers Branch lines.
and provisions of this Act, and of the said Act passed in the
thirty-second year of the reign of Her Majesty, Queen Victoria

and chaptered seventy, to construct a branch line of railway from any point on the line of railway contemplated by the last mentioned Act, northward through the Free Grant Lands, so as to connect with the Pacific Railway in the Valley of the Ottawa, and also to construct a branch line of railway from any point on the line of railway contemplated by the said Act so as to connect with the proposed line of railway through the County of Prince Edward. 5

Power to lease railway.

3. It shall be lawful for the said company to lease its railway and works to any other railway upon such terms as may be agreed upon between the said company and any other railway company, and approved of by a vote of the majority of the shareholders of the said Presque Isle and Belmont Railway Company at any general or special meeting duly convened for that purpose according to the by-laws of the company. 10 15

Number of provisional directors increased.

4. It shall and may be lawful for the provisional directors now composing the board of directors of the said road to admit as of their number, with all powers possessed by each and every of them, the said directors, John Graham, of Brighton, builder; James Nesbit, of the same place, merchant; Alexander McCallum, of the same place, merchant, and A. C. Singleton, of the same place, yeoman. 20

No. 89.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to revive and amend the Act incorporating the Presque Isle and Belmont Railway Company.

First Reading, 27th January, 1873.

(PRIVATE BILL)

Mr. WEBB.

TORONTO:

An Act to vest certain lands in fee in Joseph Whitehead and Margaret Whitehead his wife.

WHEREAS Joseph Whitehead, formerly of the Village of Preamble. Clinton, in the County of Huron, but now of the City of Toronto, contractor, and Margaret Whitehead his wife, have presented their petition, stating, among other things:—

- 5 That the said Joseph Whitehead, prior to his marriage with the said Margaret Whitehead, his present wife, was under a certain indenture of lease from the Canada Company lessee of the said company, with right of purchase to him, of lots fifty-three, fifty-four, sixty-five, and sixty-six in the Maitland concession of
 10 the Township of Goree, in the County of Huron, containing two hundred and forty-seven acres or thereabouts, by which said indenture it was provided that the said Joseph Whitehead should not assign or sublet the said lands without the leave of the said Canada Company, and that the said company would
 15 not consent that the said Joseph Whitehead should assign the same upon any trusts or in any form except absolutely free and exempt from all conditions; and further stating that the said Joseph Whitehead, before his intermarriage with his present
 20 wife, the said Margaret Whitehead, was desirous of making a settlement upon the said Margaret Whitehead, his then intended wife, and for that purpose did, by an instrument under his hand and seal, and for the reasons aforesaid absolute in form, and with the consent of the said Canada Company, assign the said
 25 indenture of lease from the said Canada Company to him, and the lands therein mentioned, being the lands aforesaid, unto one Alexander McDonald for the purposes of the said settlement, and upon certain verbal trusts hereinafter mentioned, who afterwards, and subsequent to the said intermarriage, by an instrument under his hand and seal, bearing date the second day
 30 of May, one thousand eight hundred and fifty-five, after reciting the instrument of assignment to him, the said Alexander McDonald, of the said indenture of lease from the said Canada Company to the said Joseph Whitehead, and the lands therein mentioned, and the purposes for which the same had been
 35 assigned to him, did declare that he held the said indenture of lease and the said lands upon trust for the separate use of the said Margaret Whitehead, for her life, and after her death for such uses as she by any deed should appoint; and in default of appointment for the child or children issue of the said marriage, and in default of any such child or children for and to the
 40 use of the right heirs of the said Margaret Whitehead, as by the instrument marked A, appended to and forming part of this Act, references being thereunto had will fully appear; and further stating that afterwards the right of purchase in the said
 45 indenture of lease was exercised, and the said Joseph Whitehead paid with his own proper moneys the purchase money of

and for the said lands, and a deed of conveyance thereof was duly made and executed by the said Canada Company to the Honourable Donald McDonald, to whom the said indenture of lease and the said lands had been assigned for that purpose, he having agreed to advance, and he did advance by way of loan, to the said Joseph Whitehead the said purchase-money, for which said loan the said the Honourable Donald McDonald was to have and did have a lien on the same lands; and thereupon and afterwards the said the Honourable Donald McDonald, he having then been repaid the said loan by the said Joseph Whitehead, by indenture bearing date the twenty-eighth day of September, one thousand eight hundred and sixty-one, did, at the joint request of the said Joseph Whitehead and Margaret Whitehead, convey and assure the said lands in fee simple unto the said Alexander McDonald and to one Charles Whitehead, who was and is a son of the said Joseph Whitehead by his first and former marriage, as trustees, to hold the same upon trust, to the use of the said Margaret Whitehead for life, and upon her decease to the use of the said Joseph Whitehead for life, should he survive the said Margaret Whitehead, without power of anticipation to either, and upon the decease of such survivor to convey and assure the said lands in such manner and for such estate as the said Joseph Whitehead and Margaret Whitehead should by joint deed appoint, amongst the issue of the said Joseph Whitehead and Margaret Whitehead from the said marriage, in case there should be any issue, and the issue of the former or first marriage of the said Joseph Whitehead, and in default of issue of either marriage living, and in default of any further appointments, in case of such total default of issue, which is reserved to him alone, then to convey and assure the same lands absolutely to the right heirs of the said Joseph Whitehead, as by the indenture marked B, appended to and forming part of this Act, reference being thereunto had will fully appear: and further stating there was no issue of the said intermarriage of the said Joseph Whitehead and Margaret Whitehead, and that there was not nor is there any ground for believing there will ever be any issue from such intermarriage, by reason of the age of the said Margaret Whitehead, she being now upwards of fifty years old; and further stating that the only issue of the said former marriage of the said Joseph Whitehead then and now living were and are as follows:—Charles Whitehead, Charlotte Whitehead, the wife of David Ross, and William Whitehead, all of whom are above the age of twenty-one years, and that the only child issue of the marriage last aforesaid deceased was Mary Ann Whitehead, who left her surviving, and who still survive two infant children, lawfully begotten, of tender years—namely, Josephine Fair and William Dixon Fair: and further stating that under and by virtue of a certain deed, and by way of appointment, bearing date the second day of December, one thousand eight hundred and seventy-two, duly made and executed by the said Joseph Whitehead and Margaret Whitehead jointly, in pursuance of the said powers in the said indenture of the twenty-eighth day of September, one thousand eight hundred and sixty-one, the said Joseph Whitehead and Margaret Whitehead did make amongst the issue and the issue of such issue of the said former marriage of the said Joseph Whitehead the following appointment—namely, one-quarter of an acre, so near as can be square in shape, off of the south-west corner of said lot number sixty-six in the said Maitland concession, in the Township of Goderich, to the said Josephine Fair

and William Dixon Fair; one-quarter of an acre, so near as can be square in shape, next adjacent and easterly of the said quarter of an acre last aforesaid, to the said Charles Whitehead; one-quarter of an acre, so near as can be square in shape, next
5 adjacent and easterly of the said quarter of an acre last aforesaid, to the said Charlotte Whitehead, wife of the said David Ross, and saving and excepting the grants aforesaid, the residue of said lots, fifty-three, fifty-four, sixty-five, and sixty-six, in the said Maitland concession, in the said Township of Goderich,
10 to the said William Whitehead, as by the indenture marked C, appended to and forming part of this Act, reference being thereunto had will fully appear: and further stating that under and by virtue of certain indentures of the respective dates, the sixteenth day of December, one thousand eight hundred and
15 seventy-two, the third day of January, one thousand eight hundred and seventy-three, and the nineteenth day of December, one thousand eight hundred and seventy-two, and made respectively by the said Charles Whitehead and Hannah his wife, the said Charlotte Whitehead and David Ross her husband, and the said William Whitehead, the said Charles Whitehead, Charlotte Whitehead, and William Whitehead did convey and assure unto the said Joseph Whitehead and Margaret Whitehead the several and respective parcels of lands so appointed to them respectively as aforesaid, but so as the said indentures
25 should not operate in any way as a release or destroy or impair the said appointment so made to them respectively as aforesaid, but that the said Joseph Whitehead and Margaret Whitehead should take and hold such estate so purported to be conveyed and assured to them under or through means of such appointment, as by the respective indentures marked respectively D, E, and F, appended to and forming part of this Act, reference being thereunto had will fully appear; and further stating that the deed of settlement of the twenty-eighth day of September,
30 one thousand eight hundred and sixty-one, varies from the trusts upon which the said lands were assigned to the said Alexander McDonald, and from the terms of the declaration of trust of date, the second day of May, one thousand eight hundred and fifty-five, in that it is in said settlement provided amongst other things that upon the death of the survivor of the said Joseph
40 Whitehead and Margaret Whitehead, should no appointment have been made, the lands should go to the right heirs of the said Joseph Whitehead, in place of the right heirs of the said Margaret Whitehead, and also in that the said settlement limits the power of the said Margaret Whitehead in appointing, and only permits her joining with her husband, the said Joseph Whitehead, in appointing to and amongst the issue of the said former marriage of the said Joseph Whitehead, the said Margaret Whitehead having no issue, and does not give her the sole and absolute power of appointing generally to whom she might
50 please, as was the terms agreed upon before or upon the said marriage of the said Joseph Whitehead and the said Margaret his wife: and further stating that upon the execution of the said settlement she the said Margaret Whitehead had not the advice of any solicitor on the premises: and further stating that the said
55 lands are farm lands, and yield but a small return by way of rent upon the value thereof, and require the expenditure of much money to keep the same fenced and the buildings and outhouses in repair, and that but little, certainly no adequate return, is derived from the said lands, and by reason of the limited interest
60 reserved by the said settlement to the said Margaret Whitehead,

she cannot raise thereout or otherwise any moneys at all adequate for necessary improvements on the said lands, which would not be the case had the said lands remained upon the trusts agreed upon on the said intermarriage of the said Joseph Whitehead and Margaret Whitehead his wife, or were the said lands vested in fee simple in the said Joseph Whitehead and the said Margaret Whitehead freed and discharged from the said settlement: and praying that an Act may be passed confirming the appointments aforesaid, and the conveyance of the said lands from the said Charles Whitehead and Hannah S. his wife, and the said William Whitehead, and the said Charlotte Whitehead, wife of David Ross, to the said Joseph Whitehead and Margaret Whitehead his wife, and declaring the same to be valid and effectual to pass and vest in the said Joseph Whitehead and Margaret Whitehead his wife, their heirs and assigns for ever: the same lands freed and discharged from the trusts aforesaid,

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:—

Certain deeds
legalized.

1. The said several deeds or instruments marked respectively A, B, C, D, E and F, appended to this Act, are hereby declared to be and to form, and shall be and shall form part of this Act, and the same deeds or instruments are hereby legalized and made valid and effectual for the intents and purposes for which the same were and each of them was executed according to the purport, intent, and meaning thereof; and that by virtue of the same deeds or instruments lots fifty-three, fifty-four, sixty-five and sixty-six, in the Maitland concession, in the Township of Goderich, in the County of Huron, in the Province of Ontario (saving and excepting one-quarter of an acre off of the south-westerly corner of said lot sixty-six, appointed unto Josephine Fair and William Dixon Fair, children of Mary Ann Whitehead, deceased, by the deed forming part of this Act marked C,) are vested in Joseph Whitehead and Margaret Whitehead his wife, in the said several deeds or instruments mentioned, their heirs and assigns for ever, in fee simple, freed and discharged from any trust, created by the said deeds or instruments, or any of them; and also freed and discharged from any interest or estate, vested, contingent, or otherwise, of any of the children of the said Joseph Whitehead, their or any of their heirs.

“A.”

Memorandum—That prior to the marriage of the undersigned Joseph Whitehead with Margaret the sister of the undersigned Alexander McDonald, and for the express purpose of making a settlement on the said Margaret in consideration of her then contemplated marriage with the said Whitehead, transferred and assigned to the said Alexander McDonald, the following lands, namely:

Lots No. 53 in the Maitland Concession.

“ “ 54 “ “ “

“ “ 65 “ “ “

“ “ 66 “ “ “

all in the Township of Goderich, and consisting of two hundred and forty-seven acres and a-half with the appurtenances, and all the estate, title, and interest of the said Whitehead therein,

to have and to hold the same unto the said Alexander McDonald, upon trust, for the separate use of the said Margaret in manner hereafter to be declared by and between the said Whitehead, the said Alexander and the said Margaret

5 That in further consideration of the said transfer, the said Alexander had agreed to pay to the Canada Company, the balance due them in order to convert the said leasehold premises into freehold, and upon the issue to him of the deed or deeds in fee for the said lots, then to declare the said trusts by a proper
10 deed or instrument for that purpose :

That the said Alexander hath not yet paid the said balance to the Canada Company, now declared the said trusts in the manner contemplated on the said transfer :

15 That in the meantime and with the issue of the deed in fee, for the said lots to the said Alexander McDonald, it hath been agreed by and between the said Alexander McDonald, the said Margaret, his sister, now the wife of the said Whitehead, and the said Whitehead to declare shortly the trusts on which the transfer of the said lands was made as aforesaid to the said
20 Alexander McDonald.

Now therefore, these presents witness that in pursuance of the premises the said parties whose names are hereunder signed, do hereby declare that the said lands so transferred as aforesaid to the said Alexander McDonald are held by him upon the trust
25 following, that is to say :

I. That during the joint lives of the said Margaret and the said Whitehead, the said Alexander shall pay the rents and profits of the said lands (until he convey the same as hereinafter mentioned) to John McDonald, of Goderich, and Donald McDonald,
30 nald, of Toronto, trustees to be named in the deed hereafter to be made concerning the said lands in pursuance of these presents by way of settlement on the said Margaret, to take and receive the same for the separate use of the said Margaret, exclusively of her said husband ; remainder to such uses as she
35 by deed executed with the assent and concurrence of the said John and Donald, may appoint ; in default of appointment, to the child or children of the said marriage between her and the said Whitehead ; and default of appointment in manner aforesaid, and of a child or children issue of the said marriage
40 then to her own right heirs.

II. That the said Alexander McDonald will pay the said balance purchase money to the Canada Company and procure the deed in fee of the said lots to issue in his name.

45 III. That thereupon he will exact a deed of settlement, and thereby convey the said lands to the said John McDonald and Donald McDonald in fee upon the trusts aforesaid, or such other trusts by way of marriage settlement on the said Margaret as she, with the concurrence of the said John and Donald, may
50 in the deed of settlement to be executed as aforesaid to them as trustees for the said Margaret may by such deed of settlement declare ; Providing always that such other trusts, if any, shall not operate to defeat the settlement of the said lands for the sole and separate use of the said Margaret during her life, and the
55 benefit absolutely, after her death, to the child or children of the said marriage (if any) and if alive at her death.

Witness our hands and seals, the second day of May,
1855.

(Signed) JOSEPH WHITEHEAD (LS.)
MARGARET WHITEHEAD (LS.)
ALEX. McDONALD (LS.)

5

Witness, (Signed)

GEORGE DAVEY.

“B.”

This Indenture made the twenty eighth day of September,
A D. 1861, in pursuance of the Act respecting short forms of
conveyances between the Honourable Donald McDonald, of the 10
City of Toronto, of the first part; John McDonald, of the Town
of Goderich, Sheriff of the united Counties of Huron and Bruce,
of the second part; Joseph Whitehead, of the Village of Clin-
ton, in the said County of Huron, yeoman, of the third part;
Margaret, his wife, of the fourth part; Alexander McDonald, 15
of the Village of Francistown, in the said county, miller, and
Charles Whitehead, of the Village of Blythe in the said county,
miller, the trustees hereinafter mentioned, of the fifth part :

Whereas, prior to the intermarriage of the said Joseph White-
head with the said Margaret, and for the express purpose of mak- 20
ing a settlement on the said Margaret in consideration of her then
contemplated marriage with him (which marriage has since been
consummated) he, the said Joseph Whitehead, had transferred
and assigned to the said Alexander McDonald and his heirs the
following lands, that is to say: 25

Lots, numbers fifty-three, fifty-four, sixty-five and sixty-six
in the Maitland Concession of the Township of Goderich, con-
sisting of two hundred and forty-seven acres and one half acre
or thereabouts, with the appurtenances, to have and to hold the
same unto the said Alexander McDonald, upon the trust for 30
the separate use of the said Margaret in manner thereafter to be
declared by and between the said Joseph Whitehead, the said
Margaret and the said Alexander McDonald :

And whereas the fee simple in the said lands was then vested in
the Canada Company, and the interest of the said Joseph 35
Whitehead therein was that of lessee, with right to purchase the
fee simple thereof:

And whereas the said Alexander McDonald had in considera-
tion further of the said transfer to him agreed to pay to the
Canada Company the balance due thereunder the said right to 40
purchase in order to the conversion of the said leasehold into a
title in fee simple in the said premises in the exercise of the
said right to purchase, and upon the issue to him of the con-
veyance thereof in fee simple to declare the said trusts by a
proper instrument for that purpose: 45

And whereas delay occurred in the payment of the said
balance to the Canada Company, and consequently in the issue
of the said conveyance:

And whereas the said Alexander McDonald caused the con-
veyance for the said lands to be issued to the said Donald 50
McDonald, who paid the purchase money or balance thereof
due to the said Canada Company, and he held the said convey-
ance in trust for the separate use aforesaid, and the said John
McDonald was nominated as a co-trustee with him for the same
use, but the estate in fee of the said lands vested in the said 55
Donald McDonald:

And whereas the said Donald McDonald loaned to the said Joseph Whitehead the sum of four hundred and twenty-five pounds for the purpose of being applied in the permanent improvement of the said premises which loan was so applied.

5 And whereas the said Joseph Whitehead hath agreed to pay to the said Donald McDonald, as well the said balance so paid to the said Canada Company as the said loan upon the execution of these presents :

And whereas it hath been agreed by and between all the parties to these presents that the said premises shall be hereby conveyed in fee simple to the said Alexander McDonald and Charles Whitehead upon the trusts hereinafter declared in respect thereof, and that the said Donald McDonald and John McDonald should be discharged in respect of their said trustee-
15 ship :

New, therefore, this Indenture witnesseth that in pursuance of the premises and also the consideration of the repayment by the said Joseph Whitehead to the said Donald McDonald of the said balance so paid by him to the Canada Company as afore-
20 said, being, together with the interest thereon, the sum of three hundred and thirty-two pounds, thirteen shillings and six pence, and also in consideration of the repayment by the said Joseph Whitehead to the said Donald McDonald of the said loan being, together with interest &c., thereon, the sum of three hundred and
25 eight pounds, five shillings and two pence (the receipt of both which sums by the said Donald McDonald from the said Joseph Whitehead is hereby acknowledged by the said Donald McDonald, and the said Joseph Whitehead therefrom released) and in further consideration of the sum of five shillings by the said Alexander
30 McDonald and Charles Whitehead paid to the said Donald McDonald at the execution thereof (the receipt whereof also is hereby acknowledged by the said Donald McDonald) he, the said Donald McDonald, with the consent of all parties hereto (which consent is testified among other things by their execution hereof)
35 doth grant, bargain, sell and convey unto the said Alexander McDonald and Charles Whitehead jointly, and not as tenants in common, and to the survivor of them and the heirs and assigns of such survivor, all and singular the said lands and premises with their appurtenances, to have and to hold unto them
40 and the survivor of them and the heirs and assigns of such survivor to and for their and his sole use for ever—subject, nevertheless, to the reservations, provisoes and conditions expressed in the original grant thereof from the Crown, and subject also to and upon the trusts herein contained concerning the same,
45 that is to say :

I. Upon trust in the first place during the life of the said Margaret, in case she shall so desire to permit her during her pleasure to occupy the said land, or any part thereof she may choose and to farm and make use of the same, and to receive
50 and enjoy the whole produce and benefit for her sole and separate use in any manner she may deem best, and to the entire exclusion during her life of any right of her said husband or any one else, and without impeachment of waste for anything that may be done thereon or thereto by her order or with her
55 concurrence or approval, it being the true intent of these presents, that during her life she shall have the sole and entire benefit of the said lands in any manner, she may deem best without any impeachment of waste and without any power of anticipation by her :

60 II. In case the said Margaret shall not desire to occupy the said

lands or any part thereof under the last mentioned trust, then upon trust that during her life the said Alexander McDonald and Charles Whitehead shall lease the said lands or such part thereof as the said Margaret shall not occupy at the highest and best rent which can be reasonably got for the same, for such term or terms, 5
 at such rent or rents and upon such conditions and covenants as are usual or as shall seem to them best for the separate benefit of the said Margaret, and shall collect and get in the said rents to the best of their ability and, after retaining enough to pay off all costs, charges and expenses properly incurred by them in and 1
 about carrying these presents into effect, shall from time to time pay over the balance of such rents quarterly or otherwise as the rents are received by them into the hands of said Margaret upon her sole receipt, for her own separate use, exclusively of her said husband or any one claiming under him or any one else 15
 as long as she lives :

III. In case the said Joseph Whitehead should survive his said wife, then upon trust during his life should he so desire to permit him after the death of his said wife, and during his pleasure to occupy the said lands or any part thereof he may 20
 choose and to farm and make use of the same and to receive the whole produce thereof for his own benefit without any impeachment of waste ; and, in case the said Joseph Whitehead should not occupy the said lands, or any part thereof, then upon trust that during his life the said Alexander McDonald and 25
 Charles Whitehead shall lease the said lands or such part thereof as the said Joseph Whitehead shall not occupy at the best rent which can reasonably be got for the same for such term or terms, at such rent or rents, and upon such conditions and covenants, as are usual or as shall seem to them best for the 30
 benefit of the said Joseph Whitehead and shall collect and get in the said rents to the best of their ability and, after retaining enough to pay off all costs, charges and expenses, properly incurred by them in and about carrying these presents into effect, shall, from time to time, pay over the balance or balances of such 35
 rents quarterly or otherwise as the rents may be received by them, as the said Joseph Whitehead may direct and appoint by writing under his hand, and without power of anticipation ; and in case of no such appointment then to himself personally ; or in case the said Joseph Whitehead shall, after the death of the 40
 said Margaret, so desire they shall permit him to lease and manage the said land during his life for his own benefit in such manner as he may deem best during his life, after surviving his said wife.

IV. Subject to the trusts aforesaid and, after they are com- 45
 pletely satisfied and complied with and from and after the death of the survivor of the said Joseph Whitehead and Margaret his wife, the remainder of the estate conveyed by these presents to the said Alexander McDonald and Charles Whitehead shall be held by them in trust to convey the same in such manner and 50
 for such estate as the said Joseph Whitehead and Margaret his wife shall during their joint lives by joint deed appoint among the issue of their said (in case there be such issue) and the issue of the former marriage of the said Joseph Whitehead or as the survivor of them (in default of such joint appointment) shall by 55
 deed or will appoint among the said issue ; and in default of any such appointment as aforesaid, in trust to convey the said remainder by partition, share and share alike among the said issue of either or both the said marriages as the case may be, alive at the death of the survivor of them the said Joseph Whitehead 60

and Margaret his wife, or in case it be thought preferable by the majority of such issue then alive, in conjunction with the trustees then acting under these presents, to sell the premises and divide all the proceeds amongst such issue of both the issue of the said marriages (in case there be issue of both then alive) or of either of them (in case there be issue then alive of only one of the said marriages) then the said trustees then acting shall sell said premises and divide the proceeds share and share alike as aforesaid: and in default of issue then alive of either of the said marriages, 10 and in default further of any other appointment (in case of such total default of issue) by the said Joseph Whitehead alone to any one else either by will or deed (which last mentioned power of appointment, in case of total default of issue alive at the death of the survivor of them the said Joseph Whitehead and Margaret 15 his wife, is hereby given and reserved to the said Joseph Whitehead), then the said remainder, after the death of such survivor is to be conveyed by the said trustees absolutely to the right heirs of the said Joseph Whitehead, share and share alike, if there be more than one, and if only one such heir, then to that 20 one :

Provided always and it is hereby declared by and between the parties to these presents that the said settlement on the said Margaret during her life, and the said settlement also on the said Joseph Whitehead during his life, in case he should survive 25 the said Margaret shall alike be without any power of anticipation to either of them; and neither of them nor both together can in any way sell or dispose of the said settlements or either of them or the benefit of them or either of them by anticipation; but the same shall be enjoyed from year to year without any 30 anticipation according to the true intent of these presents :

Provided also and it is hereby further agreed by and between the said parties hereto that the said Donald McDonald and John McDonald are hereby released from all liability in respect of the trusteeship aforesaid :

35 Provided also and it is hereby further agreed by and between the parties hereto, that, in case the said trustees or either of them or any future trustee or trustees to be appointed under these presents shall become incapable of acting under these presents, or shall die during the continuance thereof or shall 40 leave Upper Canada to reside elsewhere, then in any or either of the said cases it shall be lawful for the said Joseph Whitehead and Margaret his wife, during their joint lives or for the survivor of them, by writing under their, her or his hands as the casemay be to appoint a new trustee or new trustees in room of the 45 trustees so dying, becoming incapable or leaving Upper Canada, and whenever that is done, all proper conveyances shall be executed to vest the said lands in such new trustee or trustees upon the said trusts which shall not in any case be varied :

50 Provided also and it is hereby declared that the said trustees or any future trustee or trustees shall be liable only in case of wilful default and shall be entitled to re-imburse themselves for any money properly disbursed by them in and about the carrying these presents into effect :

55 And the said Donald McDonald covenants with the said Joseph Whitehead that he has done no act to encumber the said premises: and that he will further assure the same by any proper deed in that behalf: and deliver all deeds and papers relating to the title of the said premises to the said Joseph Whitehead:

In witness whereof the parties aforesaid to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered in the presence of.	}		
As to the signature of Donald McDonald and execution by him.		(Sgd.) DONALD McDONALD,	5
—Witness.		(L.S.)	
(Sgd.) ALEXANDER McDONALD of the City of Toronto, in the County of York, Barrister at Law.	}	J. McDONALD, (L.S.)	10
As to the signature of J. McDonald and execution by him. Witness.		JOSEPH WHITEHEAD, (L.S.)	
(Sgd.) W. EBBS.		MARGARET WHITEHEAD,	
(Sgd.) WALTER P. HOWARD, of the same place, Law Clerk.		(L.S.)	
(Sgd.) JAMES FAIR.		ALEXANDER McDONALD,	15
		(L.S.)	
		C. WHITEHEAD, (L.S.)	

Received of Donald McDonald within named the following 20 deeds and papers relating to the within premises under the within covenant.

1. The mortgage for \$225.
2. Map of the premises and bed of river.
3. Memorandum of agreement. 25
4. Lease from the Canada Company of the bed of the river.
5. A description of the bed of the river adjacent to the premises.
6. The deed from the Canada Company.

TORONTO, 28th September, 1861. 30

(Sgd.) McDONALD & BROS,
For WHITEHEAD.

\$2563.73	Received on the day of the date of the	within Indenture of and from the within	named Joseph Whitehead, the sum of two	thousand five hundred and sixty-three dollars	and seventy-three cents, being the considera-	tion money within mentioned to be paid by	him to me.	
28th Sept., 1861,								
Per cheque.								

(Sgd.) D. McDONALD. 40

Witness.
(Sgd.) ALEX. McDONALD,
" WALTER P. HOWARD.

" C."

This Indenture made this second day of December, in the year 45 of our Lord one thousand eight hundred and seventy-two, between Joseph Whitehead, formerly of the Village of Clinton, in the County of Huron, contractor, but now of the City of Toronto, in the County of York, and Margaret Whitehead, of the same place, wife of the said Joseph Whitehead, parties of the first 50 part; and Charles Whitehead, Charlotte Ross and William Whitehead, all children of the said Joseph Whitehead, parties

of the second part; and Josephine Fair and William Dixon Fair, of the third part:

Whereas, under and by virtue of a certain indenture bearing date on or about the twenty-eighth day of September, in the 5 year of our Lord one thousand eight hundred and sixty-one, made between the Honourable Donald McDonald, of the first part; John Macdonald, of the second part; Joseph Whitehead, of the third part; Margaret Whitehead, of the fourth part; Alexander McDonald and Charles Whitehead, of the fifth part;

10 All and singular lots numbers fifty-three, fifty-four, sixty-five and sixty-six in the Maitland concession of the Township of Goderich and County of Huron were conveyed unto the said Alexander McDonald and Charles Whitehead, upon certain trusts therein mentioned, amongst other, from and after the death of

15 the said Joseph Whitehead and Margaret Whitehead, the remainder of the estate conveyed by the said indenture to the said Alexander McDonald and Charles Whitehead, should be held by them in trust to convey the same in such manner and for such estate, as the said Joseph Whitehead and Margaret,

20 his wife, shall, during their joint lives, appoint, amongst the issue of their marriage, in case there be such issue, and the issue of the former marriage of the said Joseph Whitehead shall by deed or will, appoint amongst the said issue:

And whereas, there has been no issue of the said Joseph

25 Whitehead and the said Margaret Whitehead, and the only issue, of the said former marriage of said Joseph Whitehead, surviving are as follows: Charles Whitehead, Charlotte Ross (wife of David Ross), and William Whitehead, children, and Josephine Fair and William Dixon Fair, children of Mary Ann, deceased,

30 in her life time wife of the said Thomas Fair, and a daughter of the said former marriage of said Joseph Whitehead:

And whereas it hath been decided by the said Joseph Whitehead and Margaret Whitehead, that the said lands should be appointed amongst the said issue in the proportions and shares

35 hereinafter mentioned: And these presents are to be taken as such appointment and direction:

Now this indenture witnesseth that, in consideration of the premises, they the said Joseph Whitehead and Margaret Whitehead, do hereby, in pursuance of the power in that behalf unto

40 them by the said indenture reserved, appoint and direct the said lands amongst the said issue as follows:

First, one quarter of an acre, so near as can be square in shape, off the south west corner of lot number sixty-six in the said Maitland concession of the said Township of Goderich, unto Josephine Fair and William Dixon Fair, their heirs and assigns:

45

Second, one quarter of an acre of the said lot sixty-six, next adjacent to and easterly of the hereinbefore described quarter of an acre, such quarter of an acre to be as near as can be square in shape, unto Charles Whitehead, his heirs and

50 assigns:

Third, one quarter of an acre of the said lot sixty-six, situate next adjacent and easterly of the hereinbefore and lastly described quarter of an acre, such quarter of an acre to be so near as can be square in shape, unto Charlotte Ross, wife of

55 David Ross, her heirs and assigns: and

Fourth, the whole of lots fifty-three, fifty-four, sixty-five and sixty-six in the said Maitland concession, excepting out of lot sixty-six, the hereinbefore described three quarters of an acre, unto William Whitehead, his heirs and assigns:

60 And it is hereby declared that this instrument is executed

as the exercise of the power unto the said Joseph Whitehead and Margaret Whitehead, reserved in and by said hereinbefore in part recited indenture, and to be taken and considered as such.

In witness whereof the said Joseph Whitehead and Margaret Whitehead have set their hands and seals. 5

Signed, sealed and delivered

in presence of D. McDONALD. JOSEPH WHITEHEAD (L.S.)
MARGARET WHITEHEAD (L.S.)

"D."

This Indenture, made in duplicate this sixteenth day of December, in the year of our Lord one thousand eight hundred and seventy-two: In pursuance of an Act respecting short forms of conveyances between Charles Whitehead, of Forest House, in Potter County, State of Pennsylvania, one of the United States of America, contractor of the first part: Hannah S. Whitehead, his wife, of the second part: and Joseph Whitehead, of the City of Toronto, in the County of York, contractor, and Margaret Whitehead, his wife, of the third part: 15

Whereas, under and by virtue of a certain indenture bearing date on or about the twenty-eighth day of September, in the year of our Lord one thousand eight hundred and sixty-one, and made between the Honourable Donald McDonald, of the first part, John McDonald, of the second part, Joseph Whitehead, of the third part, Margaret, his wife, of the fourth part, Alexander McDonald and Charles Whitehead, of the fifth part: After reciting as therein is recited, it is witnessed for the considerations therein expressed, that the said the Honourable Donald McDonald, at the request and instance of the said parties thereto did grant, bargain, sell and convey amongst other the lands, hereinafter mentioned, unto the said Alexander McDonald and Charles Whitehead, jointly, and not as tenants in common, and to the survivor, his heirs and assigns, upon the, amongst other trust, for the said Joseph Whitehead and Margaret, his wife, and the survivor for life, and upon the decease of such survivor upon trust, to convey the same in such manner and for such estate as the said Joseph Whitehead and Margaret, his wife, should, during their joint lives appoint, amongst the issue of the said Joseph Whitehead and Margaret, his wife (should there be any such issue), and the issue of the former marriage of the said Joseph Whitehead: 35 39 40

And whereas there has been no such issue of the said marriage of the said Joseph Whitehead and Margaret, his wife, nor is there issue expectant of such marriage, owing to the age of the said Margaret Whitehead, and the said party of the first part is one of the issue of the former marriage of him, the said Joseph Whitehead, surviving: 45

And whereas, under and by virtue of a certain deed made by the said Joseph Whitehead and Margaret, his wife, in pursuance of the powers in that behalf made, provided and contained in the hereinbefore in part recited indenture, the said Joseph Whitehead and Margaret, his wife, did appoint and declare part of the land and premises hereinafter mentioned, in favour of the said party of the first part: 50

And whereas it hath been agreed for divers reasons and considerations, and without releasing, so as to make the said lands subject to the said trusts in the hereinbefore in part recited indenture, that the said party of the first part shall convey unto the said Joseph Whitehead and Margaret, his wife, their heirs 55

and assigns, all and singular, the estate so appointed to the said party of the first part as aforesaid, so as the title and holding of or to the said land or premises, shall pass to the said Joseph Whitehead and Margaret, his wife, through the said appointing and deed thereof, together with, and as well as all and every, the estate which the said party of the first part may have or become entitled to in any event hereafter, under any of the trusts in the said hereinbefore in part recited indenture, contained or otherwise howsoever:

- 10 Now this indenture witnesseth that for and in consideration of the premises, and of the sum of one dollar to the party of the first part paid by the said Joseph Whitehead and Margaret Whitehead, he the said party of the first part doth grant, bargain, sell, assign and convey unto the said Joseph Whitehead and Margaret Whitehead his wife, their heirs and assigns, all and singular the estate so given or appointed to the said party of the first part, under the hereinbefore referred to deed of appointment, and hereafter to have come into possession, together with and as well as all and every the estate to which he the said party of the first part may have or can become entitled unto in any event hereafter, under any of the trusts in the said hereinbefore in part recited indenture contained, or otherwise howsoever in, to or out of the following lands and premises, that is to say:—
- 25 Lots numbers fifty-three, fifty-four, sixty-five and sixty-six, in the Maitland concession of the Township of Goderich, in the County of Huron, consisting of two hundred and forty-seven acres and one-half acre or thereabouts, saving and excepting one-quarter of an acre so near as can be square in shape of the south-west corner of said lot number sixty-six:
- 30 To have and to hold the same unto the said Joseph Whitehead and Margaret Whitehead, their heirs and assigns, to and for their sole and only use for ever:

And the said party of the first part doth for himself, his heirs, executors and administrators, covenant to and with the said Joseph Whitehead and Margaret Whitehead, their heirs and assigns:

That he has the right to convey the said lands to the said parties of the third part, notwithstanding any act of the said party of the first part:

40 And that the said parties of the third part shall have quiet possession of the said lands free from all incumbrances:

And that the said party of the first part will execute such further assurances of the said lands as may be requisite:

45 And that the said party of the first part has done no act to encumber the said lands:

And the said party of the first part releases to the said parties of the third part all their claims upon the said lands:

50 And that he will not at any time hereafter hold the said estate so conveyed or purported so to be hereby in any event, but the same shall always be held to the use of the said Joseph Whitehead and Margaret Whitehead, their heirs and assigns:

And the said party of the second part hereby bars her dower in the said lands:

55 In witness whereof the said parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered in the presence of (Signed) CHARLES WHITEHEAD, (L.S.)

(Signed) HANNAH S. WHITEHEAD, (L.S.)

(Signed) M. KENNEDY.

This Indenture, made in duplicate this third day of January, in the year of Lord, one thousand eight hundred and seventy-three : In pursuance of an Act respecting short terms of conveyances, between Charlotte Ross of the City of Montreal in the Province of Quebec, wife of David Ross, and the said David 5 Ross of the same place, commercial traveller of the first part, and Joseph Whitehead of the City of Toronto, in the County of York, contractor, and Margaret Whitehead, his wife of the second part :

Whereas, under and by virtue of a certain Indenture bearing 10 date on or about the twenty-eighth day of September in the year of our Lord one thousand eight hundred and sixty-one, and John McDonald of the second part ; Joseph Whitehead of the third part ; Margaret his wife of the fourth part ; Alexander McDonald and Charles Whitehead of the fifth part ; after reciting 15 as therein is recited, it is witnessed for the considerations therein expressed, that the said the Honourable Donald McDonald at the request and instance of the said parties thereto, did grant, bargain, sell and convey amongst other the lands hereinafter mentioned, unto the said Alexander McDonald and Charles 20 Whitehead, jointly and not as tenants in common, and to the survivor, his heirs, and assigns, upon the amongst other trust for the said Joseph Whitehead and Margaret his wife, and the survivor for life, and upon the decease of such survivor upon trust to convey the same in such manner and for such estate as 25 the said Joseph Whitehead and Margaret his wife, should during their joint lives appoint amongst the issue of the said Joseph Whitehead and Margaret his wife (should there be any such issue) and the issue of the former marriage of the said Joseph Whitehead : 30

And whereas, there has been no such issue of the said marriage of the said Joseph Whitehead and Margaret his wife, nor is there issue expectant of such marriage, owing to the age of the said Margaret Whitehead, and the said Charlotte Ross is one of the issue of the former marriage of him, the said Joseph 35 Whitehead surviving :

And whereas, under and by virtue of a certain deed made by the said Joseph Whitehead and Margaret his wife, in pursuance of the powers in that behalf made, provided and contained in the hereinbefore in part recited Indenture, the said Joseph 40 Whitehead and Margaret his wife did appoint and declare part of the land and premises hereinafter mentioned, in favour of the said Charlotte Ross :

And whereas, it hath been agreed for divers reasons and considerations, and without re-leasing so as to make the said lands 45 subject to the said trusts in the hereinbefore in part recited Indenture, that the said Charlotte Ross shall convey unto the said Joseph Whitehead and Margaret his wife, their heirs and assigns, all and singular, the estate so appointed to the said Charlotte Ross as aforesaid, so that the title and holding of or to the 50 said land and premises shall pass to the said Joseph Whitehead and Margaret his wife, through the said appointing, and deed thereof together with, and as well as all and every, the estate which the said Charlotte Ross may have or become intitled to in any event hereafter, under any of the trusts in the said here- 55 inbefore in part recited Indenture, contained or otherwise howsoever :

Now this Indenture witnesseth, that for and in consideration

of the premises, and of the sum of one dollar to the said parties of the first part, by the said Joseph Whitehead and Margaret Whitehead, they the said parties of the first part, do grant, bargain, sell, assign, and convey unto the said Joseph Whitehead and Margaret his wife, their heirs and assigns, all and singular, the estate so given or appointed to the said Charlotte Ross, under the hereinbefore referred to deed of appointment, and hereafter to have, come into possession, together with, and as well as all and every the estate to which they, the said parties of the first part, may have or can become entitled unto, in any event hereafter, under any of the trusts in the said hereinbefore in part recited Indenture, contained or otherwise, howsoever, in, to or out of the following lands and premises, that is to say: Lots numbers fifty-three, fifty-four, sixty-five and sixty-six in the Maitland concession, of the Township of Goderich, in the County of Huron, consisting of two hundred and forty-seven acres, and one-half acre or thereabouts, saving and excepting one-quarter of an acre so near as can be square, in shape of the south-west corner of said Lot number sixty-six:

To have and to hold, the same unto Joseph Whitehead and Margaret Whitehead, their heirs and assigns, to and for their sole and only use for ever:

And the said parties of the first part, do for themselves, their heirs, executors and administrators, covenant to and with the said Joseph Whitehead and Margaret Whitehead, their heirs and assigns:

That they have the right to convey to the said parties of the second part, notwithstanding any act of the said parties of the first part:

And that the said parties of the second part, shall have quiet possession of the said lands free from all incumbrances:

And that the said parties of the first part, will execute such further assurances of the said lands as may be requisite:

And that the said parties of the first part, have done no act to encumber the said lands:

And that the said parties of the first part, release to the said parties of the second part, all their claims upon the said lands:

And that they will not at any time hereafter, hold the said estate so conveyed or purported, so to be hereby in any event, but the same shall always be held to the use of the said Joseph Whitehead and Margaret Whitehead, their heirs and assigns:

In witness whereof, the said parties hereto have hereunto set their hands and seals.

CHARLOTTE ROSS, (L.S.)
DAVID ROSS, (L.S.)

Signed, sealed and delivered,
In the presence of, ROBERT BOOTH.

“F.”

This Indenture made this nineteenth day of December, in the year of our Lord one thousand eight hundred and seventy-two: In pursuance of the Act respecting short forms of conveyances between William Whitehead, of the City of Montreal, in the Province of Quebec, clerk, of the first part; and Joseph Whitehead, of the City of Toronto, in the County of York, contractor, and Margaret Whitehead, his wife, of the second part:

Whereas under and by virtue of a certain indenture, bearing date on or about the twenty-eighth day of September in the

year of our Lord one thousand eight hundred and sixty-one, and made between the Honourable Donald McDonald, of the first part; John McDonald, of the second part; Joseph Whitehead, of the third part; Margaret, his wife, of the fourth part; Alexander McDonald, and Charles Whitehead, of the fifth part; after reciting as therein is recited, it is witnessed, for the considerations therein expressed, that the said the Honourable Donald McDonald, at the request and instance of the said parties thereto, did grant, bargain, sell and convey amongst other the lands herein-after mentioned unto the said Alexander McDonald and Charles Whitehead jointly and not as tenants in common, and to the survivor, his heirs and assigns upon the, amongst other, trust for the said Joseph Whitehead and Margaret, his wife, and the survivor for life and upon the decease of such survivor, upon trust to convey the same in such manner and for such estate as the said Joseph Whitehead and Margaret, his wife, should during their joint lives appoint amongst the issue of the said Joseph Whitehead and Margaret, his wife, (should there be any such issue) and the issue of the former marriage of the said Joseph Whitehead :

And whereas there has been no such issue of the said marriage of the said Joseph Whitehead and Margaret, his wife, nor is there issue expectant of such marriage owing to the age of the said Margaret Whitehead, and the said party of the first part is one of the issue of the former marriage of him, the said Joseph Whitehead, surviving :

And whereas under and by virtue of a certain deed made by the said Joseph Whitehead and Margaret, his wife, in pursuance of the powers in that behalf made, provided and contained in the hereinbefore in part recited indenture, the said Joseph Whitehead and Margaret, his wife, did appoint and declare part of the said land and premises hereinafter mentioned in favour of the said William Whitehead :

And whereas it hath been agreed for divers reasons and considerations, and without releasing so as to make the said lands subject to the said trusts in the hereinbefore in part recited indenture, that the said party of the first part shall convey unto the said Joseph Whitehead and Margaret, his wife, their heirs and assigns, all and singular the estate so appointed to the said William Whitehead as aforesaid so as the title and holding of or to the said land and premises shall pass to the said Joseph Whitehead and Margaret, his wife, through the said appointing and deed thereof together with and as well as all and every the estate which the said William Whitehead may have or become entitled to in any event hereafter under any of the trusts in the said hereinbefore in part recited indenture contained or otherwise howsoever.

Now this indenture witnesseth that for and in consideration of the premises and of the sum of one dollar to the said party of the first part by the said Joseph Whitehead and Margaret Whitehead paid, he, the said party of the first part, doth grant, bargain, sell, assign and convey, unto the said Joseph Whitehead and Margaret Whitehead, his wife, their heirs and assigns all and singular the estate so given or appointed to the said party of the first part under the hereinbefore referred to deed of appointment, and hereafter to come into possession together with and as well as all and every the estate to which he, the said party of the first part may have or can become entitled unto, in any event hereafter, under any of the trusts in the said

thereinbefore in part recited indenture contained or otherwise howsoever, in to or out of the following lands and premises, that is to say: lots numbers fifty-three, fifty-four, sixty-five and sixty-six in the Maitland concession in the Township of Goderich, 5 in the County of Huron, consisting of two hundred and forty-seven acres and one-half acre or thereabouts, saving and excepting one-quarter of an acre, so near as can be square in shape off the south-west corner of said lot number sixty-six:

To have and to hold the same unto the said Joseph Whitehead 10 and Margaret Whitehead, their heirs and assigns to and for their sole and only use for ever:

And the said party of the first part doth for himself, his heirs, executors and administrators, covenant to and with the said Joseph Whitehead and Margaret Whitehead, their heirs and assigns: 15

That he has the right to convey the said lands to the said parties of the second part, notwithstanding any act of the said party of the first part:

And that the said parties of the second part shall have quiet 20 possession of the said lands free from all encumbrances:

And that the said party of the first part will execute such further assurances of the said lands as may be requisite:

And that the said party of the first part has done no act to encumber the said lands, and the said party of the first part re- 25 leases to the said parties of the second part all his claims upon the said lands:

And that he will not at any time hereafter hold the said estate so conveyed, or purported so to be, hereby in any event but the same shall always be held to the use of the said Joseph 30 Whitehead and Margaret Whitehead, their heirs and assigns.

In witness whereof the said parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered W. WHITEHEAD, (L.S.)
35 in the presence of

(Signed) R A NEVILLE

NO. 21.
2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act further to amend the Agriculture
and Arts Act.

1st Reading, 22nd January, 1873.

MR. CLARKE.

TORONTO,

PRINTED BY HUNTER, ROSE & CO.

An Act to provide for the recovery of Costs in undefended Actions of Ejectment.

WHEREAS it is expedient to provide for the recovery of costs in actions of ejectment where no appearance is entered, and no defence made thereto: Preamble.

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

1. Section fifteen of the Act intituled "An Act respecting Ejectment," and being chapter twenty-seven of "The Consolidated Statutes for Upper Canada," is hereby amended by adding thereto the words following: C. S., U. C., c. 27, s. 15.

10 "Provided always, that in case no appearance be entered within the time appointed, and in case the claimant files the writ, and an affidavit of personal service thereof, or in case of service on a corporation files an affidavit of service in the
15 "manner authorized for service on corporations, or files a rule of court or judge's order, allowing him to sign judgment as well for his costs as for recovery of possession of the land, such claimant may at once sign judgment that the person whose title is asserted in the writ shall recover and have possession of the land, and also his costs (to be taxed in the
20 "ordinary way), and the claimant may forthwith issue execution thereupon, and such last-mentioned judgment may be in the form No. 2, or to the like effect, with the words following, or words to the same effect added thereto, namely, 'and do also
25 "recover against the said C. D. (the defendant), § for his costs of suit.'"

Costs in ejectment in default of appearance.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to provide for the recovery of Costs
in undefended Actions of Ejectment.

1st Reading, 28th January, 1873.

Mr. FRASER.

TORONTO :

PRINTED BY HUNTER, ROSE, & Co.

BILL.

An Act to incorporate the Superannuated Preachers' Annuitant Society, in connection with the Methodist New Connexion Church of Canada.

WHEREAS an association under the name of the Superannuated Preachers' Annuitant Society, in connection with the Methodist New Connexion Church of Canada, has existed for several years in this Province, with the design and object of affording support to the aged and infirm ministers and the widows and orphans of ministers who were members of said association; and whereas it would tend to promote the purposes of said association that it should be incorporated; and whereas said association has by petition prayed to be incorporated, and it is expedient to grant 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. Rev. George Richardson, Rev. Edwin Holmes, Rev. William Tindall, Rev. George Browne, Rev. William Williams, Rev. James McAllister, Rev. Henry Wilkinson, Rev. David Dermott Rolston, Rev. Elias Williams, Rev. James Baskerville, and such other persons as are now or hereafter shall become members of said association are hereby constituted a body politic and corporate under the name and title of "The Superannuated Preachers' Annuitant Society in connection with the Methodist New Connexion Church of Canada," and by such name they and their successors shall have perpetual succession and a common seal, and shall be capable of suing and being sued, impleading and being impleaded for the purposes of said corporation.

2. The body incorporated by this Act may from time to time and at all times, acquire and hold as purchasers any interest in lands and tenements, and the same alienate, lease, mortgage, and dispose of and purchase others in their stead: Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation: Add it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest any lands or tenements, or interest therein, if such gift, devise, or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall

at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively 5 be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements, 10 or interests therein, or such thereof which may not within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators, or assigns.

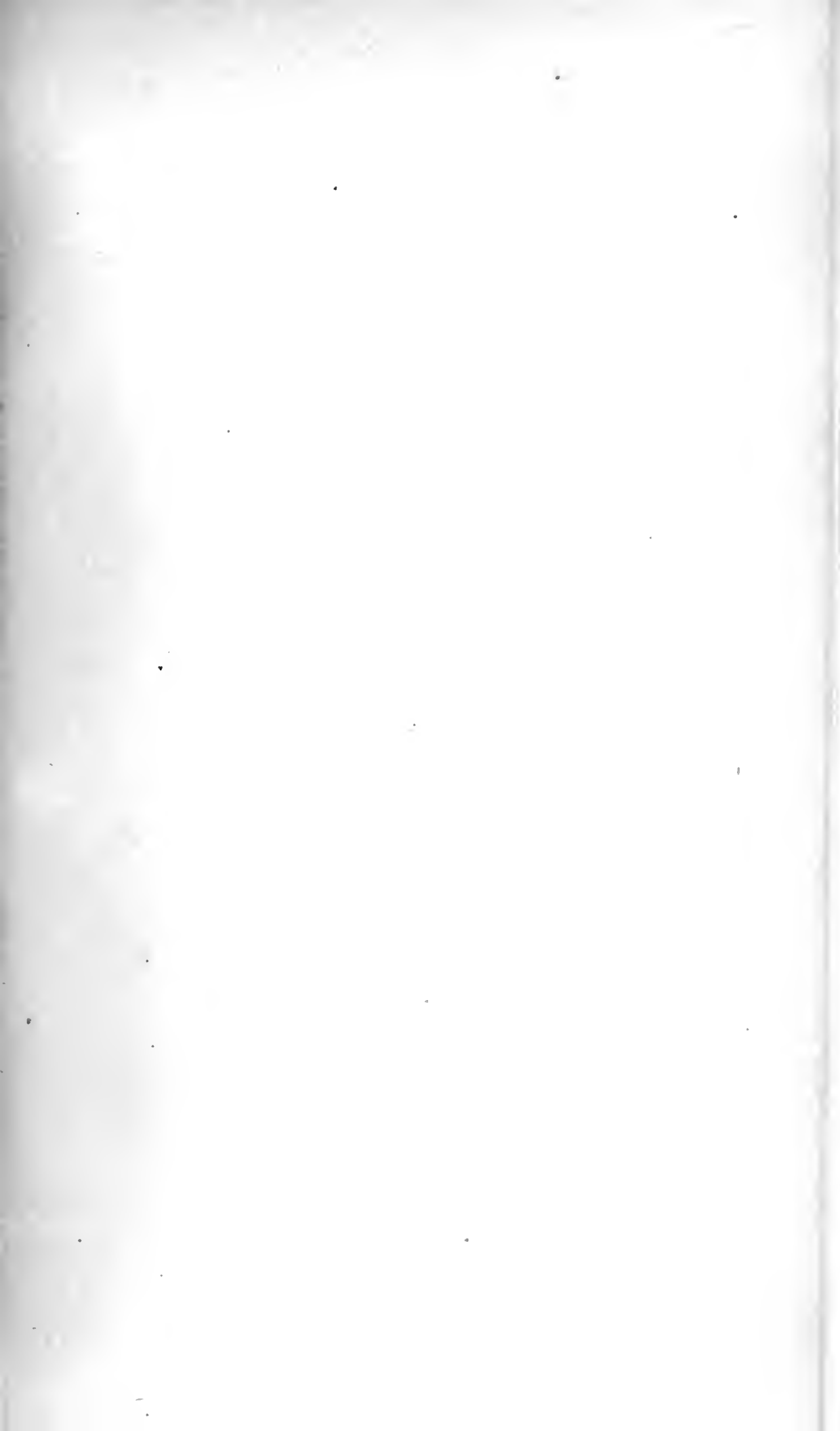
3. All real and personal estate and effects of whatever nature and kind, which have been or shall hereafter be given, granted, purchased, appropriated, devised or bequeathed in any way or manner whatever for the uses and purposes aforesaid, shall be and are now hereby vested in the said corporation, and all persons holding any such in trust shall within six months 15 after the passing of this Act convey the same to the said corporation, and be thenceforth discharged from their trusteeship. 20

4. The constitution, regulations and by-laws by which the said association is now governed shall be the constitution, regulations and by-laws of the said corporation; but they or any of 25 them may be added to, amended or repealed, and others substituted therefor in the manner and subject to the conditions and provisions therein contained: Provided always that if the members of said corporation fail to hold a meeting for the transaction of business for a period of thirteen months from the last general meeting, then, in such a case, and as often as 30 the same may happen, the directors shall assemble with all convenient speed and transact all the necessary business, and whatever may be done at such meeting by a majority of the directors present shall be of full force and effect, as if it had been done at the annual meeting of the members of said corporation, 35 as by constitution provided.

5. The persons who at the time of the passing of this Act constitute the executive board, called in the constitution the directors, together with the manager, shall retain their offices in said corporation until others are elected in their places, accord- 40 ing to the constitution.

6. Nothing in this Act shall be so construed as to prevent any ministers of said Methodist New Connexion Church who may be members of said corporation, their widows or orphans receiving benefit from the funds of this corporation, although 45 said ministers may at the time of their membership reside out of the Province of Ontario, or should they when superannuated reside out of the said Province of Ontario.

7. The said corporation shall at all times, when required by the Lieutenant-Governor, make a full return of all property 50 held by it, with such details and other information as may be required.



No. 93.

2nd Session, 2nd Parliament, 36 Vic., 1873.

BILL.

An Act to incorporate the Superannuated Preachers' Amnuitant Society, in connection with the Methodist New Connexion Church of Canada.

First Reading, 28th January, 1873.

(PRIVATE BILL.)

MR. GIBSON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to compel by subpoena the attendance of witnesses before Arbitrators.

WHEREAS it is expedient to compel, by subpoena, the attendance of witnesses before arbitrators:

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 hundred and eighty of "The Common Law Procedure Act," being chapter twenty-two of The Consolidated Statutes for Upper Canada, shall be and is hereby amended by adding thereto the words following, namely:—

C. S. U. C., c.
22, s. 180
amended.

- 10 "Provided always, that in case of any such reference by rule,
"order or submission, as aforesaid, any party thereto may without
"leave or order obtain and issue from and out of the Court by
"which such rule or order was made, or the Court mentioned
"in such agreement, or if no such Court be mentioned in the
15 "submission, and there be no restriction of the jurisdiction, as
"aforesaid, then from and out of any one of the Superior Courts
"a subpoena, commanding the attendance and examination of
"any witness, and also the production of any document to and
"before the arbitrator or arbitrators or umpire, and at the
20 "time and place mentioned in such subpoena."

Issue of sub
poenas to wit-
nesses to at-
tend before
arbitrators.

2. Section one hundred and eighty-one of the said "The Common Law Procedure Act" shall also be amended by inserting therein the word "subpoena" before the word "rule," wherever said word "rule" occurs in such section, and also by
25 adding at the end of such section the words "rule or subpoena."

Sec. 181
amended.

BILL.

An Act to compel, by subpoena, the attendance of witnesses before Arbitrators.

1st Reading, 28th January, 1873.

MR. FRASER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act with reference to Evidence and Witnesses before Arbitrators.

WHEREAS it is expedient to compel, by subpoena, the Preamble
attendance of witnesses before arbitrators;

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 one hundred and eighty of "The Common Law C. S. U. C., c.
Procedure Act," being chapter twenty-two of The Consolidated 22, c. 180
Statutes for Upper Canada, shall be and is hereby amended by amended.
adding thereto the words following, namely:—
- 10 "Provided always, that in case of any such reference by rule,
"order or submission, as aforesaid, any party thereto may without
"leave or order obtain and issue from and out of the Court by Issue of sub-
"which such rule or order was made, or the Court mentioned pœnas to wit-
"in such agreement, or if no such Court be mentioned in the nesses to at-
15 "submission, and there be no restriction of the jurisdiction, as tend before
"aforesaid, then from and out of any one of the Superior Courts arbitrators.
"a subpoena, commanding the attendance and examination of
"any witness, and also the production of any document to and
"before the arbitrator or arbitrators or umpire, and at the
20 "time and place mentioned in such subpoena."
2. Section one hundred and eighty-one of the said "The Sec. 181
Common Law Procedure Act" shall also be amended by insert- amended.
ing therein the word "subpœna" before the word "rule",
wherever said word "rule" occurs in such section, and also by
25 adding at the end of such section the words "rule or subpoena."
3. Section one hundred and eighty-two of the said "The Section 182
Common Law Procedure Act" is hereby repealed, and in lieu and amended.
stead thereof, and to be read as section one hundred and eighty-
two thereof, there shall be and is hereby inserted in said Act
30 the section following:—
182. The witnesses upon any such reference shall, unless the Witnesses may
parties otherwise agree or consent, be examined upon oath, and be sworn.
the arbitrator or umpire, or any one arbitrator, shall administer
an oath to such witnesses, or take their affirmations in cases
35 where an affirmation is allowed by law instead of an oath.
4. In case any party to any such reference by rule, order or Commission*
submission, as is within the meaning of said section one to examine
hundred and eighty, is desirous of having and submitting witnesses.
therein to and before the arbitrator or arbitrators or umpire,
40 the testimony of any aged or infirm person resident within
Ontario, or of any person who is about to withdraw
therefrom, or who is residing without the limits there-

of the court by which such rule or order was made, or a judge thereof, or the court mentioned in such submission or agreement, or a judge thereof, or if no such court be mentioned in the submission or agreement, then any one of the Superior Courts, or any judge thereof, may upon the motion of such party, and upon hearing the other parties to such reference, order the issue of one or more commission or commissions under the seal of the said proper court in that behalf, to one or more commissioner or commissioners, to take the examination of such person or persons respectively. 10

Notice of
commission to
be given.

5. Due notice of every such commission shall be given to the adverse party, to the end that he may cause the witnesses to be cross-examined.

Return of
commission.

6. In case the examination of any witness or witnesses taken without the limits of Ontario, pursuant to any such commission, be proved by an affidavit of the due taking of such examination, sworn before and certified by the mayor or chief magistrate of the city or place where the same has been taken; and in case such commission, with such examination and affidavit thereto annexed, be returned to the court from which such commission issued, done under the hand and seal of one or more of the commissioners, the same shall *prima facie* be deemed to have been duly taken, executed and returned, and shall be received as evidence in the matter of any such reference by and before the arbitrator or arbitrators or umpire, unless it is made to appear to the court to which such examination is returned, or to a judge thereof, that the same was not duly taken, or unless it is made to appear to and before the said arbitrator or arbitrators or umpire that the deponent is of sound mind, memory and understanding, and living within the jurisdiction of the court at the time such examination is offered in evidence to and before such arbitrator or arbitrators or umpire. 15 20 25 30

BILL.

An Act with reference to Evidence a
nesses before Arbitrators.

(Reprinted as amended by Select Com

1st Reading, 28th January, 187
2nd " 5th February, "

Mr. Fra

An Act further to amend the Act incorporating the
Norfolk Railway Company.

WHEREAS by the Act passed in the thirty-fifth year of Preamble
the reign of Her Majesty Queen Victoria, and chap-
tered fifty-two, the Act incorporating the Norfolk Railway
Company, the Act passed in the thirty-second year of the
5 reign of Her said Majesty, and chaptered fifty-eight, was
amended, and power was given to the said company to con-
struct a branch line of railway from any point on the line of
the railway contemplated to be made by the first-mentioned Act,
to or near Port Rowan on Lake Erie: and whereas it has been
10 ascertained that Port Burwell has a much superior harbour to
Port Rowan, and that it would be conducive to the said under-
taking that the said branch line should start at some point at or
near Brantford, and should extend south-westward to some point
on the shore of Lake Erie at or near Port Burwell: and where-
15 as petitions numerously signed by the rate-payers and the mu-
nicipalities between Port Burwell and Brantford have been
presented praying that the said Acts may be so amended that
the said company may be permitted to construct a branch or
line of railway between the points aforesaid, and may extend
20 the same northward from the town of Brantford to the line of
the Credit Valley Railway, or to the line of any other railway
north-easterly from Brantford, and it is expedient to grant the
prayer of the said petitions:

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

1. It shall be lawful for the Norfolk Railway Company, and
it is hereby authorized and empowered, for and notwith-
standing anything in the Act incorporating the said company,
30 being an Act passed in the thirty-second year of the reign of
Her Majesty Queen Victoria, and chaptered fifty-eight, or
any Act amending the same to the contrary, to construct
and operate a branch or line of railway from or near Brant-
ford in the County of Brant, to or near Port Burwell in
35 the County of Elgin, and extend the same northward from
Brantford to the line of the Credit Valley Railway, or to the
line of any other railway north-easterly from Brantford: and
all the powers and franchises contained in the said Act, and in
the Act passed in the thirty-fifth year of the reign of Her said
40 Majesty, and chaptered fifty-two, shall or may be exercised in
respect of the said line of railway by this Act authorized to be
constructed and operated.

Construction
of branch
lines.

2. The time limited by the Act passed in the thirty-fifth
year of the reign of Her said Majesty, and chaptered fifty-two,
45 for the commencement of the said railway shall be extended for
the period of one year.

Extension of
time for com-
pleting rail-
way

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act further to amend the Act incorporating the Norfolk Railway Company.

First Reading, 28th January, 1873.

(PRIVATE BILL.)

HON. MR. WOOD.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.,

An Act respecting the Public Health.

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

1. The health officers of any municipality or police village in Ontario, or any two of them, may, in the day time, as often as they think necessary, enter into and upon any premises in the place for which they hold office, and examine such premises. Health officers may enter and examine premises.
2. If upon such examination they find that the premises are in a filthy or unclean state, or that any matter or thing is there which, in their opinion, may endanger the public health, they or any two of them, may order the proprietor or occupant of the premises to cleanse the same and to remove what is so found there. Power to order cleansing.
3. Such health officers, in case the proprietor or occupier of the premises neglect or refuse to obey their directions, may call to their assistance all constables and any other persons they think fit, and may enter on the premises and cleanse the same, and remove therefrom and destroy what in their opinion it is necessary to remove or destroy for the preservation of the public health. Powers to officers to cleanse.
4. Whenever a disease of a malignant and fatal character is discovered to exist in any dwelling-house or out-house temporarily occupied as a dwelling, in a city, town, village, or township in Ontario, or within a mile thereof, and which house is situated in an unhealthy or crowded part of the city, town, village, or township or adjoining country, or is in a filthy and neglected state, or is inhabited by too many persons, the health officers of the municipality or a majority of them may, at the expense of the municipality, compel the inhabitants of such dwelling-house or out-house to remove therefrom, and may place them in sheds or tents, or other good shelter, in some more salubrious situation, until measures can be taken under the direction and at the expense of the municipality, for the immediate cleansing, ventilation, purification, and disinfection of such dwelling-house or out-house. When inhabitants of a house may be removed.
5. Such health officers or a majority of them may also, by warrant under their hands, authorize any two medical practitioners to enter in and upon any house, out-house, or premises in the day time for the purpose of making enquiry and examination with respect to the state of health of any person therein; and may also, upon the report of such medical practitioners in writing recommending the same, cause any person found therein infected with a dangerously contagious or infectious disease to be removed. Medical men may be authorized by the officers to examine. On report of medical men, persons infected may be removed.

to be removed to some hospital or other proper place; but no such removal shall take place unless the said medical practitioners shall state in their said report that such person can be removed without danger to life, and that such removal is necessary in order to guard against the spread of such disease to the adjoining house or houses. 5

Who shall and may be health officers.

6. The members of the municipal council of every township, city, town and incorporated village, and the trustees of every police village shall be health officers within their respective municipalities, under the preceding sections of this Act; but any such council may by by-law delegate the power of its members as such health officers to a committee of their own number, or to such persons, either including or not including one or more of themselves, as the council thinks best. 10

Lt.-Governor may regulate vessels, &c., in port, and landing, &c., of passengers and cargoes.

7. The Lieutenant-Governor in Council may make and declare such regulations concerning the entry or departure of boats or vessels at the different ports or places in Ontario, and concerning the landing of passengers or cargoes from such boats or vessels, or the receiving passengers and cargoes on board of the same, as may be thought best calculated to preserve the public health. 15 20

When epidemic, &c., probable. Lt.-Governor may proclaim following sections in force.

8. Whenever this Province, or any part thereof, or place therein, appears to be threatened with any formidable epidemic, endemic, or contagious disease, the Lieutenant-Governor may, by proclamation, to be by him from time to time issued, by and with the advice and consent of the Executive Council, declare the subsequent sections of this Act to be in force in this Province, or in any part thereof or place therein, mentioned in such proclamation; and it shall thereupon be in force accordingly. 25 30

Proclamation. Power to revoke, renew, and limit duration.

9. The Lieutenant-Governor may, in like manner, from time to time, as to all or any of the parts or places to which any such proclamation extends, revoke or renew any such proclamation; and subject to revocation and renewal, as aforesaid, every such proclamation shall have effect for six months, or for any shorter period in such proclamation expressed. 35

On proclamation, the first five sections suspended unless excepted.

10. Upon the issuing of any such proclamation, and whilst the same is in force, the first five sections of this Act shall be suspended as to every place mentioned in such proclamation, or being within any part of this Province included thereby, unless it be by the said proclamation declared that such sections or any of them shall be continued in force. 40

Central Board of Health, appointment of. Powers and duties of, how exercised.

11. From time to time, after the issuing of any such proclamation, and whilst it is in force, the Lieutenant-Governor may, by commission under his hand and seal, appoint five or more persons, to be "The Central Board of Health," and also such officers and servants as he deems necessary to assist the board; and the powers and duties of the said board may be exercised and executed by any three members thereof; and during any vacancy in the said board, the continuing members or member may act as if no vacancy had occurred. 45 50

Commission appointing Central Board

12. Every such commission shall, *ipso facto*, be determined by the revocation of the proclamation under which it issued, as

to all the places included in such proclamation, or by the expiration of six months from the date of such proclamation, or of any shorter period expressed in such proclamation as that during which it is to be in force; unless such proclamation be renewed as to all or some of such parts and places.

13. From time to time, while any such proclamation is in force, the mayor or other head of the municipal corporation, inspecting trustee or other chief municipal officer of any and every place mentioned in such proclamation, or included thereby, may call a special meeting of the council or of the police trustees of such place, over which he presides, for the purpose of nominating a local board of health.

14. Such municipal corporation or police trustees shall nominate not less than three persons, resident within the limits of their respective jurisdictions (or in the case of a city, town or village, within seven miles thereof), to be "The Local Board of Health" for such place.

15. Such mayor, or other head of such municipal corporation, inspecting trustee, or other chief municipal officer, shall call such special meeting within two days from the receipt of a written requisition to that effect, signed by ten or more inhabitants, householders of the place, under the jurisdiction of the body over which he presides, on pain of being personally liable to the penalty hereinafter mentioned.

16. If at any time while any such proclamation is in force, it is certified to the Lieutenant-Governor, by any ten or more inhabitant householders of any place included in such proclamation, that the mayor or other head of such municipal corporation, or inspecting trustee, or other chief municipal officer of such place, has failed to comply with such requisition, within such time as aforesaid, or that such council or trustees have failed to nominate a local board, the Lieutenant-Governor in Council may forthwith appoint not less than three persons, resident within the limits of such place (or in the case of a city, town or village, within seven miles thereof), to be the local board of health for such place.

17. Until a local board of health be appointed under the provisions of the three preceding sections, the health officers of the municipality shall exercise and perform the powers, authorities and duties of the local board, in conformity with the regulations of the central board, and shall act in every respect as if they were a local board of health appointed under the fourteenth section of this Act.

18. Every nomination or appointment of a local board of health under the fourteenth or sixteenth sections of this Act shall, *in so facto*, be determined by the revocation as to the place within the limits of which such local board is authorized to act, or as to any place in which it is included, or as to the whole Province, of the proclamation under which such local board was appointed; or by the expiration of six months from the date of such proclamation, or of any shorter period expressed in such proclamation as that during which it is to be in force; unless such proclamation be renewed as to such place, or any place in which it is included, or as to the whole Province.

determined by
revocation of
Proclamation.

Meeting to nomi-
nate Board
of Health.

Local Board
of Health, how
appointed.

Meeting to nomi-
nate Board
of Health im-
perative on
certain requi-
sitions.

When Lt.-Go-
vernor may
appoint Local
Board.

Till appoint-
ment of local
board, health
officers may
act as such.

Appointment
of local board,
when deter-
mined by
revocation of
Commission.

Power of central board to make regulations to prevent infection, &c.

19. The central board of health, or any three or more members thereof, may from time to time issue such regulations as they think fit, for the prevention, as far as possible, or the mitigation of such epidemic, endemic or contagious diseases, and may revoke, renew or alter any such regulations, or substitute such new regulations, as to them or any three of them appear expedient.

5

Powers of central board as to regulations.

20. The said board may, by such regulations, provide :

1. For the frequent and effectual cleansing of streets by the road surveyors or overseers of highways and others, entrusted with the care and management thereof, or by the owners or occupiers of houses and tenements adjoining thereto :

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2. For the cleansing, purifying, ventilating and disinfecting of houses, dwellings, railway stations, churches, buildings, and places of assembly, steamboats, railway carriages and cars, and other public conveyances, by the owners and occupiers, and persons having the care and ordering thereof :

15

3. For the removal of nuisances :

4. For the speedy interment of the dead :

5. For preventing or mitigating such epidemic, endemic or contagious diseases, in such manner as to the said central board seems expedient.

20

Power to central board to require local board to execute their regulations, &c.

21. The said central board may by any such regulations authorize and require the local boards of health to superintend and see to the execution of any such regulations ; and (where it appears that there may be default or delay in the execution thereof, by want or neglect of such surveyors, overseers, or others intrusted as aforesaid, or by reason of poverty of occupiers or otherwise) to execute or aid in executing the same within their respective limits ; and to provide for the dispensing of medicine and for affording to persons afflicted by or threatened with such epidemic, endemic or contagious diseases, such medical aid as may be required ; and to do and provide all such acts, matters and things as are necessary for superintending or aiding in the execution of such regulations, or for executing the same as the case may require.

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30

35

and to remove inmates of certain houses.

22. The central board of health may also by any such regulations authorize and require the local boards of health, in all cases in which diseases of a malignant and fatal character, are discovered to exist in any dwelling-house, or out-house temporarily occupied as a dwelling, situate in an unhealthy or crowded locality, or being in a neglected or filthy state, at the proper costs and charges of such local boards of health to compel the inhabitants of any such dwelling-house or out-house, to remove therefrom and to place them in sheds or tents, or other good shelter, in some more salubrious situation until measures can be taken by and under the directions of the local boards of health, for the immediate cleansing, ventilation, purification and disinfection of the said dwelling-house or out-house.

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Regulations, extent of locality to which applicable.

23. The directions and regulations to be issued as aforesaid shall extend to all parts or places in which this Act shall, for the time being, be in force under any such proclamation as aforesaid, unless such regulations be expressly confined to some of such parts or places, and then to such parts or places as in such directions and regulations shall be specified, and (subject to the power or revocation and alteration herein contained) shall con-

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time in force so long as this Act shall be in force under such proclamation in the parts or places to which such regulations extend.

21 The members of the said local boards of health shall be
5 called health officers, and any two or more of them acting in
the execution of any such regulations as aforesaid, may exercise
the like powers and authorities as are conferred upon health of-
ficers by sections four and five of this Act.

Members of
local boards
to be health offi-
cers. Powers

25 In case the owner or occupier of any such dwelling or
10 premises neglect or refuse to obey the orders given by such
health officers, in pursuance of such regulations, such health of-
ficers may call to their assistance all constables and peace offi-
cers and such other persons as they think fit, and may enter
into such dwelling or premises, and execute the same or cause to
15 be executed therein such regulations, and remove therefrom and
destroy whatsoever, in pursuance of such regulations it is neces-
sary to remove and destroy for the preservation of the public
health.

Powers of offi-
cers if their
orders dis-
obeyed.

26 The expense incurred by the said central board of health
20 shall be defrayed out of any moneys appropriated by the Legis-
lature for that purpose; and the expense incurred by the said
local boards of health in the execution or in superintending
the execution of the regulations of the central board, shall be
defrayed and provided for in the same manner and by the same
25 means as expenses incurred by the municipal corporations, hav-
ing jurisdiction over the respective places for which such local
boards of health were appointed, are by law required to be de-
frayed and provided for.

Expenses of
central and
local boards
to be defrayed.

27 The treasurer of the municipality shall forthwith upon
30 demand pay out of any moneys of the municipality in his hands
the amount of any order given by the members of the local
board or any two of them for services performed under their di-
rection by virtue of this Act.

Any two mem-
bers of local
board may or-
der municipal
treasurer to
pay.

28 Every proclamation of the Lieutenant-Governor in Coun-
35 cil under this Act shall be published in the *Ontario Gazette*; and
no direction or regulation of the said central board of health
shall have any force or effect until it has been confirmed by the
Lieutenant-Governor in Council, and has thereafter been pub-
lished in the *Ontario Gazette*.

Proclamation
to be pub-
lished.
Regulations of
central board
invalid till
confirmed and
published.

40 29. Such publication of any such proclamation or regulation
shall be conclusive evidence of the proclamation or regulation so
published and of the confirmation of such regulation as aforesaid,
and of the dates thereof respectively to all intents and purposes;
and every such proclamation and regulation shall forthwith upon
45 the issuing thereof be laid before the Legislative Assembly if it
be then sitting and if not, then within the fourteen days next
after the commencement of the next session.

Publication to
be evidence of
certain facts.
Regulations
and proclama-
tion to be laid
before Le

30 Upon the publication of any such regulations as aforesaid,
and whilst they continue in force all by-laws of municipal cor-
50 poration of any place to which such regulations or any of them
relate, made for preserving the inhabitants thereof from conta-
gious diseases or for any other of the purposes for which such

On publica-
tion of regula-
tions certain
municipal by-
laws cease.

No. 97.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate "The Beechwood Cemetery Company of the City of Ottawa."

First Reading, 30th January, 1873.

(PRIVATE BILL)

Hon. Mr. SCOTT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to increase the Capital Stock of the City of Kingston Water Works Company, and to amend the Act of Incorporation of the said Company.

WHEREAS the City of Kingston Water Works Company was incorporated by an Act passed by the Parliament of the late Province of Canada in the twelfth year of Her Majesty's reign, and chaptered one hundred and fifty eight; And whereas
 5 the said Act of Incorporation was amended by an Act passed in the session of the Parliament of the late Province of Canada, held in the fourteenth and fifteenth years of Her Majesty's reign, and chaptered thirty-seven; And whereas the said Act of Incorporation was further amended by an Act passed by the
 10 Parliament of the late Province of Canada, in the eighteenth year of Her Majesty's reign, and chaptered two hundred and seventeen; And whereas the said company have by their petition prayed that the capital stock of the company be increased
 15 from eighty thousand to one hundred and twenty thousand dollars, and that the said Act of Incorporation may be further amended; and it is expedient to grant the prayer of the said
 20 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 stockholders of the said company to raise and contribute among themselves, or by the admission of new subscribers, a further sum of forty thousand dollars in addition to the present capital stock of the said company. Increase of stock.
- 25 2. The additional sum of forty thousand dollars shall be divided into eight hundred shares of fifty dollars each; and each person subscribing for or taking any share or shares in such additional stock shall have the same rights and be subject to the same rules and liabilities as the original subscribers and share-
 30 holders of the said company. Shares.
3. The said additional shares shall and may be subscribed for in such proportions or numbers, and at such times and under such conditions and regulations as the directors of the said company shall from time to time establish, and the shares subscribed
 35 for shall be paid in by such instalments and at such times as the said directors shall from time to time appoint; And all the provisions of the thirteenth section of the Act of Incorporation of the said company shall be applicable to all cases in which instalments or shares subscribed for under this Act shall be
 40 unpaid. How new stock may be subscribed for and called in. etc.

4. The latter part of section five of the said Act of Incorporation, beginning at the word "Provided," to the end, is here- 12 V., c. 153, s 5, amended

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act respecting the Public Health.

1st Reading, 28th January, 1873.

Hon. Mr. MOWAT.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the Beechwood Cemetery Company of the City of Ottawa.

WHEREAS it hath in petition among other things been Preamble.
 set forth that the corporation of the City of Ottawa have
 by by-law prohibited the burial of the dead within the city limits
 from and after the first day of May, 1873, therefore it has become
 5 necessary that a public cemetery should be established without
 the limits thereof, and the persons hereinafter named have asso-
 ciated themselves together for the purpose of establishing such
 cemetery, and have prayed that they, their successors, and such
 other persons as may hereafter become their associates, be in-
 10 corporated and have powers conferred on them for the purpose
 aforesaid; 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
 15 as follows, be it therefore enacted:—

1. That Joseph M. Currier, Philip Thompson, James T. Incorporation.
 Pennock, Robert Blackburn, Benjamin Batson, William White,
 John Durie, George Hay, John Sweetland, M. D., James G.
 Robinson, McLeod Stewart, and such others as are now and may
 20 hereafter become subscribers to the capital stock of the said
 company, and shareholders thereof in pursuance of this Act,
 shall be and are hereby constituted a body politic and corporate,
 by the name of "The Beechwood Cemetery Company of the City
 of Ottawa." Corporate name.

2. The capital stock of the said company shall be twenty Capital stock.
 thousand dollars, divided into two hundred shares of one hun-
 dred dollars each, and may be increased to fifty thousand dol-
 lars; shares to be transferable on the books of the corporation
 in such manner as the corporation shall by its by-laws direct;
 30 and each share shall entitle the owner thereof to one vote either
 in person or by proxy.

3. It shall be lawful for the said corporation to acquire, take Corporation may acquire certain lands.
 and hold a lot or tract of land within the Township of Gloucester,
 in the County of Carleton, not exceeding four hundred acres, and
 35 to sell and otherwise dispose of such land in lots, plots or parcels
 to be used exclusively as a cemetery or place of burial for the
 dead; Provided always that the deed of sale of any lot, plot or
 parcel of land in the said cemetery or place of burial shall be Form of conveyances by the company.
 in the form given in schedule A annexed; And provided also
 40 that the real estate of the said corporation, and the said lots,
 plots and parcels, when conveyed by the corporation to indivi-
 dual proprietors, shall be exempt from assessment and taxation, Exemption from taxation and execution.
 and shall not be liable to be sold under execution, or be subject

to be applied to the payment of debts by any bankrupt, insolvent or other law.

Application of
moneys of cor-
poration.

4. All moneys received by the said corporation, whether on account of the capital stock, the sale of lots, or otherwise, shall, after the payment of all debts due or owing by the said corporation, as well as all working expenses, be applied, first to the payment of interest to shareholders at the rate of twelve and a half per centum per annum; and any residue there may be shall be applied one-half to the extinguishment of the capital stock, and the other half to the improvement and embellishment of the grounds of said cemetery; and after the extinguishment of said capital stock, all the revenues of the said corporation derivable from any source whatsoever shall be applied to the preservation, improvement and embellishment of the said cemetery, and incidental expenses thereof, and to no other purpose whatever. 5 10 15

When the
stockholders
have been re-
imbursed, the
lot-holders to
be members of
the corpora-
tion.

5. When and as soon as the original stockholders shall have been reimbursed the amount invested by them, together with interest thereon as herein provided, then their stock shall be deemed extinguished, and the lot-holders shall become and be members of the said body corporate, possessing all the rights and privileges pertaining to the original stockholders, so far as the management of the affairs of the company is concerned, except as hereinafter provided. 20

Election of
directors.

6. As soon after the passing of this Act as fifteen thousand dollars of stock shall have been subscribed in the stock books of the company, any two subscribers may by advertisement in one or more of the newspapers published in the City of Ottawa call a meeting, fixing the time and place thereof, of stockholders, for the election out of their number of seven directors, four of whom shall form a quorum; who shall hold office for one year, or until their successors shall have been appointed: whose duty it shall be to manage all the affairs of the company; and who shall at the end of their term of office render a full report of the condition and affairs of the corporation. 25 30 35

Quorum.

Directors can
call in stock.

7. The directors are authorized to call in the payment of the subscribed stock by such instalments and at such times as they shall deem fit, giving at least ten days' notice in some newspaper published in the city of Ottawa of such time of payment, and the amount of the call or instalment required; and shall have full power in case of any stockholder neglecting or refusing to pay any such instalment after notice as aforesaid, to forfeit and declare forfeited all instalments paid, and all the right to the stock so subscribed. 40

Scale of votes.

8. No lot-holder shall be deemed a shareholder, and entitled to vote and take part in the management of the affairs of the company, holding less than one hundred and fifty superficial feet: a holder of six hundred and under sixteen hundred feet shall be entitled to three votes, and a holder of sixteen hundred or more feet to five votes. 45 50

Corporation
may appoint
officers, make
by-laws, &c.

9. It shall be lawful for the said corporation to appoint such officers and servants of the corporation as they shall think expedient; to make and frame by-laws for the government and control of the said officers and servants; and also to make and frame

- all other by-laws, rules and regulations for the management of the business of the corporation in all particulars and details, whether herein specially enumerated or not, and the same at any time to repeal, alter, amend or modify; Provided that no such
- 5 by-laws shall be inconsistent with the provisions of this Act, and any copy of the said by-laws certified by the clerk or secretary, and under the seal of the said corporation, shall be received as *prima facie* evidence of such by-laws in all courts in this Province.
- 10 **10.** All lots, plots or parcels when conveyed and designated as lots by the said corporation, shall be indivisible, but may be held and owned in undivided shares. Lots to be indivisible.
- 11.** Any person who shall wilfully destroy, deface, injure or remove any monument, tomb, grave-stone, or other
- 10 structure placed in the cemetery aforesaid, or any fence, railing or other work for the protection or ornament of the said cemetery, or of any tomb, monument, grave-stone, or other structure aforesaid, or any plot of ground within the said cemetery; or shall wilfully destroy, cut, break or injure any tree, shrub or
- 20 plant within the said cemetery; or play at any game or sport, or discharge firearms (save at a military funeral) in the said cemetery; or shall wilfully disturb any persons assembled for the purpose of burying any body therein; or who shall commit any nuisance in the aforesaid cemetery, shall be guilty of a misdemeanor, and may, upon conviction before a justice of the
- 25 peace or other competent authority, be fined any sum not less than two dollars nor more than fifty dollars; and in default of payment of such fine and the costs attending such conviction, such person may be committed to gaol for any period not less
- 30 than six days nor more than three months, and may also be sued by the corporation for any such trespass, whether committed in a private lot or otherwise, and in any case in which the corporation is a party any member thereof may be a competent witness: all penalties and judgments recovered, except the costs,
- 35 when received by the directors shall be applied under their direction towards the reparation or reconstruction of the property destroyed or injured, and if there should be any overplus it shall be applied as other moneys arising from the sale of lots, as hereinbefore provided. Injuring trees, monuments, &c.
Disorderly conduct in the cemetery.
Penalty.
Application of penalties.
- 40 **12.** The said corporation shall make regulations for insuring that all burials within the said cemetery are conducted in a decent and solemn manner: they shall not allow any body to be buried in any vault under any chapel or other building in the
- 45 the said cemetery, or within fifteen feet of the outer wall of any such chapel or other building: every part of the said cemetery shall be enclosed by walls or other sufficient fences or railings, and they shall keep the said cemetery, and the buildings and fences thereof, in complete repair and in good order and condition, out of the moneys to be received by them by virtue of
- 50 this Act. Regulations regarding burials, &c.
Cemetery to be kept in repair.
- 13.** The said corporation shall make all proper and necessary sewers and drains in and about the said cemetery for draining it and keeping it dry; and they may from time to time as occasion requires, cause any such sewer or drain to open into any
- 55 existing drain or sewer, with the consent in writing of the owners or occupiers of the land through which opening is made. Sewers and drains.

Power to
acquire real
property.

14. The body incorporated by this Act may from time to time and at all times, acquire and hold as purchasers any interest in lands and tenements, and the same alienate, lease, mortgage and dispose of and purchase others in their stead: Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation: And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same: but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise, or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements or interests therein, or such thereof which may not, within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

And sell.

Seal.

15. The said corporation shall have a common corporate seal and may by resolution or by-law from time to time change or alter the same, and all deeds and conveyances made by the said corporation shall be sealed therewith.

SCHEDULE "A."

Know all men by these presents that "The Beechwood Cemetery Company of the City of Ottawa," in consideration of the sum of dollars paid to them by *A.B.*, of the of the receipt whereof is hereby acknowledged, do grant unto the said *A.B.*, heirs and assigns, that lot of land in the said cemetery of the said company called Beechwood, in the Township of Gloucester, County of Carleton, containing by admeasurement superficial feet (*describe the lot*), to have and to hold the above-named premises hereby granted unto the said heirs and assigns for a burial ground forever.

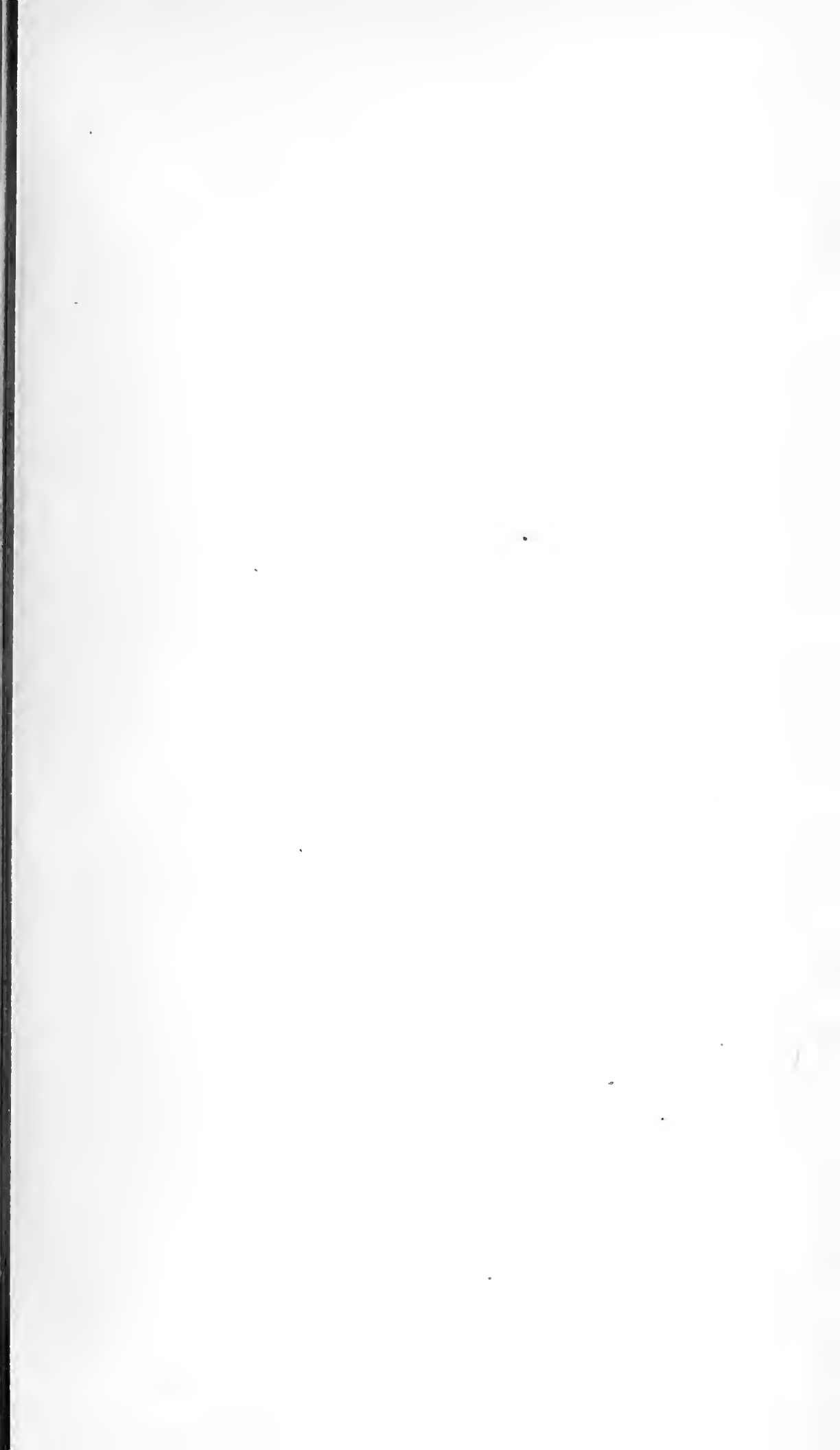
In witness whereof the said "The Beechwood Cemetery Company of the City of Ottawa" have caused their corporate seal to be hereunto affixed the day of in the year of our Lord one thousand eight hundred and

Witness.

[L.S.]

Secretary.

President.



by repealed, and in lieu thereof it is hereby enacted that in all cases hereafter, anything in the said Act to the contrary notwithstanding, each stockholder or proprietor shall be entitled to one vote for each share held by such stockholder or proprietor.

Sec. 11
repealed.

Penalty for
using the
water or
allowing it to
be used with-
out the con-
sent of the
company.

5. Section eleven of the said Act of Incorporation is hereby 5
repealed, and the following substituted in lieu thereof:

(1.) If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said company, or in any way obtain or use the water without the consent of the board of directors or their officer appointed 10
to grant such consent, or being occupant or occupants, tenant or tenants, inmate or inmates of any house or other building, yard or premises supplied with water by the said company, shall permit or allow water to be used or taken away by any other 15
person or persons without such consent as aforesaid, he or they shall forfeit and pay to the said company the sum of one hundred dollars, and also a further sum of five dollars for each day such pipe or main shall so remain, which said sum, together with costs of suit in that behalf, may be recovered in civil action in any court of law in the Province having civil jurisdiction 20
to that amount.

(2.) If any person or persons in any way obtain or use the water of the said company without the consent of the board of directors or their officer appointed to grant such consent, or if any person or persons being occupant or occupants, tenant 25
or tenants, inmate or inmates of any house or other building, yard or premises supplied with water by the said company, shall permit or allow water to be obtained or used or taken away by any other person or persons without such consent as aforesaid, such person or persons offending in any of the cases aforesaid 30
shall, on conviction thereof before a justice of the peace, forfeit and pay for every such offence a sum not exceeding twenty dollars, together with the costs of conviction, or shall be imprisoned for any term not exceeding one month, or shall be liable to both fine and imprisonment in the discretion of such jus- 35
tice; and all such sums recovered as aforesaid shall be paid one-half to the said company and the other half to the person who shall lay the information; and in case the information shall be laid by any of the directors of the said company, or by their agent in that behalf, then the whole of the said penal- 40
ty shall be paid to the said company.

(3.) It shall and may be lawful for the convicting justice in default of payment of any such penalty or costs, to issue a warrant of distress to any constable or peace officer against the goods and chattels of the person or persons convicted, and 45
in case no sufficient distress be found to satisfy such conviction, then it shall and may be lawful for such justice to order that the person so convicted be imprisoned in the common jail of the county for any period not exceeding thirty days, unless the penalty and all costs be sooner paid. 50

An Act to incorporate "The Dresden and Oil Springs
Railway Company,"

WHEREAS it is expedient to grant a charter for the construction of a railway from a point at or near the Village of Dresden, in the County of Kent, to a point at or near the Village of Oil Springs, in the County of Lambton:

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

1. James Sisk, Robert McBride, Solomon Huff, Sibree Clark, and T. R. McInnes, together with such persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Dresden and Oil Springs Railway Company."

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, with respect to the first, second, third, fourth, fifth, sixth and eleventh clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines, and penalties and their prosecution," "by-laws, notices, &c." "working of the railway," and "general provisions," and also the several clauses of chapter twenty-five of the Statutes of this Province passed in the thirty-fifth year of Her Majesty's reign shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they 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 so incorporated with this Act.

3. The said company shall have full powers under this Act to construct a railway from some point in or near the said Village of Dresden to a point in or near the Village of Oil Springs, with full powers to pass over any portion of the country between the points aforesaid, and to carry the said railway through the crown lands lying between the points aforesaid.

4. The gauge of the said railway shall not be less than four feet and eight and a half inches.

- Conveyances of lands.** **5.** Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the schedule "A" hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, 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 certificate endorsed on the duplicate thereof. 5
- Registration of deeds.**
- Provisional directors.** **6.** From and after the passing of this Act the said James Sisk, Robert McBride, Solomon Huff, Sibree Clark, and T. R. McInnes, shall be the provisional directors of the said company. 10
- Powers of provisional directors.** **7.** The said 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 with all such other powers as, under the Railway Act, are vested in such boards. 15 20
- Capital stock.** **8.** The capital 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), to be divided into three thousand shares of one hundred dollars each. 25
- Ten per cent. to be paid on stock.** **9.** 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 to the credit of the said company. 30
- Calls.** **10.** Hereafter calls may be made by the directors for the time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber. 35
- General meeting for election of directors** **11.** As soon as shares to the amount of fifty thousand dollars of the capital stock of the said company other than by municipalities shall have been subscribed, and ten per centum thereof paid into some chartered bank of the Province, (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general 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 of the said company. 40 45
- How meeting to be called in case provisional directors neglect to call same.** **12.** In case the provisional directors neglect to call such meeting for 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 same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are each subscribers for not less than five hundred dollars of the said capital stock, and who have paid up all calls thereon. 50

13. 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 weekly newspaper in the County of Kent and the County of Lambton, once in each week, for the space of at least four weeks, and such meeting shall be held in the Village of Oil Springs, on such day 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 five persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Notice of general meeting.

Election of directors.

14. Thereafter, the general annual meeting of the shareholders of the said company shall be held at such 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 a newspaper published in each of the Counties of Kent and Lambton.

Annual meetings.

15. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner, as may be provided by the by-laws of the said company.

Special general meetings.

16. Every shareholder 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.

Scale of votes.

17. 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.

Qualification of directors.

18. Any meeting of the directors of the said company, regularly summoned, at which not less than three directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Quorum of directors.

19. And it shall further be lawful for any municipality or municipalities, or any county municipality, or any portion of any such municipality or municipalities, or county 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 by way of bonus or other means, to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipalities, or any of them, shall think expedient; Provided always that no such aid, loan, bonus, or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws, by the ratepayers, as provided in the Municipal Act for the creation of debts.

Aid to company from municipalities.

Manner of
submitting
and passing
by-laws.

20. Such by-laws shall be submitted and passed in manner following, namely—

1. In the case of a county municipality, by the county council, on a petition of a majority of the reeves and deputy-reeves, or of two hundred resident freeholders, who may be duly qualified voters under the Municipal Act; 5

2. In the case of other municipalities, and of sections of such municipalities, by the councils of such municipalities, on the petition of the majority, or of fifty resident freeholders, duly qualified voters, as aforesaid; 10

3. And in the case of municipalities, or portions of municipalities, which form part of a county municipality, by the council of such county municipality, on the petition of fifty resident freeholders, who are duly qualified voters, as aforesaid.

The same.

21. Such by-laws shall be submitted:— 15

1. For raising the amount so petitioned for by the issue of debentures, payable in twenty years, by equal annual instalments of principal with interest, and for delivery to the trustees of the debentures for the amount of such aid or bonus, at the times and on the terms specified in the petition; 20

2. For assessing and levying upon all the ratable property lying within the section or sections defined by the petition, an equal annual special rate, sufficient to include a sinking fund for the repayment of the debentures, with interest thereon; said interest to be paid yearly or half-yearly; which debentures the municipal councils, and the wardens, reeves, and other officers thereof, are hereby authorized to execute and issue in such case respectively; 25

And in case such by-laws be approved or carried by the majority of the votes given thereon, the proper council shall, within one month after such voting has taken place, read the said by-laws a third time, and pass the same. 30

Debentures to
be issued
within one
month after
the passing of
the by-law.

22. And 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. 35

Assessment
when bonus
granted by a
a municipality

23. In case any bonus be so granted by a portion of a municipality, or county 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 or county municipality. 40

Municipal Act
to apply to by-
laws.

24. The provisions of the Municipal Acts 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 municipality or county municipality, to the same extent as if the same had been passed by or for the whole municipality or county municipality. 45

By-laws to be
valid though
the annual
rate exceed
two cents in
the dollar.

25. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof, shall exceed two cents in the dollar. 50

Exemption of

26. It shall further be lawful for the corporation of any mu-

nicipality through any part of which the railway of the said company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property, with-
 in such municipality, either in whole or in part, from municipal
 5 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 assess-
 ments to be imposed by such municipal corporation, and for
 such term of years as such municipal corporation may deem ex-
 10 peditent, not exceeding twenty-one years.

27. 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 connect-
 15 ed with the running or traffic of the said railway : and the said
 railway company shall have power to accept gifts of land from
 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.

28. It is hereby enacted that whenever any municipality or portion or portions of a municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor shall, within six weeks after the passing of the by-laws authorizing the same, be delivered to the Honourable Archibald McKellar, the Honourable Timothy Blair Pardee, and a third person who shall be appointed by the Lieutenant-Governor in Council, and in case of gifts by individuals or bodies politic or corporate other than municipalities, the same shall be delivered to the same persons, unless
 20 the said company and such individuals or bodies politic or corporate shall agree on some other person or persons for that purpose, or shall agree that the same shall be delivered to the said company : provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month
 25 after notice to him in writing requiring him to appoint a trustee, the said company shall be at liberty to name a trustee in the place of the one to have been named by the said Lieutenant-Governor in Council.

29. 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, with the consent of the said company, and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the
 40 Lientenant-Governor in Council, with the consent of the said company.

30. The act of any two such trustees shall be as valid and binding as if the three had agreed.

31. The said trustees shall receive the said debentures in trust to deposit the same in some chartered bank of this Province, and to deliver the same to the company when and as may be agreed upon between the parties : and in case there shall be no agreement between the parties then to deliver the same to the company *pro rata* according to the work done per mile, on the
 50 certificate of the chief engineer of the company, specifying the value and nature of the work done, and the length thereof.

Counties may
issue debentures
instead
of townships.

32. Any county in which is or are situated a township or townships or portion of a township that shall grant a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such township or townships or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county, on resolution being passed to that effect by a majority of the county council. 5

Company may
make negotiable
instruments.

33. 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 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 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 shewn; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, or 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 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

But not be
concluded as
money.

Power to acquire
lands for
stations gravel
pits, &c.

34. 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 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 or enjoy such lands, and also the right of way thereto, if the same be separated from their railway; and to sell and convey the same or part thereof, from time to time, as they may deem expedient. 30
35

Company may
enter into certain
agreements
with other
railways.

35. It shall be lawful for the said company to enter into any agreement with any other railway company in the Province of Ontario for leasing the said railway, or any part thereof, or for the use thereof, at any time or times, or for any period, to such other company, or for the leasing or hiring any locomotives, tenders, or moveable property; and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or moveable property of either or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; or such other railway company, as well as any other corporation, may agree upon any terms, as they may mutually consent to, for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals; but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of On- 40
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tario to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred.

36. Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote in the same and to be eligible to office in the said company.

Rights of
aliens

37. The railway shall be commenced within two years and completed within four years after the passing of this Act, or else the charter shall be forfeited.

Commence-
ment and com-
pletion of rail-
way.

38. The said railway company shall at all times receive and carry cordwood at a rate to be fixed by the Lieutenant-Governor in Council.

Conveyance of
Cordwood.

SCHEDULE "A."

(See section 5.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendor or vendors*], in consideration of dollars paid to me (or us) by the Dresden and Oil Springs 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 situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said The Dresden and Oil Springs Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*]; and I, the wife of the said _____, do hereby bar my 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)

SCHEDULE "B."

(See section 31.)

CHIEF ENGINEER'S CERTIFICATE.

THE DRESDEN AND OIL SPRINGS
RAILWAY COMPANY'S OFFICE,
Engineer's Department,
A.D. 18 .

No. _____
Certificate to be attached to cheques drawn on The Dresden and Oil Springs Railway Municipal Trust account, and given under section _____ of cap. _____, 36 Vic. :

I, _____, chief engineer for The Dresden and Oil Springs Railway, do hereby certify that there has been expended in the construction of mile 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 said sum of _____ dollars is now due and payable, as provided under said Act.

No. 99.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate The Dresden and Oil Springs Railway Company.

First Reading, 30th January, 1873.

(PRIVATE BILL.)

M. T. DAWSON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to enable the London Freehold and Leasehold Land Benefit Building Society, and the London Union Savings Loan and Permanent Investment Society to amalgamate with the Agricultural Investment Society and Savings Bank.

WHEREAS it is desirable to grant to the London Freehold and Leasehold Land Benefit Building Society, and the London Union Savings Loan and Permanent Investment Society the power of amalgamating with the "Agricultural Investment Society and Savings Bank:"

Preamble

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

1. Upon the execution by the President and Treasurer for the time being of the London Freehold and Leasehold Land Benefit Building Society, and by the President and Treasurer for the time being of the London Union Savings Loan and Permanent Investment Society, and by the President and Treasurer for the time being of the Agricultural Investment Society and Savings Bank, of a declaration to the effect that it is their intention that an amalgamation of their three societies shall take place; and upon such declaration being filed in the office of the Clerk of the Peace for the County of Middlesex, for which the said clerk shall receive the sum of fifty cents, the London Freehold and Leasehold Land Benefit Building Society, and the London Union Savings Loan and Permanent Investment Society shall forthwith be amalgamated with and shall merge in the Agricultural Investment Society and Savings Bank; and all the real and personal estate, property, assets and effects, and all titles, securities, instruments and evidences, and all rights and claims of or belonging to the London Freehold and Leasehold Land Benefit Building Society, and the London Union Savings Loan and Permanent Investment Society shall vest in the Agricultural Investment Society and Savings Bank, and shall thenceforward for all purposes of bringing or defending actions or suits, civil or criminal, and for all other purposes whatsoever, be deemed to be and shall be stated to be the property of the President and Treasurer for the time being of the Agricultural Investment Society and Savings Bank for the use of the said, The Agricultural Investment Society and Savings Bank, in the same manner and to the same extent to which the property now of the said last named society is stated, deemed, and taken to be the property of its President and Treasurer for the time being; and the Agricultural Investment Society and Savings Bank shall have the same powers, rights and privileges in relation to the said property of all descriptions as the London Freehold and Leasehold Land Benefit Building Society and the London

Amalgamation of the societies.

Property of the societies.

Powers of new society.

Union Savings Loan and Permanent Investment Society now have or shall have, respectively, at the time of such amalgamation; but no suit, action or prosecution being carried on or power being exercised in the names of the President and Treasurer of the London Freehold and Leasehold Land Benefit Building Society, or in the names of the President and Treasurer of the London Union Savings Loan and Permanent Investment Society shall be discontinued or abated by or on account of such amalgamation, but shall continue in their names, and the Agricultural Investment Society and Savings Bank shall have the same rights and liabilities, and shall pay or receive like costs, as if the action, suit or prosecution had been commenced or been defended in the names of the President and Treasurer of the Agricultural Investment Society and Savings Bank, for the benefit of, or to be satisfied by, the Agricultural Investment Society and Savings Bank.

Liabilities of amalgamated societies.

2. The liabilities of the London Freehold and Leasehold Land Benefit Building Society, and of the London Union Savings Loan and Permanent Investment Society (except liabilities incurred in and about the organization thereof, and for salaries of officers and all other expenses connected with the management of the affairs thereof, up to the time when such amalgamation shall take effect) shall be assumed and paid by the said, The Agricultural Investment Society and Savings Bank; but, all expenses incurred by either of the said three societies, in or about their organization, or for salaries of officers, and all other expenses connected with the management of the affairs thereof, up to the time when such amalgamation shall take effect, shall be paid or borne by the respective societies by whom or on whose account the same have been or shall be incurred.

Profits how distributed.

3. All profits earned by either of the said three societies, up to the time when such amalgamation shall take effect, including premiums on stock (if any), shall belong to and be retained by the respective societies by whom the same have been or shall be earned.

Allotment of shares.

4. Within thirty days after such amalgamation shall take place, there shall be allotted to the shareholders of the said, The London Freehold and Leasehold Land Benefit Building Society, in proportion to and in lieu and extinguishment of their stock in that society, shares in the Agricultural Investment Society and Savings Bank, to the amount of one hundred and five thousand dollars par value, and to the shareholders of the London Union Savings Loan and Permanent Investment Society in proportion to and in lieu and extinguishment of their stock in the said last named society, shares in the Agricultural Investment Society and Savings Bank, to the amount of seventy thousand dollars par value, and the shareholders of such societies shall have credit on account of the said shares on the books of the Agricultural Investment Society and Savings Bank for payments, which shall at the time of such amalgamation taking effect, have been made on account thereof; and such payments shall be credited to them, respectively, as having been made on the day upon which such amalgamation shall take place; and the holders of such allotted shares shall in all things be subject to the same rules and entitled to the same rights and privileges as the original shareholders of the Agricultural Investment Society and Savings Bank.

5. In the event of the subscribed shares of the said, The London Freehold and Leasehold Land Benefit Building Society and of the London Union Savings Loan and Permanent Investment Society being at the time when such amalgamation shall take place, be reduced by withdrawals or otherwise below the amounts of stock to which the said two last named societies, or either of them, are respectively entitled, as provided by the fourth section of this Act, the amount of stock to which the two last named societies, respectively, (in which such reduction shall have taken place) shall be entitled in the Agricultural Investment Society and Savings Bank, shall be reduced to a sum equal to the then subscribed shares of such society or societies, and in ascertaining the number of the then subscribed shares, no share upon which at least one monthly payment shall not have been made shall be computed.

6. Richard Tooley, Esquire, M. P. P., Dorchester; John Wright, Esq., Builder, City of London; Samuel McBride, Esq., J. P., City of London; Richard Bayley, Esq., Barrister, City of London; Andrew McCormick, Esq., J. P., City of London; James Owrey, Esq., J. P., Westminster; John Burnett, Esq., Merchant, City of London; George Birrel, Esq., of J. Birrel & Co., City of London; Thomas Peel, Esq., of the City of London; A. T. Chapman, Esq., of Smith, Chapman, & Co., City of London; D. Regon, Esq., of the City of London, and William Glass, Sheriff of the County of Middlesex, shall be the directors of the said, The Agricultural Investment Society and Savings Bank, and shall hold office until the second Wednesday in the month of February next, after such amalgamation shall take place.

7. The shares known as permanent or invested shares in the said, The London Freehold and Leasehold Land Benefit Building Society and the London Union Savings Loan and Permanent Investment Society shall upon such amalgamation be and become invested shares and fixed or permanent capital in the Agricultural Investment Society and Savings Bank in the same manner and under the same rules as if the same had originally been subscribed in the said last mentioned society, and had become such invested shares or fixed or permanent capital in the said last mentioned society on the day of the said amalgamation taking effect.

8. The creditors of the London Freehold and Leasehold Land Benefit Building Society, and of the London Union Savings Loan and Permanent Investment Society shall, upon such amalgamation, be and become to all intents and purposes creditors of the Agricultural Investment Society and Savings Bank; and shall have and be entitled to the same rights and privileges as creditors of the Agricultural Investment Society and Savings Bank, as they previously had been and were entitled to as creditors of the London Freehold and Leasehold Land Benefit Building Society, and the London Union Savings Loan and Permanent Investment Society, or either of them.

9. This Act shall be subject to and shall not come into force or effect until approved of by a vote of two-thirds of the shareholders of each of the said societies, present in person or by proxy at meetings of the said several societies, to be specially called for that purpose.

Allotment of shares.

Directors.

Permanent or invested shares.

Rights of creditors of amalgamated societies.

Act not apply unless confirmed by a vote of the stockholder.

No. 100.

2nd Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to enable the London Freehold and Leasehold Land Benefit Building Society, and the London Union Savings Loan and Permanent Investment Society to amalgamate with the Agricultural Investment Society and Savings Bank.

1st Reading, 30th January, 1873.

(PRIVATE BILL.)

MR. TOOLEY.

TORONTO:

Printed by HENRY BOON & Co

BILL

An Act to enable the London Freehold and Leasehold Land Benefit Building Society, and the London Union Savings Loan and Permanent Investment Society to amalgamate with the Agricultural Investment Society and Savings Bank.

WHEREAS it is desirable to grant to the London Freehold Preamble.
and Leasehold Land Benefit Building Society, and the
London Union Savings Loan and Permanent Investment Society
the power of amalgamating with the "Agricultural Investment
5 Society and Savings Bank:"

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

- 1.** Upon the execution by the President and Treasurer for the Amalgamation
of the
societies.
10 time being of the London Freehold and Leasehold Land Benefit
Building Society, and by the President and Treasurer for the
time being of the London Union Savings Loan and Permanent
Investment Society, and by the President and Treasurer for
the time being of the Agricultural Investment Society and Sav-
15 ings Bank, of a declaration to the effect that it is their intention
that an amalgamation of their three societies shall take place;
and upon such declaration being filed in the office of the Clerk
of the Peace for the County of Middlesex, for which the said
clerk shall receive the sum of fifty cents, the London Freehold
20 and Leasehold Land Benefit Building Society, and the London
Union Savings Loan and Permanent Investment Society shall
forthwith be amalgamated with and shall merge in the Agricul-
tural Investment Society and Savings Bank; and all the real Property of
the societies.
25 securities, instruments and evidences, and all rights and claims
of or belonging to the London Freehold and Leasehold Land
Benefit Building Society, and the London Union Savings Loan
and Permanent Investment Society shall vest in the Agricultural
Investment Society and Savings Bank, and shall thenceforward
30 for all purposes of bringing or defending actions or suits,
and for all other purposes whatsoever, be deemed to be
and shall be stated to be the property of the President
and Treasurer for the time being of the Agricultural Investment
Society and Savings Bank for the use of the said, The Agricul-
35 tural Investment Society and Savings Bank, in the same manner
and to the same extent to which the property now of the said
last named society is stated, deemed, and taken to be the pro-
perty of its President and Treasurer for the time being; and
the Agricultural Investment Society and Savings Bank shall Powers of new
society.
40 have the same powers, rights and privileges in relation to the
said property of all descriptions as the London Freehold and
Leasehold Land Benefit Building Society and the London

Union Savings Loan and Permanent Investment Society now have or shall have, respectively, at the time of such amalgamation; but no suit, action or prosecution being carried on or power being exercised in the names of the President and Treasurer of the London Freehold and Leasehold Land Benefit Building Society, or in the names of the President and Treasurer of the London Union Savings Loan and Permanent Investment Society shall be discontinued or abated by or on account of such amalgamation, but shall continue in their names, and the Agricultural Investment Society and Savings Bank shall have the same rights and liabilities, and shall pay or receive like costs, as if the action, suit or prosecution had been commenced or been defended in the names of the President and Treasurer of the Agricultural Investment Society and Savings Bank, for the benefit of, or to be satisfied by, the Agricultural Investment Society and Savings Bank.

Liabilities of
amalgamated
societies.

2. The liabilities of the London Freehold and Leasehold Land Benefit Building Society, and of the London Union Savings Loan and Permanent Investment Society (except liabilities incurred in and about the organization thereof, and for salaries of officers and all other expenses connected with the management of the affairs thereof, up to the time when such amalgamation shall take effect) shall be assumed and paid by the said, The Agricultural Investment Society and Savings Bank; but, all expenses incurred by either of the said three societies, in or about their organization, or for salaries of officers, and all other expenses connected with the management of the affairs thereof, up to the time when such amalgamation shall take effect, shall be paid or borne by the respective societies by whom or on whose account the same have been or shall be incurred.

Profits how
distributed.

3. All profits earned by either of the said three societies, up to the time when such amalgamation shall take effect, including premiums on stock (if any), shall belong to and be retained by the respective societies by whom the same have been or shall be earned.

Allotment of
shares.

4. Within thirty days after such amalgamation shall take place, there shall be allotted to the shareholders of the said, The London Freehold and Leasehold Land Benefit Building Society, in proportion to and in lieu and extinguishment of their stock in that society, shares in the Agricultural Investment Society and Savings Bank, to the amount of one hundred and five thousand dollars par value, and to the shareholders of the London Union Savings Loan and Permanent Investment Society in proportion to and in lieu and extinguishment of their stock in the said last named society, shares in the Agricultural Investment Society and Savings Bank, to the amount of seventy thousand dollars par value, and the shareholders of such societies shall have credit on account of the said shares on the books of the Agricultural Investment Society and Savings Bank for payments, which shall at the time of such amalgamation taking effect, have been made on account thereof; and such payments shall be credited to them, respectively, as having been made on the day upon which such amalgamation shall take place; and the holders of such allotted shares shall in all things be subject to the same rules and entitled to the same rights and privileges as the original shareholders of the Agricultural Investment Society and Savings Bank.

5. In the event of the subscribed shares of the said, The London Freehold and Leasehold Land Benefit Building Society and of the London Union Savings Loan and Permanent Investment Society being at the time when such amalgamation shall take place, reduced by withdrawals or otherwise below the amounts of stock to which the said two last named societies, of either of them, are respectively entitled, as provided by the fourth section of this Act, the amount of stock to which the two last named societies, respectively, (in which such reduction shall have taken place) shall be entitled in the Agricultural Investment Society and Savings Bank, shall be reduced to a sum equal to the then subscribed shares of such society or societies, and in ascertaining the number of the then subscribed shares, no share upon which at least one monthly payment shall not have been made shall be computed.

6. Richard Tooley, Esquire, M. P. P., Dorchester; John Wright, Esq., Builder, City of London; Samuel McBride, Esq., J. P., City of London; Richard Bayly, Esq., Barrister, City of London; Andrew McCormick, Esq., J. P., City of London; James Owrey, Esq., J. P., Westminster; John Burnett, Esq., Merchant, City of London; George Birrel, Esq., of J. Birrel & Co., City of London; Thomas Peel, Esq., of the City of London; A. T. Chapman, Esq., of Smith, Chapman, & Co., City of London; D. Regan, Esq., of the City of London, and William Glass, Sheriff of the County of Middlesex, shall be the directors of the said, The Agricultural Investment Society and Savings Bank, and shall hold office until the second Wednesday in the month of February next, after such amalgamation shall take place.

7. The shares known as permanent or invested shares in the said, The London Freehold and Leasehold Land Benefit Building Society and the London Union Savings Loan and Permanent Investment Society shall upon such amalgamation be and become invested shares and fixed or permanent capital in the Agricultural Investment Society and Savings Bank in the same manner and under the same rules as if the same had originally been subscribed in the said last mentioned society, and had become such invested shares or fixed or permanent capital in the said last mentioned society on the day of the said amalgamation taking effect. Provided, however, that any of the holders of such shares may, nevertheless, at any time within three months from the date of such amalgamation, convert the whole or any number of their permanent shares into an equal number of paid-up accumulating shares, being shares subscribed for investment, but not yet matured and of the class which matures in fifty months, according to the rules of the Agricultural Investment Society and Savings Bank, which shares shall not be withdrawable from the said society before the expiration of the said fifty months, save with the consent of the directors thereof; and such conversion shall be effected by the member who intends to effect the same, subscribing in respect of such shares to the rules of the Agricultural Investment Society and Savings Bank, in the usual way as when subscribing for shares, and at the same declaring his intention in writing to convert such permanent shares into paid up accumulating shares, withdrawable from the Agricultural Investment Society and Savings Bank at the end of fifty months, said conversion to be applied for within three months after the passing of this Act.

Rights of
creditors of
amalgamated
societies.

8. The creditors of the London Freehold and Leasehold Land Benefit Building Society, and of the London Union Savings Loan and Permanent Investment Society shall, upon such amalgamation, be and become to all intents and purposes creditors of the Agricultural Investment Society and Savings Bank; and shall have and be entitled to the same rights and privileges as creditors of the Agricultural Investment Society and Savings Bank, as they previously had been and were entitled to as creditors of the London Freehold and Leasehold Land Benefit Building Society, and the London Union Savings Loan and Permanent Investment Society, or either of them.

Act not to
apply unless
confirmed by
a vote of the
stockholder.

9. This Act shall be subject to and shall not come into force or effect until approved of by a vote of two-thirds of the shareholders of each of the said societies, present in person or by proxy at meetings of the said several societies, to be specially called for that purpose, but such approval if given at all must be so given within thirty days from and after the passage of this Act.

Provision in
case only one
society amal-
gamates.

10. In the event of this Act being approved of by the shareholders of the Agricultural Investment Society and Savings Bank, and by the shareholders of one only of the other societies so empowered to amalgamate therewith in the way provided in the last preceding section, such society shall nevertheless be amalgamated with the Agricultural Investment Society and Savings Bank as fully and effectually to all intents and purposes as if all the said societies approved of such amalgamation; and this Act shall be read and construed as if the dissentient society were not named therein, and the declaration in the first section of this Act referred to shall be altered accordingly. And the directors mentioned in the sixth section of this Act who have been nominated to act for such dissentient society shall not be empowered to act as such directors, and their places shall be filled in accordance with the rules of the Agricultural Investment Society and Savings Bank.

BILL.

An Act to enable the London Freehold Land Benefit Building and the London Union Savings Permanent Investment Society to amalgamate with the Agricultural Investment Society and Savings Bank.

(Reprinted as Amended in Comm

First Reading, 30th January,

(PRIVATE BILL.

M. T.

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